MUSEUM ETHICS IN THE COLLECTION, INTERPRETATION AND DISPLAY OF
CONTEMPORARY PHOTOGRAPHS OF CHILDREN

Thesis submitted for the degree of Doctor of Philosophy at the
University of Leicester

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March 2019

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Abstract

Museum ethics in the collection, interpretation and display of contemporary photographs of children expressing a bodily awareness.

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This thesis explores how museums can effectively negotiate the ethical and children's rights issues involved in the acquisition, interpretation and display of contemporary photographs of children. It does so in consideration of a heightened sensitivity towards child protection that has inspired a struggle for museums in the UK to adopt transparent and confident decision-making processes in their curatorial approaches around such images. This struggle is particularly fraught when photographs of children express a bodily awareness: a marker of the transition from childhood to adulthood.

By advancing an ethically-informed discourse around freedom of speech and the sitter's agency, the research aims to encourage more resilient and responsible decision-making amongst museums and galleries. Significantly, the thesis develops a language and a framework within which such a dialectic can take place.

The research is interdisciplinary in nature and, building on the new museum ethics discourse, draws on the experiences of museum practitioners in the US, UK and Europe – including curators, directors and educators. Firmly grounded within everyday museum practice, it identifies innovative curatorial strategies that exchange self-censorship for a more socially relevant way of interpreting and exhibiting photographs of children. The thesis advocates approaches that enable children and young people to express their own perspectives on the ways in which they are represented today.

Adopting qualitative research methods, the research relies on interviews and case studies. These include a number of 'silent' cases introduced by museum informants that reveal how self-censorship operates through external and internal barriers, and two case studies that embrace curatorial strategies that explore alternative ways forward (at The North Carolina Museum of Art in Raleigh, US and the Fotomuseum in The Hague, The Netherlands).

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List of Abbreviations

CPS: Crown Prosecution Service

CRC: Convention of the Rights of the Child

HMP: The Hague Museum of Photography

ICOM: International Council of Museums

NCMA: North Carolina Museum of Art

MA: Museums Association

Chapter 1: Introduction to Representing Children

Research Statement

In May 2013, a conference took place in London where artists, museum practitioners, lawyers, and other influential cultural leaders met to debate contemporary censorship and self-censorship in the arts, a growing concern in 21st-century museums (Reidy 2013; Farrington 2013). Together, they examined how museum practitioners can sustain freedom of expression in a climate of economic, political, legal and social pressure. In his key-note speech Sir Nicholas Serota, then director of Tate, provided insight into a high-profile case that had taken place at his institution a few years earlier (Index on Censorship 2013). At the centre of this case was an appropriated photograph of then ten-year-old actress Brooke Shields, which was taken off display in 2009 by the institution after public and police pressure. *Spiritual America* (1983) by Richard Prince – part of an exhibition entitled *Pop Life* – was appropriated from a photograph created for a Playboy publication, the original image shows Shields posing in a bathtub. Jack Bankowsky, co-curator of *Pop Life*, describes the image in the accompanying catalogue as depicting:

> a bath-damp and decidedly underage Brooke Shields … When Prince invites us to ogle Brooke Shields in her prepubescent nakedness, his impulse has less to do with his desire to savour the lubricious titillations that it was shot to spark in its original context … than with a profound fascination for the child star's story.
>
> (Bankowsky, Gingeras and Wood 2009: 31)

By re-photographing and displaying the image, Prince set out to interrogate the commercialisation and sexualisation of Shield's body, as well as her own agency as a child model and actress.

As part of the conference, aptly titled 'Taking the Offensive', Serota explained that *Spiritual America* had been exhibited around the world but attracted the attention of Metropolitan Police officers at the time it went on display at Tate Modern – a move that reflected an increasingly heightened sensitivity towards child sexual abuse

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(Serota in Index on Censorship 2013). Upon seeing the work, London police officers visited the exhibition at Tate Modern of which the image was part. Faced with the potential confiscation of the work, police pressure ultimately led the museum to remove *Spiritual America* and return the work to its lender. At the time, Tate's decision to take the work off display was criticised by the art community, for censoring the work of a renowned artist, and attracted the attention of a section of the British media who argued that exhibiting the image in the first place amounted to displaying child pornography (Evans 2015). Yet despite the oceans of ink national and international media spilt on the case – a campaign of 'press harassment', as Serota called it – very little was known about the concerns that led the museum to withdraw the picture, until the day of 'Taking the Offensive'*.*

I begin by introducing this case because it illustrates the complex challenges that the museum sector is faced with in navigating contemporary photographs of children at a time of heightened sensitivity towards children's protection. The first is perhaps in defining the perceived objects of offence. Whether the sitter is clothed or unclothed, like *Spiritual America*, the photographs in question depict children or adolescents in ways that might seem sexual or adult-like in some contexts. This often depends on subtle codes or signs and the contingent ways in which images are read in, for example, Europe, North-American or Australia. The art historian Anne Higonnet (2009) takes lipstick as an example of a sign that might allude to sexuality, and one that appears particularly poignant when worn by a young girl in the transition between childhood and adulthood. Such semiotics, Higonnet (Ibid.: 106) argues, "make the difference in a photograph between what we perceive to be innocent and what we perceive to be sexual". As opposed to documentary or journalistic photography, in which the figure of the vulnerable, naked child is often employed to raise awareness of immediate humanitarian or environmental crises, art photography speaks directly to the liminal zone between childhood and adulthood.

Whether artists consciously employ the provocative power that Higonnet describes or respond to their own intimate experience of childhood and parenthood, artistic photographs are not made with an intent to cause harm to the sitter. As opposed to inherently sexual images, like child pornography, artistic photographs are often made

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through practices of care, parenting and collaboration. Nonetheless, children's ability to give informed consent has been fiercely contested by child protection activists over the last few years (Marr 2008). The depictions at the centre of these debates are certainly not limited to contemporary photographs; there are many examples of paintings or drawings representing children in similar ways. In fact, many of the photographs that caused furore over the last twenty years are overtly embedded within a larger art historical trajectory of children's visuality, starting with early photographers like Margaret Cameron and Lewis Caroll and painters like Balthus and David Hamilton.

Photographs, in particular, raise questions tied to their perceived realism and the process of construction. Photographs are sites of collaboration, which embody power-imbalances between children and adults; and potent cultural objects that can both reflect and shape the way in which we understand young people's lives in the contemporary. These power imbalances are present within all photographs of children, whether they are made for the family album, a newspaper or the art gallery. However, the high-profile cases of controversy under research here suggest that the ethics of collaboration appear especially complicated when photographers use the adolescent body, a metaphor for childhood as a time of both independence and vulnerability, to speak to the transition between childhood and adulthood.

The events Sir Nicolas Serota described in his key note speech set a precedent for the ways in which museums negotiate these images: the subtle threat of repercussions not only caused one institution to withdraw a work but evoked a sector-wide attitude of caution towards photographs of children. The controversy around Tate Modern's actions epitomised what many UK museum practitioners already knew - that in today's social climate, self-censorship seems the safest strategy to approach challenging contemporary depictions of children and to avoid causing offence or public scrutiny. In an attempt to combat this cycle of caution, Serota and his peers demonstrated a new kind of transparency at the conference, by providing insight into institutions like Tate's thoroughly debated decisions.

This thesis is an exploration of the issues thrown up by contemporary photographs of children, in light of the heightened sensitivity towards child protection. Its goal is not only to promote artistic freedom but to inform and empower curators to make ethical decisions in the collection, interpretation and display of images of children. It unpacks what is often presented as a politically-charged debate – between those sympathetic to art on the one hand and child protection advocates on the other – to encourage a more nuanced engagement with both of these positions and the inevitable questions that arise as part of this complex debate around, for example, the sitter's agency, the role of children's informed consent in institutional processes and the ways in which the display and interpretation of these images can involve, support and empower children.

In tackling this timely problem, this thesis builds on a discourse that is only just emerging. Although censorship is not a new issue for museums, academic research is limited to a few, highly-published cases and is rarely centred on specific issues like images of childhood. And yet the worrisome trends described here have not gone unnoticed by arts and museum thinkers, who have turned their attention towards censorship and self-censorship as burgeoning phenomena within cultural practice. Within these debates, organisations like Index on Censorship (UK), which organised 'Taking the Offensive', and the National Coalition Against Censorship (US) have identified the representation of children in contemporary photographs as one of the most timely and difficult issues in museum ethics (Index on Censorship 2015; Atkins and Mintcheva 2006). Both organisations have produced essential, practical guidance on managing controversy and child protection issues, and there are cautious signs that museums are starting to engage with these challenges more assertively (Index on Censorship 2015; National Coalition Against Censorship).

Yet despite these efforts to dismantle barriers and confront the criticism museums have faced in the media, much more is needed from both scholars and practitioners to address the underlying constraints museums encounter, the gaps in ethical guidance and the competing rights and responsibilities sustained by cautious practice. A focus on (self-)censorship within existing debates has allowed the sector to evade, rather than actively engage with, a more meaningful debate on children's

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rights in museums. This question of rights extends far beyond the sitter alone. The contemporary art and photography museums in which photographs of children are often displayed are typically adult-focused spaces. As a result, young people's own voices have remained largely absent from both the exhibitions and the discussions emerging from them. Young people, it seems, are not usually recognised as audiences, co-curators, authors or sitters, or more generally, as communities with an interest in the representations that museums produce. If a growing number of institutions are embracing critical new roles as human rights activists and agents of change, how might museums employ artistic representations of young people to include their voices in exhibitions and attend to them as audiences?

In sum, the UK's sector-wide reliance on self-censorship is a clear sign that museums need alternative interpretative strategies, ethical principles and informed directions that address the complexities that museums now face when collecting, displaying and interpreting photographs of children – as Serota's speech illustrated too.

Research Questions

By looking at practice-based examples, this thesis asks how we can reimagine images of childhood as opportunities to engage with the ways in which young people are understood and represented in public discourses. At the heart of the research is the contention that by adopting a critical, self-reflective ethical approach to acquisition, exhibition and interpretation processes, museums can use the contemporary resonance of these images to advocate a view of children as active social agents, who are able to shape their own representation, if given the opportunity to do so. Ultimately, it aims to start a debate, to which it contributes a language, a theoretical framework and the first ideas on how museums might move forward in recognising young people as audiences and contributors to the photographs in which they collaborate.

To suit the practice-driven nature of the research, the questions at the heart of the thesis take on an emergent, inquisitive approach that examines the processes leading up to display (and in some cases, the withdrawal) of photographs. The thesis

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takes as its starting point the following questions to consider both the challenges and opportunities of current museum practice in this area:

1. What pragmatic, ethical, legal and human rights considerations inform decision-making when collecting and exhibiting artistic photographs of children?
2. What roles are played by artist, curator, educator, director, trustees, head of marketing, funders, communities, but also activist and censorship organisations in the decision-making processes?
3. How do changing cultural attitudes and distinct national and cultural contexts impact the interpretation of artistic photographs of children? How can museums affect cultural discourses by promoting children's agency through their narratives and displays?
4. What moral responsibility does the museum have towards the subject of artistic photographs, given the fact that museums influence meaning, status and distribution of imagery?

I focus my analysis specifically on cases that took place after the year 2000 and centred around images created from the 1990s onwards. These parameters help foster a timely and relevant conversation on museum practice and add a layer of complexity to the study, by placing questions regarding a child, parent or guardian's right to consent within the uniquely distinct context of the current digital landscape and, very recently, feminist movements like MeToo and TimesUp. Limiting my discussion to contemporary photographs means that most of the artists and sitters invested in the cases I discuss are contemporaries and were able to comment (through the media or academic publications) on the events that took place around the images they produced.

Research Aims

What this research will not do is present guidelines or a set of static "ethical principles". Instead, it looks towards a newly emerging discourse of museum ethics, which provides an opportunity to reconsider the challenges that practitioners have been thinking about for quite some time now, but are yet to be articulated through

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case studies, conferences and academic writing. The ethical, legal and human rights issues bound up in the display of these photographic objects form an area of practice that has come into view in the last few decades – accelerated by a heightened sensitivity that seems especially urgent in Western cultures and has impacted upon art institutions since the 1990s. Crucially, sector-wide guidance has never quite caught up with the needs of these museums and galleries, perhaps because, as Janet Marstine (2011) has asserted, they are too little updated or specific to cover some of the most thorny areas of practice.

The choice to do so also reflects a larger move within the museum sector to embrace a more inclusive, responsive ethic, for example, endorsed by the Museum Association's recently revised code of ethics, which is now a principle-based instrument that replaces the more prescriptive kind of code endorsed previously. One of the driving forces behind the Museum Association's changes is the belief that a dialogue that allows for many, often divergent voices to be heard is more constructive and inclusive in tackling the most difficult of issues. The 'dissensus'-based discourse advocated by Marstine (Ibid.), can draw out continuous debate that reflects the field's timely and ever-changing challenges and opportunities. By placing emphasis on case studies, sector-wide discussion and professional exchange, *in addition* to more traditional ethics constructs, an ethics discourse is 'contingent' and inclusive of voices from every layer of the museum.

This does not mean principles or codes might not be effective alongside the discourse Marstine proposes. Codes of ethics have traditionally been valuable resources of established practice (see, for example, investigations on their histories (Boyd 1991; Edson 1997; Nicholson and Williams 2002), their instrumentality in redefining the museum (Besterman 2009) and their contemporary resonance (Bounia 2014), but the growing critical discourse that characterises thinking around museum ethics today is more responsive to the needs of the contemporary world. Firmly grounded in dialogue, Marstine et al. (2015) observe, discourse is more effective than traditional ethics constructs in responding to newly emerging contemporary events:

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> The predominant late-twentieth-century approach to ethics as professional practice, which relies on ethics codes revised perhaps once a decade and authored by like-minded individuals, behind closed doors, has proven to be a constraining factor, rather than an enabling process. In order for museums to effectively negotiate difficult issues as well as ethical opportunities, novel approaches to ethics are required in which the sector actively pursues a dynamic ethics-based museum practice.
>
> (Marstine et al. 2015: 69)

This empowering process is particularly enticing because it requires a strong focus on everyday practice. Researchers and practitioners have echoed these observations in support of a new approach to standards of professional conduct. Constantine Sandis (2014), for example, points toward a growing gap between theoretical ethics, as articulated in academic philosophical discourse and codes of conduct, and professional practice as one of the greatest challenges in museum ethics. Rather than over-relying on fixed guidelines, Marstine (2011: xxiii) asserts that museums need alternative action in the form of a discourse 'to meet the needs of museums and society in the twenty-first century' – a case in point in the context of this thesis, which explores an area that is underrepresented in codes of ethics but is very much alive in daily practice. Marrying the lived experience of practitioners with disciplines such as museum studies, photography, ethics, anthropology, law, medicine and visual studies is one of the underlying tenets of the research.

In fact, many institutions have already had productive and thoughtful internal conversations that have often resulted in new and effective ways to explore the potential of photographs of children that are sensitive in light of child protection. Others have used the potential of photography to reflect on and even advocate children's positions in today's world, throwing up much bigger questions that examine the social role of museums. These novel strategies have so far gone unexplored as part of a museum ethics discourse but have the potential to at least start to dismantle the barriers 'Taking the Offensive' exposed.

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Not unlike 'Taking the Offensive', the research encourages a rich, holistic approach towards the barriers museums face in negotiating photographs of children; valuing equally the experiences of practitioners and already existing literature across adjacent disciplines in the spirit of the new museum ethics. But this exercise is not just about managing censorship or self-censorship. Drawing from the experiences of practitioners working at the forefront of children's representation offers a way into the complex ethics and children's rights questions museums are, so far, facing alone and behind a veil of silence. Ethics involves a discussion of the competing values that curators encounter: between the institution, the artist and the sitter, whose values and interests are at the heart of institutional decision-making process? How might museums recognise and rethink their ties to the sitters? Ultimately, this approach supports a conversation towards how museums might move forward in continuing to develop more democratic and just practices.

Rather than introducing a clear-cut set of protocols or guidance tools, I aim to offer up strategies employed by museum professionals as a foundation from which to encourage a more active engagement with the ethical quandaries that the next section maps out. In essence, this thesis puts Marstine's ideas about the new museum ethics discourse into practice on a micro-level, taking her three ideals of social responsibility, transparency and guardianship as guiding principles to explore new ways forward in this delicate area of practice.

Research Rationale

Important because the ideas explored here have not been researched in-depth before, I would now like to touch on the most important debates with which this thesis is concerned and set the parameters from the perspective of museum curators, directors and educators. In particular, this thesis argues that museums must develop new ethical strategies that prioritise the agency of children when displaying, collecting and interpreting photographs expressing a bodily awareness. Contemporary depictions of young people or children often evoke strong reactions from viewers that perceive a sense of sexuality or sensuality but can equally be understood as portraits that allow young people an opportunity for self-expression.

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Although these interpretations can be activated or emphasised by the skills and technical abilities of the photographer, the way in which we understand children and the representations of their bodies is heavily dependent on the cultural, historical and personal context of our gaze. The term bodily awareness, which I use throughout the thesis, stands in for terms that locate the problem with the body, dress or physical traits of the child, and prioritises instead the human processes these images capture and the ways in which these can be misunderstood or misrepresented in a context of sexualisation. In psychology and phenomenology, bodily awareness is commonly understood as a mode of self-consciousness which is linked to introspection, a sense of agency and ownership that humans possess from the very start (Bermúdez 2011, de Vignemont 2013, Fulkerson 2014).

In the context of this thesis, the term recognises the Freudian picture of sexuality: that sexuality does not suddenly appear during adolescence but is present throughout the biological, psychological and emotional stages of child development. The kind of bodily awareness portrayed in artistic photographs is a marker of the transition from childhood to adulthood that viewers can perceive as 'evoking' sexuality but can equally be understood as an opportunity for self-realisation. Thus, the term represents a powerful way of shifting emphasis from the body of the child towards a consideration of the ways in which the body – or, more accurately, its representation – is perceived by adults. Importantly, the term grants agency to the object itself and enables a discussion to take place without having to rely on the vocabulary associated with child pornography legislation (see Chapter 3 for a more in-depth discussion).

It is not a coincidence that this study takes place now. On the one hand, several society-wide developments have led to a wave of revelations around child sexual abuse as well as a renewed awareness towards gender inequality and power-imbalances in the workplace, which exposed sexual misconduct in the art world and commercial photography too. Simultaneously, the museum sector has seen a rise in interest for museum ethics that has coincided with a turn towards human rights – a move that begs a greater awareness of the ways in which museums can shape

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social discourse and combat inequalities, as Richard Sandell (1998, 2002) has highlighted.

Within this consolidation of museums and human rights, this thesis follows in the footsteps of a precious few to adopt a specific focus on children. Children and young people are increasingly understood by researchers and educators as one of those marginalised groups, often spoken for or represented in ways that are narrow and clichéd (Nieuwenhuys 2008; Mai and Gibson 2001; Holland 2004). However, these understandings have not yet been productively applied to the intersection between museums, representation and children's rights. The photographs under research here speak to the confused thinking that characterises today's understanding of childhood, provoking fascination as well as providing critical commentary: many offer an alternative to the 'cutesy' ways in which children are often imagined, or critique sexualisation of children in mainstream imagery by depicting a 'knowing' child that is both in command and multi-layered, as the art historian Anne Higonnet (1998) has argued.

While it is not the aim of the research to explore photographs of children from such a perspective, questions about children's consent form an inevitable part of the conversation in today's context. The ways in which the, mostly female, photographers that Higonnet observes work, are often highly collaborative, sometimes involving their own children in the artistic process, but are not always understood as such. Revealing a world of difference between intent and perception, they have equally raised questions about the negotiation of power-imbalance between artist(-parents) and child-models or the opaque boundaries of informed consent that are tightly marked and guarded in most other disciplines that involve children and their bodies. In the literature, consent is almost exclusively considered by child protection activist who, in relation to freedom of speech, interpret a minor's ability to consent and the photographer's freedom of speech as mutually exclusive (see for example Art Monthly 2009). Should museums take notice of the artist's processes of consent? And if so, how would curators distinguish between often-flawed but at worst predatory commercial practices and the highly collaborative, empowering processes that, for example, many artist-mothers have practised? How

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can museums ensure that their institutional processes sustain the spirit of a caring, collaborative kind of informed consent?

Although these concerns are not new or unwarranted, they have not been addressed robustly in academia. Although museum studies have extensively addressed how children can be attended to in education, very limited work has centred on their particular contributions to museums – how they can assert voice and agency in the narratives museums adopt about the topics that concern them or, in this case, directly represent them. Photography, as a decidedly collaborative medium, has played an important role in the work of practitioners embracing participatory practices and socially responsible goals (Palmer 2013; 2017). Children's ability to self-represent their views and experiences using the camera enables museums to afford children's perspectives equal status to adults (Goethe Institute 2017; Dockett, Main and Kelly 2011; Kirk 2014; Kalessopoulou 2017). Elee Kirk (2014), for example, has firmly established that children can produce powerful new perspectives when given the chance. These studies throw up some important insights into the ways children exercise agency and creativity; even when it involves subjects that are generally considered challenging by adults, children and young people are often able to engage in unique and powerful ways.

Likewise, young people's particular vulnerabilities when participating in photography have been addressed by only a few scholars. These critics from the medical field have – carefully – expressed doubt about children's ability to oversee and understand the potential challenges they might face when photographs in which they model naked or in adult-like ways enter the public realm (Zurbriggen, Pearce and Frey 2003; Isaacs & Isaacs 2010). Photography as a medium shares a particularly complex relationship with art ethics – an enigma that has been exposed through a longstanding trajectory of photography criticism. A photograph of someone can be possessed by others; as part of a museum collection, it becomes public property. As Susan Sontag (1979) asserted in her landmark essays in *On Photography*, photographic images blur the boundaries between reality and fiction. A photographer imposes a view on the photographed in a way that that person will never see him- or herself. Hence, they do not necessarily capture reality, but interpret reality in similar

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ways as paintings, calculating the effect of every gesture and sign (the question of truth in photography has and continues to re-emerge, see for example Stanczak 2007).

Turned into an inanimate object, this reflection loses its agency – for objects, in Western tradition, lack the consciousness or the capacity to suffer that things with moral agency are understood to hold (Hein 2000). Becoming public property, literally as well as figuratively – through the multiple lives photographs as objects acquire when printed, collected, exhibited, and digitised – risks diminishing the agency of the artist as well as the sitter. Sontag (1979:10) even notes that the camera has a 'predatory' quality – a term that is perhaps particularly poignant here to indicate how the gaze of others complicates the camera's relationship to children and adolescents; their vulnerability when subjected to the projection of the artist; their ability to make informed decisions, and the changing context in which they and their representations are understood by audiences.

Photography's inherently voyeuristic qualities are often thought of as a justification for prohibiting the exhibition of photographs that might render children or young people vulnerable. Although it is imperative that museums start engaging with questions of consent more assertively, it seems to me, that because of those qualities there is a great deal to be learned and understood about the ways in which these images speak candidly about what it means to be a child or young person today. Museums can facilitate that potential by exposing some of the much more complex ideas that, for example, Lori Waxman and Catherine Grant (2014) write about, including the performance of gender and identity, feminine stereotypes and the feminist legacies that inform a generation of photographers. The figure of the adolescent is an allegorical site or "a site of resistance and dialogue", in particular for women artists who expose the fluidity of identity-making and representation:

> Working in the wake of postmodernism, contemporary artists have returned to the problem of identity as one which balances between experience and representation, reality and fantasy. No longer satisfied with the postmodern playing of signifiers, and unable to return to a belief in fixed identities, the

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figure of the adolescent, in particular the girl, allows for a level of instability to leak into the performance without it dissolving into a free play of images. This instability is used in various ways to test constructions of identity and often enacts a shift from the binaries of sexual difference to the performative possibilities of gender.

(Waxman and Grant 2014: 6)

One view might be that the task at hand for museums is to draw out the dimensions that Grant and Waxman point to here, through representations that critique conventional norms by which childhood is conceptualised and, in the process, recognising childhood as political, cultural and socially significant territory. This would require bold and imaginative interpretation strategies, as well as new ethical approaches that amplify children's voices in each of the institutional processes that negotiate them; as contributors, audiences and subjects of art.

Although the idea of obligation towards the photograph's sitter is perhaps relatively uncharted territory, the contemporary museum is already well versed at looking beyond the materiality of objects. The ties between museum objects and the humans that combine in their formation have been the subject of an ongoing dialogue within museum studies and is characterised by a growing consensus among practitioners and researchers that objects cannot be conceived as separate from the relationships with their intimates. Objects today are seen as inherently bound to humans, whose interests and emotional proximity are recognised and, when necessary, prioritised in, for example, repatriation, provenance policies (Pearlstein 2010) and representational practice (Sandell, Dodd and Garland-Thomson 2010). Photographs of children are objects of which both the meaning and the human subject change continuously and thus require continuous reflection and renegotiation. Re-envisioning the museum to address these concerns requires an understanding of informed consent in its most sophisticated sense, as an on-going dialogue that continuously safeguards bodily integrity, control and power, rather than a single moment of transfer of rights – a process that one might argue is inherent to the very meaning of these images.

Research Design

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Thesis directions

Relevant here, at the outset, is to introduce two key concepts that will further determine the direction of the research design. The first is that the research is exploratory: it investigates practice that has not yet been highlighted in literature before. Chapters 4, 5 and 6 of this thesis show that, in the face of newly arising challenges, institutions currently employ radically different tools and values to negotiate collections and exhibitions. Drawing out each of these approaches gives rise to new principles, strategies and values practitioners employ as part of their decision-making processes on the acquisition, exhibition and interpretation of photographs of children. In tackling a newly emerging problem in an understudied empirical context, exploratory research generally takes an open-ended approach (Phillips & Pugh 2000).

This is not, however, a simple endeavour, but one that requires firstly, a profound kind of transparency from institutions participating in this study and secondly, an investigation of the ways in which institutional decision-making processes shape, perform and transform children's rights. These critical decisions and how they are navigated by practitioners are the object of this study because, as Richard Sandell (2016) posits, the negotiation of ethics and human rights starts within the institution itself. Today, many practitioners consider contributing to a more just society a core mission of museums, although 2019 debates on a new, social justice-centred definition of what a museum should be divided UK members of the International Council of Museums (ICOM) (Brown 2019). Sandell argues that, in their attempts to be socially just and equitable, museums should not only consider what is communicated through the narratives they produce but turn inwards to examine the processes that constitute the expressions or the performance of human rights. Sandell asserts:

> To understand the dynamic process through which rights are negotiated and recast in the everyday work of cultural institutions requires that attention be paid, not only to finished exhibitions and other forms of presentation and communication (institutional policies, publicity materials, press releases and so on), which can be accessed in the public realm. Rather, we must also look

'behind the scenes' at the processes and exchanges through which the ideas about rights, that become embodied in such communications, come to take shape.

(Sandell 2016: 88)

If we see museums as part of the environment that informs, shapes and communicates human rights, then the ways in which they negotiate images of children form part of a much bigger discourse around childhood.

The second big idea is that the research focusses not only on what is already visible – a few highly publicised controversial cases that have been adequately analysed in both academia and popular media – but prioritises cases that offer new insights into the processes Sandell describes. To understand museum decision-making processes, we must look towards both the barriers museums face and the solutions they employ to overcome them. The internal (for instance, from supervisors) and external (for example, from funders) barriers that discouraged practitioners from displaying imagery of childhood became particularly evident in the practice of UK museums, where censorship and self-censorship often played a pertinent role. To uncover these 'silences' the research is qualitative in nature and uses a variety of methods to explore two case studies and a number of 'satellite' cases. The methods employed, in-depth interviewing and the analysis of documents and displays, bring together the critical practices developed by museum professionals in their everyday work and a body of literature located in a multitude of disciplines, such as museum studies law and censorship, children's rights, medical ethics, visual studies and art history.

Qualitative research
What most qualitative researchers have in common is a desire to unravel a phenomenon in a well-rounded and rich manner. By asking the 'how' and 'why' questions, qualitative researchers find new ways of seeing, drawing from a variety of methods and approaches to build theory inductively. Although the single label of qualitative research covers a rich variety of methodologies, it often aims to achieve a similar goal, as Jennifer Mason states, "to constitute compelling arguments about

how things work in particular contexts" (Mason 2002: 1). The qualitative research paradigm is particularly suitable to consider the significance of context and uncover people's beliefs about the social world. Qualitative researchers, Merriam (1998: 5) argues, aim to uncover 'the meaning of a phenomenon of those involved by understanding how people interpret their experiences, how they construct their words and what meaning they attribute to their experiences'. As a paradigm, it is unique in the way it can include an array of different voices and perspectives: those of the researcher, existing scholarly work and, of course, the research participants.

So, qualitative research lends itself particularly well to the objectives of this thesis, but how do researchers uncover a problem that is characterised by silence? Although the relatively straightforward research design as set out in the following paragraphs was largely decided upon *a priori*, many elements came together in a more fluid manner to fit the emergent nature of the project and attend to the complex nature of tracing and revealing (self-)censorship, or, what has been aptly described as "the absence of presence" (Rushdie 2012).

Not necessarily one 'recipe' exists for how things should be done as part of a qualitative approach, nor is there a blueprint for each specific method, in fact, most qualitative research methods adopt an 'inherent openness and flexibility that allows you to modify your research design and focus during the research' (Maxwell 2005: 22). This well-planned, but openminded way into questioning, reasoning and planning the research design meant I was able to build on and engage with data along the way. In practice, this meant that, as I was building trust with participants I had already identified (photography curators, directors and artists), these key figures pointed me towards cases of censorship that had taken place behind a veil of silence. In identifying case studies and practitioners, I was predominantly reliant on this snowballing network and a flexible methodology to thoughtfully attend to those who feared repercussions when speaking out about internal conflict.

Equally, a data-driven approach was taken on in singling out topics in need of further exploring, meaning the views of participants took on a central role in decisions about research strategy. My practice then is guided by an interpretivist research paradigm:

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a paradigm or worldview says something about the beliefs a researcher brings to the study, their epistemological framework, and the theoretical assumptions that come into play (Flick 2009: 57). The interpretivist position prioritises complexity and multiplicity, it is sensitive to the ways in which research participants see the world. It understands people as part of their social and historical context, meaning the way people make meaning through their interactions and discussions with each other is important. Saunders et al. (2009) emphasises that, as opposed to other paradigms, interpretivist researchers look at people as social actors. He uses the analogy of the theatre:

> […] as humans we play a part on the stage of human life. In theatrical productions, actors play a part which they interpret in a particular way (which may be their own or that of the director) and act out their part in accordance with this interpretation. In the same way, we interpret our everyday social roles in accordance with the meaning we give to these roles.
>
> (Saunders et al. 137)

I would add that the theatre itself should be seen as part of the ideological context in which it exists: in order to understand the play, we need to see the theatre as part of the social world in its place in time.

Case Study Approach

Case study research is a relatively straightforward methodology that is also one of the most relied on approaches by qualitative researchers (Bansal, Smith and Vaara 2018). And yet, what is considered an appropriate object for case study research is not uncontested territory. Some research theorists insist that *relationships, reasoning and processes* are too general phenomena to be considered as specific cases Creswell 2007; Denzin & Lincoln 2003; Yin 2009). A case, Stake (1995:2) argues, should be specific and 'a bounded system', with which he means that they should adopt a clear focus and scope. Others are more generous in their definition, including *people, institutions, systems,* but also *policies and processes* as things that can be studied, on the condition that the object of study is unique and clearly defined (Simons 2009). Most agree, however, that case study research is particularly useful

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when asking questions for which context and a real-life setting are important (Yin 2009).

The points raised about the nature of case study research cannot be easily answered. They do, however, create an awareness that setting clear parameters is especially important when researching *decision-making processes*. This involves thinking through the number of cases to select, their availability or accessibility and the specific characteristics that make them meaningful and comparable (Creswell 2007). In this study, I considered it important that cases were situated in a context of heightened sensitivity, could be approached from multiple perspectives for a thorough and meaningful interpretation, and that the exhibitions I studied approached the topic of childhood in a holistic and comprehensive manner. Being driven by practice and context, I also felt committed to gaining an understanding of the museum's engagement with photographs of children grounded in the social context of 'the now'. A case study approach that prioritised exhibitions taking place contemporaneously, as opposed to retrospectively, would help create a rich picture of institutional decision-making processes on ethics.

Preliminary research carried out in 2015 found that the UK museum sector had seen a number of exhibitions close their doors early or remove selected works from display in response to sensitivities around the photographs of children on display. Others re-interpreted images of children to support a specific theme. The Victoria and Albert Museum, for example, included portraits of Rineke Dijkstra's self-consciously posing adolescents in *Botticelli Reimagined*. The juxtaposition of Dijkstra's work *Kolobrzeg* (1992), named after the Polish city where it was taken, and Botticelli's *Venus* (1490) emphasised the classical convergences between the classical painter and Dijkstra's use of light, as well as the sculptural pose of the girl. Although such exhibitions can produce compelling new forms of knowledge, they also brought to the fore that photographs of children in the collections of UK institutions are currently absent as part of exhibitions that inspire a more pointed and socially-relevant discussion of contemporary childhood, adolescence or adulthood. Dijkstra provides a fitting example: the timid but self-possessed stare of her young

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subject proclaims an independence that would make for a compelling subject of its own, to both adult and adolescent audiences.

An apparent institutional caution extended to the research itself: in selecting cases I found that British institutions seemed wary to open their doors and less likely to address the subject with the transparency and eagerness that characterised other institutions. Although reflexive and thoughtful towards their practice, UK-based interviews often took place in a more controlled setting in terms of time and content.

These observations warranted two new directions in the research design. Firstly, I had to look beyond the national context of Britain to locate exhibitions that took place in equally sensitive contexts, but embrace, rather than avoid, the resonance of photographs of children in contemporary culture by employing innovative curatorial and interpretative tools. The two cases I selected, at the The Hague Museum of Photography in the Netherlands and the North Carolina Museum of Art, US, are not intended to form the basis of a comparative study but offer insight into the tools that UK museums too can employ to negotiate challenging representations of childhood.

Secondly, I identified a pressing need to examine why there were no such examples in the UK. In addition to two in-depth case studies, I therefore interviewed UK-based informants, who uncovered new cases as the research took place that were yet unexplored in media or scholarly work. As such, the focus of the research approach broadened from two centralised 'real time' case studies, to include a multitude of secondary cases that are woven into the thesis to reflect upon and compare with the central case studies. In doing so, I took some principles on board from what Stake (1995) describes as the 'collaborative case study' approach. Given that it provides a deeper understanding of a phenomenon, as opposed to one specific example, this approach is appealing for its ability to trace a pattern of censorship and self-censorship.

Overview of Case Studies
Principal are two case studies at institutions that produced exhibitions in which photographs of children expressing a bodily awareness took centre stage in the

displays. The museums involved successfully negotiated the barriers they encountered to stage the exhibition, employing curatorial tools and interpretative strategies to do so. By September 2015, I had identified two contemporary or 'real-time' cases that became central to the research:

The Years Shall Run Like Rabbits: Hellen van Meene (August 29 — November 29, 2015) at the The Hague Museum of Photography, The Netherlands.

Most exhibitions at The Hague Museum of Photography (part of the Municipal Museum) explore what it is like to be human, placing an emphasis on the aesthetic, intellectual, art historical and technical merits of the work. Hellen van Meene's major retrospective fitted neatly within this framework: her works capture young girls (and sometimes boys) during the transformation from childhood to adolescence to adulthood. As an artist, van Meene works to construct her images in a formal, closely orchestrated manner. Over the last three decades, she has established a consistent style in the exploration of girlhood: a distinct use of natural light and references to myths, art history and fairy tales. Her work has been collected by museums such as the V&A and MoMA.

The Energy of Youth: Depicting Childhood in the NCMA's Photography Collection (September 26, 2015 - April 3, 2016), at the North Carolina Museum of Art in Raleigh, United States

This collections display is one of a series of exhibitions showcasing specific themes from the NCMA's photography collection. Focusing on childhood and young people's lives, the exhibition included work by artists like Sally Mann, Erwin Olaf, Margeret Sartor, Ralph Eugene Meatyard and Bill Bamberger. Although the works go unaccompanied by individual texts, the introduction label asks visitors to consider childhood through a social lens, 'as a unique experience of each child as deserving compassion and understanding'. It places the photographs in a framework of diversity and equality, reminding visitors to think critically about the ways in which we conceive identity, childhood and difference.

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At first glance, these case studies, their institutional contexts and approaches might not have much in common apart from their choice of subject. And yet each takes place within a social context most museums in Western countries recognise: a growing public awareness of child sexual abuse, the disturbing and systematic ways in which it has been covered up within institutions and the failure to establish meaningful change. Each country has dealt with these troubling facts in their own way: the Netherlands have, like the United Kingdom, Ireland, Canada and Australia, initiated inquiries into institution-based child sexual abuse (Dekker & Grietens 2015; Wright 2017; Wright, Swain and McPhillips 2017; Department of Children and Youth Affairs 2011, Royal Commission into Institutional Responses to Child Sexual Abuse 2017). The United States has not done so as extensively (staying silent on, for example, abuse at religious-based institutions) despite vocal calls from academics, nevertheless, various states have actively encouraged and enabled lawsuits, revealing how child sexual abuse has become a matter of national concern here too (Hamilton 2017).

How the case study institutions responded to this context is markedly different from UK museums. Perhaps because they did so through photographs their publics were already familiar with, both museums confidently tackled the subject of childhood as the main theme of their exhibitions, as opposed to including a single work or gallery. The North Carolina Museum of Art exclusively showed work from its own collection–about half of the artists included in the *Energy of Youth* reside in and represent North Carolina. Similarly, the photographer Hellen van Meene is well-known amongst Dutch publics, aided by the consistent style displayed in her portraits – "each of them is always and unmistakeably 'a Hellen van Meene'" and the fact that girlhood has traditionally been a popular choice of subject amongst Dutch photographers (Van Sinderen 2015).

As case studies, the variations between the exhibitions also complement each other. For instance, in the way curators, marketing officers and educators employed radically different approaches to making meaning of these potentially sensitive bodies of work. Both institutions exhibited art photography within art-focused

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institutions. However, where The North Carolina Museum of Art focused predominantly on the contemporary resonance of the work, taking on a thematic approach surveying varying experiences of growing up in North-Carolina, the one-person retrospective in The Hague focused exclusively on the aesthetic qualities of van Meene's work. The former actively engaged with the viewer's feelings towards the sitter: most of the work on display in Raleigh was constructed through a high degree of collaboration between children and (parent-) photographers, something curators embraced by asking critical questions about the ways in which adults think of and represent young people. The latter, on the contrary, emphasised the artist's exclusive command of the construction process of the images she carefully designs, stages and captures. By relying on a framework governed by art history and aesthetics, *The Years Shall Run Like Rabbits* distances itself from contemporary anxieties. Each case, as Chapters 5 and 6 illustrate, proved challenging and successful in different ways.

This also explains why I limited the number of case studies to two – more would leave too little space to comfortably address how the unique and intricate context of each of these institutions affects their practice and, thus, can be of relevance to UK museums. The point is not to undertake a national survey of when and why artworks were (self-)censored, but to understand compelling problems in their specific circumstances. Two case studies, as opposed to one, can lead to interesting insights into the creative tools that institutions employ to counter censorship – offering a start to a much bigger conversation, rather than a single, prescriptive solution.

Nonetheless, to gain a better understanding of the barriers faced by UK museums, a more overarching approach was necessary too. So, in addition to these two case studies, I consulted a number of experts and practitioners to provide new light on projects that inform this thesis retrospectively or casually. Informant interviews produced previously unheard professional accounts on what I call the 'silences': cases that speak to the invisible character of (self-) censorship. The point of these cases is not to 'expose' censorship or to draw broad generalisations about its occurrence. Rather, these stories are powerful in the way they speak for themselves, revealing how practitioners experience and deal with pressure. I borrow some

concepts of what Geertz's (1973) introduced as 'thick description', a way of seeing data as a means to explain culture through the participant's point of view. Researchers do so in the "hope that a singular story, as every true story is singular, will in the magic way of some things apply, connect, resonate, touch a magic chord" (Wolfe 1985: 72).

Each of these silent cases was approached from the single perspective of the informant, forming what we might call a collective of satellite cases that work to establish or at least allude to a larger pattern. Some examples include the National Portrait Gallery's *The Naked Portrait,* from which the work of Sally Mann was excluded during the planning stage, and the Birth Rights Collection's display of Ana Casas Broda's photographs. Together, they are significant because they say something about everyday practice in UK museums, rather than the exemption to the rule picked up by media.

An AHRC/ Midlands3Cities funded research internship at Tate Modern, which took place from May to August 2017, informed my research indirectly. My role at Tate was to assist the curatorial team of the International Art/Photography department with curatorial research that attended specifically to ethics and jurisprudence relevant to sensitive time-based artworks in Tate's collection. Although I did not actively gather data for the thesis here, this formative experience provided insight into the inner workings of UK institutions and the potential barriers that their practitioners face every day. An exception was made for a few facts relating to Tate's negotiation of *Spiritual America,* for which explicit consent was obtained from those involved.

Methods

To generate a full range of data, I drew on a 'triangulation' of methods to ensure a holistic understanding of the two case studies. Drawing on a myriad of data sources, interviews, documents and observation, in this case, is helpful in that it gives the researcher a way to question original sources or personal accounts and compare them to varieties of data to create richer, more accurate analysis (Mason 2002). Denzin and Lincoln (2003) compare this process of collating with making a quilt or assembling scenes in a movie, piecing together the fragments of a complex whole.

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Either way, this method elicits a sophisticated reflection on the case studies and adds a more layered exploration of the research topic.

Interviewing

I used in-depth or 'qualitative' interviewing as the primary method to address the research questions because it is understood as one of the best methods to get close to the participant's perspective (Denzin and Lincoln 2003). Questions asked in this type of research are often broad and open-ended, allowing the researcher and informant together to reconstruct situations in a reciprocal process of knowledge-production. Brinkmann (2012: 84) speaks of interviewing as "the conversational process of knowing", with which he means to say that the method elicits data through an active exchange between two persons. If approached in a flexible, his dialogical way of producing knowledge encourages participants to elaborate on context and reflect throughout. This produces, as the name suggests, 'deep' knowledge: an understanding of the participant's expertise or experiences, a grasp of "what is usually hidden from ordinary view", and how multiple perspectives emerge on the same topic (Johnson and Rowlands 2012).

Often, therefore, researchers adjust their scripts according to the interviewee's experience, perspective and interests and although doing so generates richer data, it is also important to ensure qualitative methods are consistent, reliable and precise. Interviewing is not so much about generating "true" or "correct" points of view, as Jennifer Mason suggests, but about handling the data and its analysis in a "thorough, careful, honest and accurate" manner (Mason 2002: 188). There are many ways in which to approach this exercise – Flick (2009) distinguishes five different interviewing styles that are each uniquely standardised. Here, I chose to adopt a relatively informal style by setting up interviews as 'in-depth' and 'semi-structured'.

This approach is frequently described through Burgess' (1984) aptly termed 'conversation with a purpose' or, deriving from this idea, a "mutually equitable relationship" (Atkinson 2012) or a 'joint-production' (Wengraf 2001). Each alludes to the same point: as researchers, we might see data as already being 'out there',

waiting to be collected. Alternatively, we can say that it is by virtue of the researcher that something becomes data in the first place (Wolcott 1994). This latter sentiment fits the nature of a reflective researcher best but warrants a little more thinking towards the way data comes into existence. Interviews are a pertinent example: through dialogue, the researcher and the participant together create a conversation that becomes data (Mason 2002).

It is fair to say they were conducted in a manner that became more organic along the way and differed according to the position of the interviewee. I devised an interview plan that was not necessarily followed to the letter and allowed for interviews to be conducted in a fluid, ever-evolving manner. Nonetheless, the interview plan was crucial in guiding conversations, covering a number of topical areas, and comparing data as part of the process of analysis. I shared the interview with interviewees in advance of the conversation to manage expectations.

Here, interviews were a means of understanding the way directors, curators, educators and other members of staff in Raleigh and The Hague had negotiated the display of the photographs exhibited in their institutions. As part of the case studies, all involved members of staff, including educators, marketing and digital officers, were invited to participate, resulting in about five to six hour-long interviews per case. 1984). Throughout the research project, I also consulted artists, directors and curators working either independently or for institutions with large photography collections at institutions in the United Kingdom, the United States and the Netherlands. Below is a full list of interviewees and the institutions they were based at or worked for at the time of research. The list is organised by country and then alphabetically by last name. Anonymously participating interviewees are listed last.

No	Name of Participant	Position	(Affiliated) Institution
1	Hulsmann, Astrid	Press Officer	The Hague Museum of Photography, The Netherlands
2	Prins, Yke	Educator	The Hague Museum of Photography, The Netherlands
3	Spaans, Delia	Educator	The Hague Museum of Photography, The Netherlands

4	Van Meene, Hellen	Photographer	The Hague Museum of Photography, The Netherlands
5	Van Sinderen, Wim	Senior Curator	The Hague Museum of Photography, The Netherlands
6	Bright, Susan	Independent Curator	*Home Truths*, Photographers Gallery, UK
7	Farrington, Julia Kavvadias, Xenofon	Associate Arts Producer Artist	Index on Censorship, London UK
8	Hammer, Martin	Independent Curator	*The Naked Portrait*, National Galleries of Scotland, Edinburgh, UK
9	Knowles, Helen	Director, Curator	Birth Rites Collection, Manchester, UK
10	Rogers, Brett	Director	Photographers Gallery, London, UK
11	Trompeteler, Helen	Independent Curator of Photographs	London
12	Cotton, Charlotte	Independent Curator of Photographs	New York
13	Dasal, Jennifer	Associate Curator of Contemporary Art	North Carolina Museum of Art, Raleigh NC, US
14	Doherty, Linda	Chief Curator	North Carolina Museum of Art, Raleigh NC, US
15	Grundberg, Andy	Professor, Author, Art Critic *The New York Times*	Corcoran School of Art and Design, Washington D.C., US
16	Kelly, Karen	Senior Editor	North Carolina Museum of Art, Raleigh NC, US
17	Martineau, Paul (email)	Associate Curator, Department of Photographs	The J. Paul Getty Museum, Los Angeles, US
18	Mestrich, Qiana	Independent Curator of Photographs	New York
19	Mintcheva, Svetlana	Director of Programs at	The National Coalition Against Censorship, New York, US
20	Salvesen, Britt (email)	Curator and head of the Wallis Annenberg Department of Photography and the Prints and Drawings Department	LACMA, Los Angeles, US
21	Schneider, Betsy	Photographer and Associate Professor of Visual and Environmental Studies	Arizona State University
22	Shaw-McGuire, Beth	Coordinator of Tours and Docent Education	North Carolina Museum of Art, Raleigh NC, US
23	Turner, Lauren	Assistant Curator	Ackland Art Museum, Chapel Hill NC, US
24	Anonymous	Leo's Dad	North Carolina Museum of Art, Raleigh NC, US
25	Anonymous	Curator X	UK
26	Anonymous	Curator Y	US
27	Anonymous	Curator Z	US

Figure 1 Interview Participants and Their Institutional Affiliation.

All of these participants had a sophisticated understanding of photography ethics, some had experience with cases in which ethical, legal and, in some cases, they had experienced emotional disputes that had complicated their jobs. Others had never encountered such difficulties but could bring new insights into effective or successful practice to the table. For example, some informants had worked with photographs included in one of the case study exhibitions, which helped to mirror accounts of practice and create a montage of the cases. For instance, *The Family and The Land,* a retrospective of Sally Mann, was shown at the The Hague Museum of Photography and the Photographers Gallery in London, but both institutions had diametrically contrasting experiences that influenced how directors and curators involved negotiated subsequent exhibitions. Such perspectives lead me to arrive at more complex understandings of the context in which the case study exhibitions took place.

Qualitative interviewing allows the researcher to attend to the implicit and intuitive reactions of interviewees, rather than the simple dynamic between questions and answers – an insight that was highly influential on the data collection and analysis process of this research. Analysing dialogue-based data requires a sophisticated understanding of non-verbal cues. In other words, the imperfections, breaks, sighs and laughs that are often not captured in language can form the most compelling aspect of dialogue (Roulston 2010). When discussing difficult subject matters, these intricate ques are crucial. Even silences can be meaningful, for they can function as a means of "establishing rapport with interviewees unwilling to tell a hidden story", encouraging further thoughts or, on behalf of the interviewee, indicating that something is *not* being said (Bengtsson and Fynbo 2018: 33).

Occasionally, emotion played a role during the course of conversations about ethics and censorship, which can touch on charged discussions or internal conflict. Janet Holland's (2007) work specifically was helpful in knowing how such emotions can come into the research and be sensitively negotiated by the researcher. In addition, Maxine Birch and Tina Miller (2000) have made some important reflections on the value of emotion for research, noting that this type of 'self-disclosure' is not

necessarily a goal in itself or a prerequisite of conducting a meaningful interview. The process was never, as Marstine (2011: 6) urges, "about airing the "dirty laundry" of individuals or institutions; such airings can betray trust and do not advance the discourse". Rather, I negotiated conflict, emotion and conflicting interests together with my interviewees to represent their experiences in a way that maintained the integrity of anyone involved and is constructive to museum ethics discourse.

Often, interviewees engaged more elaborately with certain themes while other topics resonated less. Thus, not every section of the interviewing guide was relevant to every interview and, usually, took shape through a free-flowing process of knowledge production, which allowed me to respond to any emerging gaps in data or unforeseen themes that arose as significant topics of study. However, interviews almost always played out according to the general succession of the interview script: beginning with general questions that will provide context, moving to more specific questions about the decision-making process, and finally, ending with the most difficult questions, for example, regarding consent. As a native Dutch-speaker, I translated the questions for participants at the The Hague Museum of Photography myself, which allowed me to effectively negotiate language when speaking about intricate institutional, professional and ethical dilemmas.

In total, I interviewed 9 practitioners at the two case study institutions (although some were interviewed multiple times) over a period of 1 to 2 weeks of on-site research. Specifically, I conducted case study interviews towards the end of the exhibition periods, when participants were still able to recall details of the exhibition planning process but were also able to speak to the public's reception. A further 12 informants situated at museums in London, Manchester, Washington D.C., New York, Raleigh (NC, US), Chapel Hill (NC, US) and the Hague (NL) participated, and 2 informants were consulted through online communication. Although helpful in gathering responses of those unable to attend an interview in person, written correspondence risked obscuring the physical cues I was able to capture when interviewing participants in person. The informants in question, Curators Britt Salvesen and Paul Martineau, provided crucial 'behind the scenes' information on a Los Angeles-based exhibition that was installed after my fieldwork in the United States had been

completed. Because Salvesen and Martineau were forthcoming in relaying their curatorial decision-making processes, sharing the fears and pressures they encountered, I gained a select, but important understanding of the case.

When the fieldwork came to an end this during the second half of 2016, the audio recordings of the interviews were transformed into transcripts, which were interpreted using labels arising from the conversations. There were multiple reasons to do so manually. Firstly, because this is an iterative process, going back and forth in between data. Secondly, because during this process, I could ensure that non-verbal communication was captured where possible, which aided the interpretation of the interviews at a later stage. In Chapter 4, the significance of silences and (un)comfortable laughs is evident when talking about the language interviewees employed to describe the photographs they struggled with.

Documents

As part of the bricolage of methods used to examine the two case studies, incorporating documents formed an important part of the methodology. Any documents already existing or created during the case study research, relating to the artworks and their exhibition process became parts of the study, including but not limited to: acquisition and collection reports, communication, exhibition plans and layouts, visitor books, minutes of meetings, exhibition reviews, policies, ethical codes, floor plans, etc.

One of the main challenges that need to be anticipated when undertaking document research is that obtaining permission and access is dependent on the site of study (Creswell 2007). Demonstrating trust and transparency, both case study institutions facilitated and actively assisted in locating material they or I thought relevant. In fact, both dealt with sensitive material in ways that were thoughtful and considerate towards both the research and those involved. Most notably, both institutions received a complaint made about one of the photographs on display. Whilst complaints are not uncommon (one anonymous interviewee noted that even an exhibition about snow globes attracted complaints), they can be deeply personal and, of course, critical. While one of the galleries was comfortable sharing the

subsequent email communication, the other took a more cautious approach in consideration of the complainant's privacy; disclosing only that a visitor called the museum to explain how a specific work on display made them feel 'uncomfortable'.

The nature of documents collected varied per case study. Where the NCMA provided material that spoke to decision-making processes, including each acquisition form and accompanying board decisions, the The Hague Museum of Photography worked through less defined ways, offering full access to a large variety of folders; mostly press cuttings, notes and reviews. Whatever approach they took, most documentation did not necessarily capture internal discussions, which might not always be fully documented when there is disagreement or conflicting viewpoints. Nevertheless, documentation provided a helpful interviewing tool to ask pointed questions about the reasons certain work was acquired, what considerations had come into play and if issues arose at a later stage.

Observations

Finally, I used observation as a companion method to interviewing and document analysis because it is a useful way to gain a clear perspective on the context in which the case took place and nuance data collected otherwise. "From the moment you enter the fields until you leave "observation takes place when present at the case study institution, suggests Helen Simons (2009: 62), "through observing, you can tell if you are welcome, who is anxious, who the key players are in the informal structure, and whether there are any unspoken rules". Being on site at both museums helped gain a better understanding of organisational structures, internal communication and informal interactions. When thinking about ethics, institutional or professional codes of ethics can allude to organisational values, but often don't quite capture the implicit political, moral and economic considerations that shape the values through which we make decisions. As Gary Edson (2009: 20) has noted, code of ethics may be reflective of practice, but "like any document of principles it is only as important as the individuals that staff museums allow it to be".

It was thus important to observe workshops, guided tours, staff meetings (where possible) and the exhibition itself, to get a sense of the ways in which museum

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practitioners behaved and communicated with each other and their audiences. How do individuals make sense of the work on display and what is communicated towards the museum's audiences? What artworks are unpacked more extensively than others and how do practitioners negotiate difficult questions?

The role I took on was that of observer-participant, taking part in activities with the knowledge of those being observed, whilst focusing on data collection. This position allows researchers to rely on their own perspective, rather than the secondary accounts of participants, – a "peripheral membership role" as Adler and Adler (1994: 380) note, that is both transparent towards participants and effective in the way researchers can observe real-life settings. Although Merriam (1998) has stated that transparency also allows members of the group to adjust their behaviour, it also maintains a sense of agency for collaborating participants.

In practice, this meant that I would collaborate with tour or workshop guides to observe educational sessions. At the The Hague Museum of Photography, I observed how guides prepared their session, visiting the galleries and discussing which photographs to include in their session. At the start of the workshop, one of the guides would introduce me to the group and I then participated in the session, listening to discussions, questions and participating in the group's activities. I captured my field notes manually, recording how activities unfolded, what was discussed, which artworks were included and what stories participants would bring to the session. During these observations, I took photographs where permitted, capturing participants anonymised only, for example with their faces turned away from the camera.

Research Ethics

Any project that involves participants constitutes what Denzin (2001:326) describes as a "civic, participatory and collaborative project – a project that joins the researcher with the researched in an ongoing moral dialogue". Enquiries into the lives, even if they are professional lives, of people always involve a careful negotiation of ethics. Although researcher reflexivity and ethical awareness are a continuous part of the entire research process, a first step was to design the research in accordance with

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the code of practice for research ethics and apply for ethical approval from the University of Leicester.

As part of this framework, each of the participants was sent a consent form and information sheet, pertaining the purpose of the research, the participant's role and the due process, a few days prior to the commencement of the fieldwork. I then presented printed copies of these documents on the day of the research and discuss the content with the participant. All participants granted their consent, although some requested anonymity. Where this was the case, we discussed the extent to which anonymity can be guaranteed, how I could sensitively discuss the context in which I used the words, and how the participant wanted to be represented (for example, as 'a curator at a large US institution').

Although the research design is relatively straightforward – I did not, for example, work with children (see Chapter 7) – the nature of the topic raises a few challenges that were approached with a sense of self-reflexivity, sensitivity and awareness throughout the entire process. One major issue that emerged at the very start of the study applied specifically to desk- and preliminary research, which included locating case studies and identifying literature, and protecting my online researcher safety. The language through which to describe the visual depictions under research proved not only inadequate but highly problematic: 'nude', 'children' and 'photographs' would possibly result in illegal search findings. Simultaneously, my searches would potentially flag up suspicious research behaviour with responsible authorities. As a precaution, I contacted a number of organisations and charities, including the Internet Watch Foundation, National Society for the Prevention of Cruelty to Children, the information assurance office and legal advisors in different capacities at the University of Leicester. Their conscientious responses confirmed that caution was appropriate, but none could provide clear-cut guidance.

A process thus began early on in the research to rethink and renegotiate the barriers I encountered with the purpose of enabling the research to be carried out as robustly as possible. The School of Museum Studies played a vital role. In collaboration with key figures in the department, it was decided to create a set of protocols of which the

main implication was that I would avoid certain terms (or combinations of terms) and artist names when using non-academic online search engines. Instead, I relied on academic search engines to access press resources and museum websites to search collections when reviewing images.

Because there are very few academic publications targeting the research of difficult issues, apart from more general work around researching sensitive topics (Lee 1993; Carter and Delamont 1996; Hubbard, Backett-Milburn and Kemmer 2001), the informal accounts of other researchers dealing with similar, sometimes troubling, researcher safety issues were influential on this journey. Engaging with peers working on sensitive issues (related to child sexual abuse, terrorism and pornography) at conferences, such as the 4th Visual Methods Conference in Brighton and the Censorship, Politics and Oppression conference at the University of Gdańsk, Poland, created a network of support that resulted in productive dialogue on negotiating field research, wielding data on censorship and sensitive interviewing. Concomitantly, these conversations uncovered a pressing need for pointed and accessibly-worded legal, moral and ethical guidance for this type of scholarly work. A 2010 publication titled 'Going Boldly Where No One Has Gone Before? How Confidentially Risk Aversion Is Killing Research On Sensitive Topics' corroborates this observation, warning that potential ethical and legal repercussions are "sanitizing potentially controversial research on sensitive topics" (Palys and Lowman 2010: 266).

The way my practice was problematised by the grey areas of the ethical and legal territory of this subject resonates with the way museums are faced with very similar issues. Ethical decision-making sometimes requires lots of dedicated resources, determination and some bravery, other times it seems invoking a sense of self-censorship is an inevitable choice. Especially for small institutions, controversy can form a real threat to the museum's existence and silence might seem a safer option than tackling the challenges. Ultimately, the ethical and legal challenges encountered in the research design helped better position myself and grow a sophisticated understanding of the slippery territory museums encounter. Adjusting

or censoring one's words out of fear for consequences might be an unpopular part of academic and professional practice, but it is inevitable in navigating difficult topics.

Thesis Structure

Written in a narrative structure, this thesis follows a relatively straightforward sequence in the way it moves from introduction to research context, methodology, discussion, to conclusion. Starting with the theoretical framework, Chapter 2 and 3 contribute to the main arguments by focusing on a particular section of the literature I consulted. The analytical chapters 4, 5 and 6 explore a theme or pattern that emerged through the field research by combining secondary literature and original material. Chapter 4 examines museums as political institutions in which censorship and self-censorship operate, while Chapter 5 turns its attention towards museum audiences, interpretation and common curatorial strategies. In the later stages of the thesis, specifically Chapter 6, children and young people will be considered as audiences and co-collaborators. Rather than separating each case study into a specific chapter, the case studies re-emerge throughout the main body of writing, although some are aligned and contained within one chapter more than others.

Chapter 2 shows that constructions of childhood are fluid and are, today, defined by a duality between children's emancipation and their perceived vulnerability. This chapter posits that museums have the potential to question, contrast and transform these limiting views of childhood if they are willing to confront the idea that anxieties around child protection are a moral panic and adopt an attitude that is perceptive, rather than dismissive towards the multi-vocality of contested images of childhood. Chapter 3 engages with one of the main challenges in doing so, the distinctly specialised jurisprudential conflicts that museums encounter when exhibiting photographs of children expressing a bodily awareness. This chapter examines theory on child protection legislation and censorship to establish that more is needed to break down the legal barriers that museums face.

Chapter 4 takes both 'silent' and controversial cases and argues that the latter have set a precedent for censorship and self-censorship as prevailing phenomena in art museums and galleries. Although it refers to specific case studies, it takes a larger

overview by looking at the patterns constituted by a multitude of cases. The first part of this chapter takes on a macroscopic view in identifying a snowballing effect within the sector, a phenomenon in which censorship reinforces itself by encouraging overly cautious practice, while the second part focuses on the way self-censorship manifests itself as part of particular institutional cultures. This chapter draws on museological literature, supported by an exploration of writing on late censorship in the cultural sector.

Building on the patterns identified in Chapter 4, Chapter 5 explores conventional strategies adopted by art museums – specifically a framework governed by the rules of aesthetics – as an alternative to censorship. Emphasising the single authorship of artists, the art historical context has been influential in the way it locates the medium of photography firmly within art history. Celebrating the long artistic trajectory to which photographs of adolescents belong, these exhibitions form sites of resistance for artists and curators defying the sensitivities of their times in favour of the aesthetic and intellectual voice of the artist. Through the analysis of a case study, I argue however that, despite the virtues of this strategy, museums cannot continue to operate in a vacuum alone, dismissing the tensions and concerns underlying the contemporary socio-political context in which they exist. This chapter brings together data, discussion and a series of insights from visual studies, medicine, children's rights and the ethics of care, to position museums within some of the most current debates around children's capabilities and vulnerabilities, whilst acknowledging the need to maintain freedom of speech within the arts.

Chapter 6 explores new ways forward for museums negotiating photographs of children expressing a bodily awareness, one that prioritises the agency of children as sitters and contributors, through a strong curatorial voice and ethical awareness. It does so predominantly through the example of a case study, the North-Carolina Museum of Art (NCMA) and its exhibition *The Energy of Youth*. Operating in a highly political environment, the art museum in Raleigh, US, adopts an experimental strategy to draw out questions around an exhibition that displays photographs of childhood and adolescence in the museum's collection. This small exhibition is the result of long-term institutional and curatorial decision-making, and while scrutinising

potential dangers and limitations, this chapter draws attention to the ways in which the exhibition has a positive impact upon public discourses around childhood. More importantly, the NCMA makes a cautious though ground-breaking attempt to empower children's voices through their displays and interpretation, by collaborating with a young child. This strategy, I argue, preserves the artistic integrity of each individual photographer and, although venturing into a new realm of ethical sensitivities, marks an opportunity for art museums to embrace the collaborative approaches pre-eminent in other types of museums. Examining the NCMA's *Energy of Youth* offers potential for future strategies to achieve greater progress in making place for children's voices.

Chapter 2: A Difficult Climate to Discuss Childhood

A book on pictures of children replays the risks of the pictures it is about. Despite my best intentions, no one, including myself, can predict or control how this book's arguments and illustrations might be used, or misused. It is possible that my argument will be caricatured, or not read at all, that the illustrations will be taken out of the context of my argument, or sensationally described. Everything the book is about could be twisted into positions I completely disagree with.

(Higonnet 1998: 8)

How does a photographer begin to discuss his or her approach to minors as a photographic subject? How does anyone enter a discussion about minors and photography when the words alone have been wired to jolt us into considering—if not concluding outright—that there is a problem in the very interests and intentions of an artist pursuing this subject matter?

(White 2008: 178)

From the introductions of publications by the artist Charlie White and art historian Anne Higonnet, the citations above are just two examples of authors that reflect on the troublesome nature of publishing scholarly work on children's participation in photographs expressing a bodily awareness. Both anticipate that writing about and reprinting contentious imagery can unwittingly arouse strong reactions; the ethical, political and cultural dilemmas underpinning the images that both authors unpick define their own practice too. Today's confused thinking around childhood, which this chapter will examine, is little tolerant of voices that nuance, complicate or critique perceived truths around what it means to be a child today. These trends are not unique to the work of White and Higonnet. In fact, similar concerns about raising suspicion or inviting misconception are expressed by authors in almost every area of inquiry this chapter considers (see for instance historian Philip Jenkins's research trajectory (2001, 2002), educationalist Cathy Nutbrown (2010) or law critics Amy Adler (2001) and Taylor, Quayle and Holland (2001). The child, Baird (2008: 291) has noted, is often constructed as a "discursive category with which one cannot

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disagree". As a response to this climate, censorship and self-censorship are not only present within the exhibition and collection practices at the heart of this thesis but encapsulate the academic discourse within which the thesis is situated.

Given how contested the topic is, museums, as places that Tristram Hunt (2018) describes as "recognised institutions for explaining complicated and challenging sociocultural issues", are particularly well-placed to redress childhood as a topic and an artistic endeavour that is deserving of nuance, rigour and a knowledge-based narrative. This is certainly not an easy challenge, and one that requires an active engagement with multiple perspectives on contemporary childhood and the practice of representation. On the one hand, the gradually emerging awareness of the scale, damage and historical aversion to recognising and taking action concerning child sexual abuse has inspired a persistent public conception of children as inherently vulnerable, and on the other hand, a tendency for the art world to dismiss these concerns as a 'moral panic' – a term that implies the public's anxieties are irrational, volatile and disproportionate. As images that challenge both of these claims, contemporary photographs of children expressing a bodily awareness present an opportunity for museums to unpack, question and transform the ways in which adults think of children and young people. Drawing on an interdisciplinary framework, this chapter posits that the narratives museums adopt have wider implications for children as representational subjects. In addition, it proposes that a multi-layered, rights-based interpretation of childhood can help institutions reconceptualise their own relationship with children as part of debates around the sitter's consent and, more importantly, their agency within museums more broadly.

Accordingly, the chapter is organised through different ways of thinking of childhood and adolescence. The first part of this chapter engages with the former position on childhood, illustrating that seeing, thinking and speaking of children as innocent and vulnerable feeds into a damaging perception of childhood that undermines young people's capacities. One-sided representations of children, exclusively emphasising their dependency, discount the emancipatory rights young people have been afforded over the last few decades. This section critically examines why limiting perceptions of children are dominant at this time and, drawing on children's rights

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literature, shows how cultural production has a significant influence on children's lives.

The second part, in turn, casts a critical eye on the art world and deconstructs how the claim that concerns towards children's well-being are always rooted in misplaced anxiety is both unconstructive and unhelpful for the bigger cultural conversations around childhood. By highlighting the few critical, academically informed voices that call for the artworld to become more responsive towards the concerns that these images evoke, I expose moral panic theory as a framework that is at best a timely social critique that is, for museums, a partial and prejudiced informant. Although the concept of moral panic is valuable in some ways, it can also be perceived as dismissive of genuine social anxieties towards child sexual abuse.

The last section sets a pivotal condition for museums to engage with the heightened sensitivity towards childhood: multi-layered images of childhood require a sense of contemplation that their online dissemination complicates. Through the work of visual studies theorists, I argue that when museum objects are interpreted through the kind of fleeting online engagement that the digital age produces, photographs can elicit meanings that museums cannot control. How might this awareness towards the multiple lives that photographs – and photographs alone – lead help museums to begin nuancing how adults understand children and young people.

For the theoretical framework of this chapter I look to an array of disciplines, including social studies, childhood studies, visual studies, medical ethics, and museum studies, each forming an interlinking part of the mosaic that this chapter generates. This interdisciplinary approach opens up possibilities for interrogation through small fissures in the silences across diverse fields that might not manifest in any one field. There is, for example, a focused and well-argued body of work on the role of social conceptualisations of childhood in debates around children and sexuality. The contemporary tendency to understand children as inherently vulnerable is treaded into legal, social and children's rights perspectives on the topic. However, how that applies to museums –how museum narratives are affected by and, in turn, affect public understandings of children – is rarely considered as part of

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the literature on photographs of children. Ultimately, a comprehensive analysis of the literature helps examine how museums can position themselves within their relationship with the young people represented in the photographs they collect and exhibit.

Connecting literary fields is an important objective of Chapter 2: it brings together an array of perspectives on the ways in which changing understandings of childhood and its depiction in photography have altered the cultural, social and legal landscape within which curators negotiate images and offers a theoretical foundation upon which museums can build further discourse. Consequently, the literature stems from a wide array of geographies, concentrated in but not limited to, Western countries in which a comparable social sensitivity towards childhood has unfolded over the last few decades (see also Chapter 1).

Important because of their work on the contestation around photographer Bill Henson, Australian scholars are particularly central and provide a holistic scholarly discourse on exhibiting photographs of children expressing bodily awareness. The discourse on what is often referred to as 'The Henson Case' offers a rich analysis of the tricky territory between social anxiety, perception and the site at which photographs are constructed. Although not part of the case study research, the case provides a productive place to begin thinking about the opposing arguments raised in public debates around photographs of children expressing a bodily awareness, scholarly perspectives on the issue of children's consent in art, and the role of digital reproduction in museum controversies. I apply some of the broader ideas these studies bring forth to the context of the UK, which is the focus of my research, by nuancing, critiquing and unpacking them through literature that specifically applies to UK museums – for example, when speaking of moral panic theory in general, I look in detail at the ways in which attitudes towards child sexual abuse have been shaped in the UK.

Framing Childhood
There is a strong sense amongst museum practitioners that photographs of children expressing a bodily awareness are important because they diversify the dominant

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visual paradigm around childhood, which overwhelmingly represents children as cutesy and sentimental (see for example Jennifer Dasal, Chapter 6). For some of the practitioners I interviewed, this notion provides the intellectual rationale for exhibitions displaying contested photographs. The theory around the subject of childhood provides a rich corroboration for this curatorial premise, because it shows that the idea of children as exclusively innocent is deeply ingrained in Western cultures.

Leading art historians on the pictorial subject of childhood trace evidence of the innocent child back to the nineteenth and twentieth centuries, when the visual arts vigorously promoted an 'ideal' representation of the child: the children pictured are almost always homogenous in the way they are pale-skinned, well-behaved and static, attractive and immaculately dressed. The idea of an inherently 'innocent child' has its most evident roots in a philosophical text of Jean-Jacques Rousseau (1979) which represents an idealisation of children as inherently pure, free, innocent and devoid of sexuality. Rousseau countered during his time the popular, religious conviction of 'Original Sin' that humans are born innately evil (Reynolds 2014; Grealy 2012). In *Émile, or On Education,* the philosopher offers a more sympathetic view of children as malleable and closely aligned with the natural. For Rousseau, these positive traits and attributes were tainted only as children grew older, burdened by the cultural influences of the adult world. This Romantic view of childhood as a time of virtue became influential from the 18th century, and, although it was later replaced with more nuanced reflections on childhood and education, has gained in popularity again recently.

The legacy of the Romantic ideal has been continuously reproduced since and strongly resonates in the visual paradigm of childhood in the present day. The writer Patricia Holland described this process as creating "theatres of memory", borrowing a term from the historian Raphael Samuel (Samuel 1994 cited in Holland 2004: x). The sentiment of innocence is often prominent within criticism of photographers who, at the turn of the twenty-first century, began to replace the pure and vulnerable child with the 'Knowing Child': a minor often, although not exclusively, depicted in

photography as independent, multi-layered and at times sensual. Joanne Faulkner explains how these representations speak to the sentiment of childhood innocence:

> Childhood innocence is associated with a host of other Western values, and operates as a proxy for them. The child is emblematic of adults' fragility: we take care of the child as if protecting a part of the self or greater humanity. Adult identity is shaped in relation to the vulnerability of children, as their protectors, and the child represents all that is innocent, vulnerable and, indeed, venerable in humanity itself.
>
> (Faulkner 2010: 120)

Precisely because of this uncertainty, children expressing a bodily awareness make for compelling, evocative subjects for photographers wanting to address the instability of adolescence and adulthood, the allegorical status of childhood or interpretations of gender and sexuality. Much like the work of educational and social researchers invested in childhood, contested images of children often reveal how multi-faceted they are; depicting the formation of our unique personhood and the sexual awareness that, according to Freud, marks both childhood and adolescence. An essentialist view of children as innocent is reluctant to understand these explorations: separating childhood as a distinct time from adulthood casts children as devoid of bodily autonomy, unselfconscious and inherently vulnerable.

There are, therefore, important reasons why museums are well-placed to employ these photographs to enable a larger conversation about the way in which adults see and understand children in the present and become more actively involved in the socio-political properties of childhood. For embodied children, public narratives such as those arising around contentious photographs impact upon their daily lives in very many ways. In the seminal publication *Stories of Childhood* Rex and Wendy Stainton-Rogers (1992:12) comment that the ways in which children are construed 'not only determine how we make sense of them as children, but also inform and reflect social and economic policies towards children and the institutions that manage children'. In other words, cultural representations of childhood have at least some influence on the lives of real or embodied children – and there seems to be a

widespread agreement within academia that the innocence paradigm is particularly problematic in the way it intersects gender, race and class.

According to sociologists, for example, the re-emergence of the protectionist model is a worrisome trend because it generates a universal idea that defines children strictly in negative terms in relation to their deviance from adults (Cockburn 2013; Kelly 2005; Prout 2000; Cunningham 2007). Feminist experience suggest that childhood innocence promotes deeply problematic assumptions about the (sexual) behaviour of girls and inflicts significant damage by informing scientific research and government policy. Researchers Danielle Egan and Gail Louise Hawkes (2008; 2009; 2010) examined an abundance of UK and US literature concerned with the sexualisation of children and girls specifically. Many of these key documents demonstrated a strong focus on the behavioural aspect of objectification or sexualisation on girls, moving 'away from cultural critique and towards stigmatisation'. Young girls, Egan and Hawkes point out, find themselves at the heart of decidedly gendered anti-sexualisation literature that locates blame unfairly with girls' bodies and sexuality (Ringrose 2012; Duits and Van Zoonen 2011 cited in Egan and Hawkes 2012).

Importantly, there is widespread agreement between scholars from a variety of disciplines that contemporary conversations about childhood in contemporary Britain are informed by a contradiction: in the last century, children have participated more intensely and meaningfully in public life than ever before, but are equally subject to an 'intensification of control, regulation and surveillance' in parental practices, education as well as public life, according to the sociologist Alan Prout (2000). These increasingly protective child rearing practices affect children unfairly, by on the one hand unofficially restricting the rights young people have been granted through for example the UNCRC and, on the other, perpetuating stereotypes that affect children unfairly. The latter was firmly established by a recent report on the lives of Black girls aged 5 to 14 found, which found that negative stereotypes overwhelmingly affect how the actions of minority women, specifically young black girls, are perceived. The Report *Girlhood Interrupted: The Erasure of Black Girls' Childhood* identifies what the researchers term the 'adultification' of Black girls, indicating that adults perceive

Black girls from an early age as "less innocent and more adult-like than their white peers" – a perception that, according to the others, means that they enjoy fewer childhood privileges and protections than their peers (Epstein, Blake and González 2017). This has a divisive impact on growing up: Black girls receive less care and support and are penalised more harshly than their white counterparts. For the very reason that Black women are perceived as less innocent, the Black body is rarely present within the past and present visual paradigm on childhood. Art historical depictions in the past and the present of the 'ideal child' persistently portray a fair-skinned, blonde and blue-eyed child (Higonnet 1998). This stereotype does little to counter the marginalisation of the Black body in representations of children – a point I will return to in Chapter 6.

If limiting or reductive views of what it means to be a child have the potential to affect the lives of young people in significant ways, can museums counter these views? Compelling research undertaken on the intersections of rights, race, disability and museums suggests that museums are institutions that contribute to cultural production through the narratives and exhibitions they represent and supports my case that museums can help redefine what contemporary childhood looks like (Duffy 2001; Janes 2007; Hein 2010; Sandell 2002). Especially within the human rights projects that cultural institutions have begun to support and promote in recent years, there is a growing consensus amongst scholars and practitioners that museums can positively contribute to human rights, equality and well-being. Richard Sandell posits that "museums construct and present ways of seeing and understanding that not only *reflect* but also *shape* collective values" (Sandell 2016 :135 italics in original). Whilst recognising that objects might not always adhere to the frameworks that museums provide for them and work to elicit meaning in unpredictable ways (Larson 2009), this moral agency can, at least to some extent, "enable the conversations that visitors, and indeed wider society, have about difference" (Sandell 2016: 135).

What has remained less well-represented within these debates is how museums contribute to conversations around the rights that young people have been afforded over the past few years. Within museum studies, the recognition of children as a systematically overlooked group is beginning to emerge more robustly and is taking

hold through novel work that tackles representational practices and social engagement, pioneered by a modest few researchers like Elee Kirk (2014); Sue Dockett, Sarah Main and Lynda Kelly (2011), Lea Mai and Robyn Gibson (2011) and Monica Eileen Patterson (2016). The new pathways they introduce firmly establish that museums, and not just their educational departments, are deeply entangled with the ways in which children are seen and, more importantly, can make their voices heard far beyond the realm of learning. There is, evidently, a clear case to make for museums to critically engage with the assumptions, misconceptions and concerns on childhood and, accordingly, the messages they convey through their displays of photographs of childhood.

The Re-emergence of Childhood Innocence

However, in order to engage more actively and consciously with the ideas that inform publics, it is important to understand not only *how* the sentiment of innocence is reductive, but also *why* it is emerging, or rather re-emerging, at this time. Ideas about childhood and parenthood are historically and socially constructed. In other words, how adults think of children has changed continuously over history and differs greatly among cultural contexts. The idea of childhood as a distinct time in human lives can be traced back to the seventeenth century, as demonstrated by the French historian Philippe Ariès (1973). Aries' historical observations in *Centuries of Childhood* pioneered the understanding of childhood as a construct that was 'invented' as separate from adulthood in the 16th and 17th century and, through critical interrogation, has continued to evolve in definition. The idea of innocence is, however, a consistently reoccurring sentiment.

There are a number of reasons why the Romantic ideal of the innocent child has regained currency at this time. Some sociologists and childhood studies theorists argue that the predisposition is brought on primarily by a societal fear towards 'the unknown stranger', a sense of anxiety that is dominant in the decisions and allowances children are afforded – or not afforded – today (Buckingham 2000; Jackson and Scott 1999; Krinsky 2008). Others suggest that the idea that children need more protection than ever before is grounded in a much larger crisis of childhood that encompasses all aspects of children's lives. A lack of adult control is

compounded by a social crisis, comments Mary Kehily (2010), that encompasses the disenfranchisement and low well-being of a shockingly large percentage of young people in many Western post-industrial countries. In addition to sexuality being at the forefront of public anxiety, the author argues that more pressing issues propel the tendency to worry about childhood in the United Kingdom specifically. The author posits that these anxieties amount to a moral panic – a phenomenon best described as a phase during which intense societal worries emerge around one specific phenomenon, problem or concern (Scraton 2004; Alridge and Cross 2008).

Overall, the duality between self-realisation and protection seems to be a sign that adults, today, place a greater importance on childhood than ever before, which perhaps explains why museums have proven sites at which these ideas are confirmed, contested, and sometimes, productively challenged. Prout (2000) suggests that this shift is driven by a gradually emerging realisation of childhood as a telling precursor of adulthood. Improving the quality of childhood means shaping a better future for adults, and the country or world as a whole (Rose 1989). This view is, according to Prout (2000), not necessarily uniquely relevant to post-industrial Britain. Although there are differences in the way post-industrial, Western societies afford children opportunities to contribute to public discourse. Similar tensions have been noted in relation to Europe and Australia, by theorists who view the present preoccupation with childhood as 'at risk' or in danger as the reason for a return to historical versions of childhood (Cunningham 1995; Egan and Hawkes 2008, 2009, 2010; Lumby 2010; Faulkner 2010, 2011a, 2011b;).

Those sympathetic to art declare a strong linkage between these social concerns and museum controversies. In *The Importance of Being Innocent: Why We Worry About Children* Joanne Faulkner (2011) analyses the highly-publicised case around the photographer Bill Henson to argue that photographs expressing a bodily awareness speak to a much larger feeling that childhood is under threat. The corruption of children's innocence that these images represent to some, not only threatens the welfare of children, but calls into question adult's identity as protectors and abusers of humanity. The relationship between childhood and sexuality that photographers often address so profoundly, becomes fraught in the way it marks a

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collision between young people's potential as independent decision-makers and, as Faulkner suggests, their need to be protected or shielded from adults and their influences. Adults know that sexuality is in the eye of the beholder and, through the lens of protection, read images such as Henson's from the perspective of the perpetrator, as "sexual objects for the gratification of paedophiles" (Gurnham 2009: 114). On the contrary, those sympathetic to art dismiss concerns towards children's vulnerability altogether. Consequently, these clashing moralities work to expose a long-existing gap between the perceived elitism of art world and the moral sensibilities of the wider public (Bray 2009).

Art Disputes and the Dynamics of Controversy

It is helpful to briefly turn towards the case that Faulkner speaks to because 'The Henson Case' (as it is often referred to) provides a powerful example for museums seeking to engage rather than alienate their publics through representations of childhood. The controversy around photographer Bill Henson in Australia provides important clues about the disparities between the viewer's gaze, the artist's intent and the art world's failure to bridge these viewpoints. In the field research I undertook, the case was also often referenced by interviewees, which suggests that how the events unfolded in 2008 still inform museum practitioners.

In short, Henson's work was temporarily confiscated in 2008, after Sydney police received a complaint from a child protection advocate about the invitation for the opening night of an exhibition by the photographer, on which the image of a naked twelve-year-old girl featured prominently. The image was one of many contemplative, dark and broody photographs of young people installed at the private Roslyn Oxley9 Gallery and collected by museums across the world, including the Victoria and Albert Museum. The complaint that prompted Sydney police to visit the gallery led to the confiscation of Henson's entire exhibition. The debate that followed the police censorship escalated quickly and abruptly to a matter of national priority (Simpson 2011; Grealy 2013; Marr 2008). The episode engaged commentators from all layers of society – many of whom attacked Henson as perverted, despite the artist's careful negotiation of consent in the production of his works – and spiralled out of control within a very short amount of time (McDonald 2008).

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While activists and commentators from the conservative right branded Henson a child pornographer and a paedophile (Marr 2008), the photographs were quickly removed from galleries across the country by curators and art dealers afraid to become caught up in the controversy. These inflammatory accusations did not just befall the artist but were extended to anyone who publicly showed support. As one commentator noted, Henson's onslaught was followed by attacks on journalists, politicians or peers who defended his work and practice, such as a magazine that reprinted the offending image on its cover. Quickly spiralling out of control, critique on the artist:

> .. was followed by denunciations from sections of the media against the magazine *Art Monthly* for publishing an entirely innocent front-page photograph of a naked five-year-old girl. The publishers and the parents, who took the picture, artist/photographer Polixeni Papapetrou and Robert Nelson, an art critic for the *Age* newspaper, were accused of promoting child pornography.
>
> (Gabriela Zabala-Notaras 2009*)*

Henson's equally numerous supporters defended the artist fiercely, mostly without truly engaging with the underlying social concerns, for example by recalling the aesthetic nature of the images and Henson's renowned reputation in both Australia and beyond (Marr 2008; Bray 2008, 2009; Albury and Lumby 2010). Likewise, these defenders accused critics of taking on a 'paedophilic gaze'. Looking at images of children through the lens of childhood innocence 'requires us to us to regard children's bodies as inherently erotic, the display of which turns them into passive victims of sexual violence and reveals something dark and uncomfortable about our society' (Gurnham 2009: 114). In doing so, the artworld largely dismissed social anxieties and genuine concerns for the well-being of children, strengthening its perception as an elitist, capitalist club lacking morality (Bray 2009; Faulkner 2011).

Amidst the heated arguments, there was little regard for the (young) sitters and parents at the heart of Henson's photographs, the deeply damaging effect of the

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accusations on the artist himself, or the significance of the work's potency and its reception in a larger social context. It was unclear what meaningful roles the museums collecting his work could play, most waited for the debates to blow over from the side lines. Very little was learned, apart from how great the gap between the arts community and the child protection camp remained. As Faulkner recounts:

> …once hostilities ran their course, the arts community returned to being aloof, and an indignant public to knowing what they like. No space of exchange was produced, and each party was none the wiser about the other's point of view.
>
> (Faulkner 2011: 120)

No middle ground was found between Henson's public supporters and critics. Amid the vicious tug of war between them, many academics were anxious to comment and felt "the visceral nature of the gathering media storm, the sense that this was not a place or time in which there was any safe space for evidenced-based intervention" (Albury and Lumby 2010). Only after media had long moved on did the academic world begin to follow up with the necessary reflection.

Amongst these voices, the insights of Abigail Bray stood largely alone. Bray vocalised an unpopular argument, asserting that Henson's sympathisers cast the Australian contestation around photographs of children as a volatile, temporary crisis "produced by the anti-intellectualism of unsophisticated lower middle-class child sexual abuse (CSA) moral panics" (2009: 174). Commentators in the art world called upon a neoliberal ethics of tolerance as a virtue through which the images should be interpreted – a line of argument that positioned critics of the photographs as the opposite: intolerant, unsophisticated and ignorant. Under the disguise of a moral panic, the artistic, anti-censorship camp that defended the photographer was quick to discard and silence opposing viewpoints as an erratic response to the sensitive themes bound up in the artist's images. Thus, casting concerns as a 'fuss', another academic posits,

> …dismisses the hyperbolic claims employed by many of Henson's critics without sufficient consideration of their legitimate anxieties. By pitting artistic

freedom against child protection, the debate failed to meaningfully interrogate the limits of the artistic alibi, qualitative distinctions between images that sexualize children, adolescent sexuality, our investment in childhood innocence and the significance of consent in modern conceptions of childhood.

(Grealy 2013: 68)

To this end, the debate offered an opportunity for both the corporate and the public sections of the art world to interrogate the social significance of Henson's work (and that of his contemporaries) and their own moral responsibility in safeguarding consent. However, very little productive disagreement or conflict resolution was achieved.

If any lessons can be learned from consternation around Bill Henson's photographs for curators today, it is that the episode firmly established that disengaging from, rather than mediating the conflicted feelings towards photographs of children expressing a bodily awareness only works to reinforce the conflicting feelings and hostility towards these images by sections of the public. Deconstructing the controversy helps to illuminate some of the dynamics in which museums, and specifically my case study institutions, operate. How can museums position themselves within this highly politicised arena? And to what extent are the lessons learned by the Australian art world, including the museums collecting Henson's work, applicable to UK museums? What unfolded in the unique geo-political, social and cultural context of Australia's is not necessarily typical for museums operating in the wider Western world. However, the pattern of controversy, backlash and unsolved opposition shares a close resemblance with the ways in which other controversies around images of children in the work of photographers played out in the US, the UK and Europe. So, the concept of moral panic, which commentators across Western contexts have relied on in the past and present, offers a compelling way into this question (see for example Cohen 2018; Kehily 2010; Altheide 2009).

Moral Panics

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Looking critically at the literature discussed so far, there is somewhat of a dissensus evident within the literature about the concept of a 'moral panic'. While some apply it, perhaps casually, to the heightened sensitivity towards images of children, others, such as Bray, fiercely object to the use of the term. Through an investigation into the theory behind the language of moral panic it is possible to unpack some of the assumptions embedded within these discussions and provide a broader framework for interpreting the attitudes and expectations of museum visitors.

For one, moral panic theory helps recognise the potential and future social roles that museums can play in enabling contemporary conversations, by situating controversy in a social and historical context. It is a compelling way to reveal the interconnectedness of social, cultural, legal and political relationships and illuminates how museums are positioned within this minefield. Stanley Cohen, the founder of the term, pioneered the concept for exactly this reason, to reveal underlying patterns and multifarious social processes. This is evident from his definition:

> A condition, episode, person or group of persons emerges to become defined as a threat to societal values and interests; its nature is presented in a stylized and stereotypical fashion by the mass media; the moral barricades are manned by editors, bishops, politicians and other right-thinking people; […]. Sometimes the object of the panic is quite novel and at other times it is something which has been in existence long enough, but suddenly appears in the limelight. Sometimes the panic passes over and is forgotten, […] at other times it has more serious and long-lasting repercussions and might produce such changes as those in legal and social policy or even in the way the society conceives itself.
>
> (Cohen 2011: 46)

To this end, moral panic theory has strong relevance to some of the trends observed by authors exploring censorship in museums, especially pertaining to the often-irrational ways in which the sentiment of childhood innocence informs public life. The increasingly narrow focus of child protection legislation is one example (to which I will return more comprehensively in Chapter 3). Robert Atkins and Svetlana

Mintcheva (2006) deploy the concept of moral panic to make a persuasive argument against governmental efforts in the UK and the US to regulate speech under the guise of protecting children. As an unintended consequence of legislation, the authors assert, parents taking photographs of their naked children have repeatedly been accused of producing child pornography.

However, as a theoretical framework for understanding public responses to photographs of children expressing a bodily awareness, the nuanced implications of moral panic theory are not always unpacked and understood to its full extend. As the term has become part of everyday vocabulary, the sociological concept of moral panic is often used casually and without regard for the intricacy that the theory and its definition demand (Miller and Kitzinger 1998). Crucially, as a social critique there are persistent problems with its application to the gradually emerging awareness and aversion towards child sexual abuse. The theory casts a sense of moral judgement; labelling something a crisis implies that the issue of concern is in fact volatile and dies out as quickly as it arises. It construes those doing the panicking as irrational, regardless of the legitimate nature of concern for at least some involved, and their reaction as feverish, ingenuine and disproportionate to the threat (Thompson 1998; Miller and Kitzinger 1988; Rohloff and Wright 2010; Critcher 2017).

These broad generalisations are problematic, methodologically, and in the way they oversimplify what is at stake. There is too little robust data or solid research to create a holistic picture of the scale of child sexual abuse. Although some studies have found that experiences with child sexual abuse are certainly common amongst UK publics,[1] researchers are divided about its prevalence. Even if robust data would be available, Chas Critcher (2017:13) comments, "who is to say what is a "proportionate" response to, say, the rape and murder of a child?". In recent years, survivors' voices have exposed the legacies of abuse – the systematic silencing,

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[1] The NSPCC, the UK's national body for child protection, echoes that although most crimes go unreported, UK research found 1 in 20 young people between 11 and 17 years old answered positively when asked if any adults had tried to make them do anything sexual. One in three children confided that they did not tell anyone about their experience, giving only a hint of the real number of survivors.

stigmatisation and institutional power injustices – on survivors and their communities and the work of the UK government's long-running, troubled Independent Inquiry is symbolic for its complex, inextricable nature (Scorer 2018). These struggles are matched by other countries and their efforts to come to terms with exploitation (Barth et al. 2012).[2]

In a sense, moral panic theory is what Critcher calls 'a self-fulfilling prophecy': once labelled a panic, there is a tendency to construe all concerns, including legitimate ones, as anxiety (see also Cavanagh 2007). Perhaps because of this tendency to shut down divergent voices, the model has proven a profound political power – much to the horror of the theory's founder, Stanley Cohen. In his introduction to the third edition of *Folk Devils and Moral Panics*, Cohen fiercely counters the notion that the label of 'moral panic' means that the object of concern does not exist or has been exaggerated. Although the term appears consistently in both tabloid media, as well as academic literature, Cohen puts the blame for this assumption with the 'wilful refusal by liberals, radicals and leftists to take public anxieties seriously' in pursuit of their own political agenda (Cohen 2011: VII). Following continuous academic critique and refinement, there is now a general consensus amongst sociologists that, though the theory is novel, it must be complimented by more holistic, contemporary insights in social theory (Hier 2008 or Rohloff and Wright 2010).

What has been left largely unaddressed within the highly politicised debates around photographs of children is, therefore, what legitimate concerns might play a role in our reading of images of children expressing a bodily awareness. Briefly returning to Abigail Bray's attempt to critically interrogate her unease about Henson's pictures is helpful here. Whilst acknowledging her struggle to avoid the appearance of a "theoretically unsophisticated procensorship moral panic discourse", Bray (2008: 328) adopts a feminist lens in examining how Henson's photographs, their public

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[2] I focus in particular on the UK context, but the pervasive nature of child sexual abuse through institutions like the Catholic church and the internet means problems are not necessarily bound by geographic borders, as national inquiries like the Australian Royal Commission into Institutional Responses to Child Sexual Abuse and the UK Independent Inquiry also suggest.

display and widespread dissemination function to sexualise and commodify the child's body. She asks: "are these images an example of post-feminist girl power chic, or a sexualisation process that has become so ubiquitous that it has faded into the texture of everyday life and become invisible?" (Ibid.). Some potent issues relating to this position are question of the sitter's agency and the power dynamic between the sitter and the institution. 'Which bodies and which histories', she goes on, 'must be disavowed and left behind, unthought and forgotten, in order to make way for the glamorisation of such photographs as icons of neoliberal tolerance and a progressive sexual ethos?' (Bray 2009: 175).

Bray's point of view is undoubtedly controversial but is one of a very few critical voices that rejects the blanket cover of 'child-protection' whilst unrelentingly questioning the economic motives and capitalist exploitation of unequal power relationships in the art world. Her resonant insights undeniably reveal ethical gaps that provide an opportunity for critical reflection for institutions already committed to ethical thinking. By refusing to acknowledge the sensitivities amongst their publics, museums risk being perceived as part of a left art establishment driven by a corporate morality. To this end, the analysis of the political arena in which institutions function brings up some difficult propositions for museums. What is their role in addressing viewer's heightened sensitivity towards child protection and drawing out the specific merits of these works today? How might they critically examine what are legitimate concerns without castigating the photographers they support or compromising creative freedom? And is it possible to do all these things at once? What ethical conversations need to take place between viewers, institutions, artists and children?

Ethically engaged practice might not necessarily mean keeping work off display in response public consternation, but, where appropriate, could involve pro-actively addressing the sensitivities that certain photographs on childhood evoke through focus groups, collaborations with grassroot organisations, or exhibition programming. As governments, organisations and communities worldwide are beginning to come to terms with the prevalence and damage caused by child sexual abuse, the diverse interpretations of these works might offer opportunities for museums to contribute to

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a larger conversation on what that means for children and their contributions to public discourse. Part of much larger processes, periods perceived as 'moral panics' are "a crucial element of the fabric of social change" – a process museum can potentially make meaningful contributions to (Goode and Ben-Yehuda 1994:170). Having made a start at exploring images through Bray's feminist perspective, there are other equally compelling ways into these images possible that are more sympathetic towards the merits of displaying and interpreting them. For example, through a rights-based perspective.

Reframing Children as Active Social Agents

If moral panic theory dismisses the idea that curators, artists, and other practitioners have a duty of care towards the child, then a children's rights perspective is helpful in foregrounding that duty of care in a way that does not simply reject children's participation in the name of child protection. A rarely explored framework that can provide a rich resource for the narratives museums employ to interpret photographs of children, children's rights studies build on the progress achieved by scientific research that casts children as more independent and in command than previously assumed. Looking at representations of children through this framework offers a way into difficult conversations about the sitter's consent as well as a meaningful, knowledge-based interpretative framework for curators to explore in the curatorial strategies they employ. After succinctly introducing the children's rights movement, I will explore the opportunities and shortcomings of this framework through the important work of the Australian sociologist Kylie Valentine (2011).

The realisation that experiences of childhood are in fact, dependent on culture, gender, ethnicity, economic and social circumstances has given way to a new field of research concerned with the complexity of children's lived experiences (James and Prout 1997; Jenks 1996, 2005; Clark and Moss 2001; Qvortrup 1994). As part of this still-growing and diverse body of literature in the field of childhood studies, there is a widely-held consensus amongst theorists that children should be positioned not as "becomings", but as "beings" (Qvortrup 1987:5). James and Prout (1997: 8) define this new sociological paradigm as providing 'an interpretative framework for

contextualising the early years of human life', meaning researchers working within this framework grant even young children the agency to act on their capacity to have a say, make choices and express bodily autonomy. "Children are not just passive subjects of social structures and processes", they assert, but are active social actors in their own lives and those of others (Ibid).

From the progress achieved by these new critical readings of childhood also grew a burgeoning discourse on children's rights that gained in prominence after the Second World War and is concerned with the injustices and inequalities children suffer worldwide (Hart 1991; Pardeck 2002). Advocating a view that children are independent rights holders, knowledgeable and capable of making valuable contributions to public life, the efforts of the children's rights movement helped children formalise the new freedoms and responsibilities that together shape children's citizenship. The replacement of the universalised 'needs' discourse reflects a recognition of children's capacities and, somewhat to the example of feminism, takes "into account the child's point of view" (Kehily 2012:13, Raitt 2005). The idea that children have social agency in their own right has caused a proliferation of research that involves children not only as participants, but as active and considerable voices (Thomas and O'Kane 1998; Alderson 2001, 2008; Gray and Winter 2011). Significantly, this theoretical framework provides scope for adults to approach difficult social issues from a perspective that values children's involvement on matters affecting their lives.

Despite a few novel first forays into children's rights in the museum, social researchers, scholars within the children's rights movement and museum studies researchers have expressed concern about children's lack of voice in matters that concern them more broadly, arguing that young people are not always given the space to act on the rights they have been afforded (Mai and Gibson 2011; Lundy 2007). These researchers have pointed out that participation is not merely an ideal, but a right. In the United Kingdom, the most significant landmarks we can draw on to conceptualise consent, participation and protection into imperatives are two legislative cases that focus on the recognition of children's ability to consent, in the 1985 Gillick ruling, and the introduction of civil rights for children, solidified in the

United Nations' Convention on the Rights of the Child (CRC) that came into force in 1990 (UNCRC 1989).

The Gillick ruling established children's autonomy in its recognition of young people's capacity to consent to, for example, medical treatment. It declared that if a child can fully comprehend the implications of their decisions, he or she, and not the parent, can make up their mind on decisions regarding their lives (Griffith 2015). Not long after, the CRC would consolidate children's rights on a much larger, global scale, including the right to privacy, freedom of expression and to live as part of society. The CRC has been commended for its contribution to the recognition of children's citizenship (Roche 2005), for being both universal and culturally-adaptable (Alston 1994) and for its holistic approach to rights, materialising both young people's right to security, participation as well as dignity (Van Bueren 1999). Most importantly, it is an apt reflection of the growing agency and increasing degree of self-determination children enjoy in their everyday lives (within the boundaries of child-adult interdependency).

Research in psychology, neuroscience and child development evidences that children are often well-placed to speak for themselves and decide what is in their best interest. Studies on children's capacity have radically moved away from the notion of the dependent child. This evidence-based framework could further inform the ways in which museums conceptualise their relationship with children and unpack popular conceptions around childhood. Studies into the young brain complicate the assumption that children and young people are, by default, unable to consent to participate in contemporary photographs such as Bill Henson's. Instead, neuroscientific research suggests that there are no simple answers to the question of consent, a notion that this thesis returns to and further explores throughout each of the chapters.

Clear distinctions between child, adolescent and adult are hard to sustain when viewed in the context of research in psychology, biology and medicine that demonstrates that bodily awareness and sexual identity do not just occur at the onset of adulthood, when a person turns eighteen, but that they are central to human

experiences. Maturity is a gradually developing and multi-layered concept: whilst some areas of the human brain reach levels of maturity during early stages of adolescence, others continue to develop long after adulthood begins (Johnson, Blum and Giedd 2009). Because of this iterative development, scientists have found distinct relationships between stages of adolescences and certain behavioural traits, such as increased risk-taking, thrill-seeking and intense, sometimes irrational emotions (Steinberg 2007; Furby and Beyth-Marom 1992). Although these findings are factors that might be considered as part of the negotiation of consent between adults and young people, they cannot be interpreted to suggest age is necessarily representative of one's ability to consent.

In fact, scientists warn that studies on adolescent brain development are often wrongly cited in public policy that interprets typical adolescent behaviour to justify limitations placed on young people's privileges or responsibilities, meaning adolescents are argued to have diminished responsibility or limited capacity to consent. Researchers contest such conclusions as often drawn too rigidly, without the nuance that neuroscientific findings require: how the adolescent, and human brain in general, functions is a culmination of influences, "including experience, parenting, socioeconomic status, individual agency and self-efficacy, nutrition, culture, psychological well-being, the physical and built environments, and social relationships and interactions" (Johnson, Blum and Giedd 2009: 6). The brain does not function in a vacuum but is part of the complex network made up by these contextual factors, with which it interacts. Understanding these relationships would, in fact, help us understand *when* – under what circumstances – adolescent's capabilities are "most vulnerable and most resilient" (Ibid.).

Nonetheless, the seemingly straightforward rights and protections children have been granted in consideration of modern science are not necessarily black and white. In fact, they seem contradictory when considering the complex ethical tension between children's participation in photographs expressing a bodily awareness and their protection from exploitation. Neither the Gillick guidelines or the CRC provides more than a framework: the question whether a child can be presumed capable of participating in decisions that concern their lives can only be answered subjectively.

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There are, as Kylie Valentine has demonstrated, multiple arguments imaginable based on the CRC both for and against young people's ability to collaborate with photographers. Where one draws on children's impaired capacity and their right to be protected against harm, another mobilises young people's right to participate and have their voices heard, not only in art, but as part of the public debates that concern their representation. Valentine concludes with a clear stance in favour of the latter:

> A straightforward response to this complexity, apparently advocated by those who have spoken out so far to defend children's welfare, is a blanket prohibition on representations that could be perceived or used as sexualised. In contrast, the participation of children would add new voices to the debate. It would also produce more and different representations of children in response to the adult-produced images of Henson and others, just as feminism has produced an extraordinary range of representations of women.

> (Valentine 2011, published online).

Valentine suggests that alternative images of children not only have the potential to transform public narratives, but to give agency to children in a debate they have remained absent from so far. Without a more robust research trajectory around this topic, the rights of children involved in the photographs remain wholly ambiguous as part of the public debate. What would it look like to involve children in the visual paradigm that represents their bodies and what roles might museums play in this endeavour? How might they encourage their visitors to listen to the new, young voices that Valentine insists children possess? And how might museums include these young voices in their exhibitions and attend to them as audiences?

Shifting Attitudes Towards Images
The previous sections illustrate society's strong contemporary investment in the figure of the child. But the mosaic that makes up the fabric within which museums work would not be complete without a consideration of the ways in which images function as part of the contemporary, mostly digital, image landscape. In the 21st century, objects are no longer contained within the walls of the museum; the

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prevalent use of technology in museum collections allows material to be accessible in different formats and places. There are however, notable challenges to this new level of accessibility when exhibiting culturally sensitive works of art. Scholars within visual studies have argued, for example, that a more fleeting and immediate image culture is part of the reason why artistic photographs of children often become contested sites of cultural critique. Mapping literature located at the nexus of visual culture and sociology generates a deeper understanding of the changing ways in which contemporary museum audiences make meaning of images. The debates that follow demonstrate how contemporary photographs of young people expressing bodily awareness reach bigger audiences through new platforms and, therefore, function in more complex manners.

How we grasp images is, evidently, mediated not only by social change, but by continuously developing technologies, the expanding internet, mechanical reproduction, and the lively visual arena of commerce and advertising. Artistic photography is caught up in a violent image landscape that perpetuates the gap between artist intention and public interpretation. As Jennifer Trant (2010: 306) notes in her essay on museums and authenticity in the networked world, "museums are deluged with an onslaught of interpretations of culture from an incredible number of sources and forced into an awareness that they are no longer the sole interpreters of their collections." The physical spaces of cultural institutions, to which the practice of curators is so well-accustomed, require a different set of communicative tools than digital spaces. Between the authenticity of the 'real thing' and the object's altered appearance on the web – where, as Trant notes, the image is often reproduced without reference to the actual work – exists a widening gap that seems to have no clear boundaries. Unsurprisingly, complaints against images of children often arise in response to opening invitations, newspaper announcements or marketing material, sometimes even before an exhibition opens.

To explore further some of the problems imposed by the digital age, it is helpful to look at a paradigm within visual studies concerned with the question of what images are and how they function across the multitude of contemporary media. Some visual theorists have attributed the new way of looking at photographs of children to

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changing cultural attitudes towards images, provoked by the digital era. The Australian visual researcher Melinda Hinkson (2009), for example, draws on Hans Belting (2005a, 2005b) to explore how complex images can invite conflicting interpretations, merging the artistic with fleeting commercial imagery in the way we look and understand. Belting explores how images operate as part of the human process of engagement, appearing not simply as physical things in the paper or on the internet, but existing too while they are transmitted and perceived: as a mental, more abstract thing. He thinks of images as being 'performed', they *happen*, or *take place.* Using the triad of *image, medium and body (*Ibid*.),* he illustrates that images are mediated by the way in which they are conveyed (for example digitally, on a canvas or on slides), as well as by whom and how they are interpreted (the 'body' or person who looks at them and forms an internal view). Belting's objective is to blur the boundary between the physical object and the mental image.

Belting's theory is relevant to this study because it emphasises the importance of the role of the subjective within processes of looking. Although image and medium are commonly recognised to shape the meaning and purpose of images, the idea of a human body as an equally important component disrupts an understanding of viewing as straightforward. He posits bodies not merely as 'passive recipients', but as 'an invariant'; dynamic and shaped by ideas, history and context. Bodies, he suggests, construct images as well as make sense of them: "*body* means either the performing or the perceiving body on which images depend no less than on their respective media" (Belting 2005a: 302). Processes of looking are therefore unique, and the way in which viewers understand artefacts or images varies over time, place and according to our personal framework – the presence of both a medium and a body is however, continuous.

Hinkson (2009) takes this as the premise for her argument that the digital age has shifted the bodily experience of images, blurring the boundaries between visual experiences of advertising, what we believe to be child pornography, and art photography. As images have become more accessible and widely available, the internet has "radically reconstituted the relationship between public and private viewing spaces" (Ibid. 209). Children's bodies can be performed through the

commercially-driven pursuit of immortality, in which their images represent and reinforce the 21st century preoccupation with youthfulness. Or, as we have been struggling to come to terms with, children's bodies can equally be rendered as child pornography. Artistic photographs of children (Hinkson's analysis focuses on Bill Henson's work) require a certain contemplation that is provided distinctly by the layered experience of entering the gallery and seeing the physical work on canvas - the opposite of the fleeting engagement we have with digital images.

Contemplation at a time of mechanical reproduction

The idea of contemplation is explored in a different sense by Joanne Faulkner (2011), also in relation to the Bill Henson controversy, who invokes Walter Benjamin's concept of 'aura' to argue that art in the contemporary domain has lost a sense of uniqueness or distance from the everyday. Benjamin (1968) suggested that the new technologies of his time, including film and photography, made it possible for art to function as separate from the cultural tradition to which its construction and conception was previously tied. The terms upon which art was now appreciated Faulkner (2011) explains, were no longer set by institutions like the church or museums. Instead, mass production made it possible for photography and film to be within reach of everyone, and to be viewed outside the physical structures that constructed and reconstructed their meaning. Benjamin thinks of this development as both novel and troublesome. Without the physical, sensory presence of art, he asserts, art loses the authority that authenticity commands by virtue of "its presence in time and space, its unique existence at the place where it happens to be" (Benjamin 969: 220– 221). Instead, it becomes a spectacle that often invites a collective response from its publics. Unlike before, imagery and the democratic means through which they are reproduced, interpreted and critiqued lend themselves extremely well to political purposes.

Walter Benjamin's contemplations on aura are much-quoted and have invited many strong counter-arguments over the years. Peter Walsh (2007), for example, argues the exact opposite of Benjamin: the ability to reproduce and distribute photographs of paintings by the great masters is what gave originals their aura and vastly added to their sacred status. Nonetheless, Faulkner (2011) takes the loss of aura as one of

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the reasons for the controversy around Australian photographer Bill Henson's exhibition. Although museums and galleries attempt to reproduce the conditions needed for aura – by creating distance between the work and its viewer and invoking a sense of sacredness through viewing restrictions– their ability to control and contain the work is limited. By reproducing Henson's work on the exhibition invitation, the internet facilitated the mass distribution of the work's image (not the work itself, as Faulkner rightly points out) and created its political potential. In the subsequent controversy, the context in which the work was viewed proved one of the hot irons for both defenders and critics. Each side argued for a single reading of the work. As Faulkner asserts:

> Both anti- and pro-Henson camps engaged in attempts to circumscribe its meaning, and to limit its interpretation: While the moralisers attempted to use the law to classify the image as pornographic, framing the photograph as such with black bars and pixilation; the more artistically informed were anxious to restrict viewing of the photograph to gallery spaces, with the auratic proxies that signal the work's sublimity, or distance from the everyday.
>
> (Faulkner 2011: 48).

Both sides, she asserts, aimed to construe the work as "either 'purely' aesthetic, or 'purely' concerning children's welfare" (ibid.: 45). These observations resonate with Melinda Hinkson's notion of the new cultural attitude towards images: she aptly notes that 'when we encounter any image, our responses are significantly influenced by the broader social environment from which we acquire dispositions and draw meanings' (Hinkson 2009: 208).

Evidently, the digital era renders photographs of children decidedly political, something which museums are not always able to contain or control and often distrust. Especially on the internet, photographs enter an ambiguous zone in which their meaning is easily misconstrued, misunderstood or purposefully altered to suit conflicting purposes. But for Faulkner or Benjamin, the democratisation of art is not necessarily a loss – both point towards the potentialities of artworks as sites of cultural critique. Unsettling the myth of childhood innocence, those depicting 'the

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passing of childhood' (Faulkner 2011) do so in particularly powerful ways; the discussions evoked by their work prove the relevance and reach to audiences that might otherwise never have accessed or engaged with the work. These processes invite questions for museums and cultural institutions negotiating their changing role towards the new public function of art. Faulkner comments:

> With this wider distribution, the meaning of the work was also dispersed and rendered out of control, no longer contained by standard practices of exhibition. As Walter Benjamin continues to show us, however, art is no longer an arcane practice, but is meaningful insofar as it can be criticised.
>
> (Ibid.:52)

Museums are inevitably faced with the new political properties of photography, inside their galleries as well as beyond.

Even from a view that reproduction is what grants the original masterwork its significance, as Peter Walsh argues, in the case of Henson, reproduction might have caused publics to question whether the original work is deserving of its status as high art. Walsh notes: "The more reproduced an artwork is— and the more mechanical and impersonal the reproductions— the more important the original becomes" (2010: 29). But mechanical reproduction also allows this importance to be called into question widely, in this case through what is perceived to be the work's (un)ethical status. The perception of the many on what constitutes 'good' or 'bad' art can channel a censoring pressure under which even the most well-equipped institutions might buckle. The body of rules, principles, and standards that function as the art canon and have been set by a privileged few have come under fire and are increasingly scrutinised as a result of the internet's potentially universal accessibility.

Confronted with the digital lives of art photography, the democratic processes to which photography is subject invite an array of pressing questions for art museums: can they continue to operate as if separate from the politics of a changing cultural attitude to images and children? Do they dismiss the heightened sensitivity around children's images in favour of an unmediated aesthetic experience or do they

engage (through their narratives, interpretation and programming) with the intricate layers of the new ways in which (in particular girls') bodies are understood? And how about young people themselves, for whom the internet is a way in which to engage with photographs traditionally confined to the adult-focused spaces of the gallery?

Chapter 3 Protecting the Child? Governing the Image Though Law and Museum Ethics

Prequel: *The Good Wife*

In a 2015 episode of CBS attorney drama *The Good Wife*, main character Alicia Florrick takes on the case of Eric, who has been arrested for defacing a photograph with a hammer at the fictional Chicago Museum of Fine Arts. Initially sued by the museum for attacking the work of art, Eric teams up with Alicia to begin a case against the museum. Eric turns out to be the subject of the photograph, taken when he was eight-years-old and posing nude for his mother during a holiday. The work is part of a cycle of nude photos the mother-photographer took of Eric and his sister, photographs that Eric now feels violated by. His attack was a symbolic protest to stop the museum from showing his image. What follows in the programme is a myriad of attempts by Alicia to help her client by citing laws that could prevent the museum from displaying and taking up the works in its collection. The lawyer makes her case by arguing a lack of consent and the exploitation of child labour and tries to prove the paedophilic appeal of the photos. In a sensational twist, a convicted offender is even called to the stand to testify that the works have the potential to arouse him.

The fictional US drama of *The Good Wife* is not the first to feature a display of a photograph of a child; a similar storyline once featured on *Law and Order: Special Victims Unit (*'Thought Criminal', 2014*)*. Here, a high-profile photographer of young boys turns out to have a more depraved mind than the pictures of 'innocence' suggest. Yet police are unable to find any evidence. In both series, the storyline explores the remit of the law and makes for a compelling, unpredictable episode in which the supposed offender proves hard to catch on an actual crime. The *Law and Order* episode is fittingly titled 'Thought Criminal', linking to the ambiguity of the law in distinguishing the maker's intent from the actual offence, which in this case constitutes a legal photograph made by a dangerously disturbed man. Somewhat buried in the drama is a more nuanced observation of the US legal system that resonates with academic critiques of child protection legislation. I will return to this critique in more detail later in this chapter, but they include the notion that the way

current legislation operates only works to reinforce children's vulnerability (Adler 2001; Williams 2004), that child pornography legislation has expanded but was not critically reassessed in the process, and that as a result, current legislation is broad, undefined and ambiguous (DiGennarro 1987; Avery 2015).

The Good Wife's episode, titled *Innocents*, can also be read as a telling contemporary reflection on child representations in photography, the media's obsession with such cases and the part that obsession plays in creating an increasingly tricky territory to be navigated by museum staff, artists and legal teams. In this sense, the episode accurately reflects how complex and ultimately flawed this converging area of law and museum ethics is. Alicia has a plethora of possible legislative tools to justify her case, but none seem to adequately address the complexities of the case. The same can be said for the museum, which defines its moral responsibility through the tired and long-contested idea that its obligations lie first and foremostly with preserving and collecting objects. As a result, the episode's ending is unsatisfactory; Eric and his mother decide to make up and give up the pursuit of a legal solution. By sidestepping human-centred questions, the law and the museum are simply unable to grant Eric the agency that his mother is able to reinstate through empathy and understanding.

Introduction

Chapter two connected the dots between the legitimate social sensitivities that surfaced in the last few decades, and the culturally and historically-framed social anxieties that contribute to the ways in which children's rights are exercised today. The figure of the child, I demonstrated, has become a politically potent symbol that stands in for debates about the ways in which adults understand what it means to be a human. This chapter explores how, in response to the heightened sensitivity towards child protection, lawmakers and museums have attempted to govern the ethical and moral issues bound up in images of children but have so far failed to carve out a system through which the relational and situational moral dilemmas thrown up by these images can be adequately addressed. Whilst there have been meaningful attempts to engage with the ethical challenges of these photographs, neither the law nor current museum ethics constructs have so far succeeded in

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adequately addressing the difficult dilemmas evoked by contemporary photographers' work on childhood, as *The Good Wife* illustrated too. Therefore, this chapter proposes an alternative theoretical framework to inspire a museum ethics discourse that is both receptive to the ethical challenges and attentive to the merits of young people's participation in photography.

The first part of the chapter looks at the law and serves a dual purpose. Firstly, it lays out the foundations of the legal framework in which the practitioners I interviewed work with images of children expressing a bodily awareness. By outlining the blurry boundaries of current legislation aimed at protecting children and policing how adults use their images, I simultaneously examine the flaws of a justice-based approach. The discourse of legal criticism highlighted in this section culminates in a more thorough consideration of the gaps that need addressing through ethics.

Accordingly, the chapter moves towards attempts within the international museum community to engage with children and their participation in photographs, illustrating that these efforts have been novel, but somewhat imperfect in their emphasis on children's inability to consent. It specifically examines a pioneering, though not uncontested attempt within the Australian arts sector to regulate the consent of children (or rather, their parents) when working with photographers.

Lastly, I explore what values museums might adopt that are less rigid than the Australian consent guidelines, but equally clear in their conceptualisation of notions like autonomy, participation and consent. The literature this section draws on has the potential to assist museums and their practitioners in recognising and rethinking their ethical responsibility towards the photographed person and the viewer. By drawing on image ethics and care ethics, an approach used by medical practitioners too, I argue that posing for the camera can be an important opportunity for self-expression if museums and artists carefully negotiate the politics of representation.

Demographic context

Before moving on to the main body of this chapter, it is important to consider the demographic context of the analysis. My primary frame of reference for the material

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analysis of the law is UK legislation, for the research is predominantly concerned with the context of museums situated in England and Wales. However, with case studies located in the Netherlands and the United States, the chapter also draws out the legal convergences in modern Western societies to the example of the most important publications I rely on here (see, for example, Akdeniz 2008; Leukfeldt et. al 2014; Monk 2008 and Adler 2001). This method shows that whilst specific legislation might differ geographically, the legal histories, climate and culture are often very similar, meaning that the social effects of the legislation that applies to museums are similar.

For instance, discussions about the relationship between law and freedom of speech are prevalent in most Western jurisdictions (Akdeniz 2008). Although child sexual abuse was recognised as a societal threat long before, child pornography legislation was first implemented in the US, UK and most European countries during the 1970s, in response to the expansion of the internet that each of these countries grappled with equally (Gillespie 2004, 2010). As a result, the development of jurisprudence in the countries of my case studies shares significant commonalities. Law criticism by for example leading scholar Amy Adler (2001) is widely applied to both the US and UK context. Specific definitions of, for instance, child pornography differ across national and supranational contexts – England has no one definition, instead relying on 'obscenity' and 'indecency' (concepts subjective to the "common sense" of officers (Home Office 2015)). However, UK law is similar in application to supranational European policy documents and its US counterparts (see Akdeniz 2008 for an extensive comparison of national frameworks).

Ethics and the law

Another essential task in setting up this chapter is to briefly discuss how this area of applied ethics relates to the law. Because, although museum practitioners are faced with a dilemma not so different from that of law-makers, the relationship between jurisprudence and museum ethics is not straightforward. To begin with, there are some commonalities. Both lawmakers and museum ethics discourse work in a reactive manner to cultural discourse and have gradually become more attuned to the proliferation of concerns towards child sexual abuse in both public and private

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institutions – including the arts sector. To respond to the shifting social terrain mapped out in Chapter 2, both rely, in part, on guidelines, codes and principles, which range from general codes of professionalism to guidelines on very specific areas of applied ethics in museums (see AAM; MA; ICOM). Of course, these principles are formally enforced as part of the justice system and informally for museums, but they are nonetheless governed by the UK's national accreditation programme and can suffer significant reputational damage (Boyd 1991). To some extent, ethics and the law share a reciprocal relationship in the way they resolve difficult dilemmas, as Julia Courtney (2015: X) notes: "although museum ethics and legalities are different, the two inform each other and provide a resource in best practice for resolving difficulties for museums".

However, as opposed to the law, ethics is often understood to be subjective and this fluidity has proven a distinct strength for museum theorists and practitioners contributing to an ethics discourse. The justice-based reasoning of traditional museum ethics, which depended predominantly on professional consensus conceptualised through codes and guidelines (Edson 1997), has been replaced, or rather supplemented, by a discourse that characterises and underpins the practice of twenty-first-century museums. Codes of ethics provide general principles of professionalism, accountability and social responsibility, but are too broad to offer substantial guidance for individual cases within their differing contexts. Thus, museums have yet to develop a language to examine the relationship between their conduct and the ethical responsibilities towards vulnerable people depicted in the art they collect, interpret and display.

 Ethics discourse, as Chapter 1 posited, might offer a solution, as it is open-ended and values the divergent voices of each of the professionals that shape and utilise its attributes (Marstine, Bauer and Haines 2011). The flexible, pro-active nature of ethics discourse is rooted in a tripard approach that Marstine, Dodd and Jones describe as in support of dialogue and informed by "case studies (both from within and outside the sector); ethics codes; and values and principles". Today, the traditionally authoritative code of ethics set on museums by the UK Museums Association has been renewed and reduced to a series of key ethical principles that

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recognise the autonomy and expertise of those employing the guidance and work to assist them in finding their own professional solutions.

As opposed to reason-based politics, the holistic approach assumed by ethics recognises that the issues at stake are often contextual and are rarely solved through a one-size-fits-all approach that overlooks especially those in the margins. Feminists, in particular, have pointed out the law's failure to meet the needs and reflect the experiences of those outside the dominant spheres of influence – claims that have been productively applied to children. The children's rights theorist Olga Nieuwenhuysen, for example, draws on Bourdieu (1997) to assert that especially in relation to children, we must "look not only at *what* is said but also at *who* says *what* about *whom*". Universal values or legalisation, she argues, are imposed on young people and, even if legislation or rights are considered for their own good, often work to victimise children. Young people are not usually placed in a state of political agency that allows or empowers them to speak to or shape the rights and protections afforded to them. In fact, a generation of researchers argues that current protectionist legislation can harm children by increasing their passivity and dependency on adults (Cockburn 2013; Kitzinger 1997; Adler 2001). *The Good Wife* aptly illustrated this concern: the law prioritises penalising the offender above all else, whilst obscuring and diminishing the agency of Eric, the sitter. This, as this chapter will show, should be a critical concern for museums in their understanding of photographs.

For museums, engaging with the gaps between museum ethics and the law more proactively is both an important and a timely project. Ethics can make us aware of the limitations of jurisprudence and the need for practitioners and theorists to develop a more conscious, thoughtful way forward in this thorny area of practice. The new museum ethics discourse offers both the scope and the iterative, sector-wide dialogue that is needed to move away from a legalistic approach to the complex ethical issues pertaining photographs of children and transform the ways in which these objects are governed by museums. As Janet Marstine asserts:

…the most significant difference between law and ethics is that the former is characterized by constraints — what one cannot do — while the latter concerns ever-shifting opportunities — what one can do — for the common good. Understanding this difference is central to realizing the potential of the new museum ethics to effect change.

(Marstine 2011: 7)

This is one of the primary goals of this research: whilst museums must take on a more critical attitude towards the well-being of the sitter, my focus is on offering up ethical solutions to negotiate how artists and institutions *can* proactively engage with young sitters and their representations.

Policing Museums

Non-legal experts often assume that the law, as opposed to ethics, is objective in nature. As opposed to the relational and pluralistic character of museum ethics, the law tends to oversimplify the issues at stake to penalise certain behaviours; an approach that is necessary to provide just and consistent standards. It assumes objectivity and impartiality on the premise of fairness, reason and justice and shares a close relationship with morality as conceptualised by reason-based ethics like Kantian moral theory and utilitarianism, rather than the kind of ethics that draws on emotion, relationships and context (Held 2006) or more situational and relational concepts of responsibility.

Although there is some truth in this assumption, interpretations of the law are always in flux – continuously evolving according to contemporary socio-political understandings of 'right' and 'wrong', through precedents and case law (Monk 2008). Like any cultural construct, how it develops over time is closely aligned with the social mores of the society it serves. Jurisprudential concepts such as 'child pornography' in particular have evolved with an unprecedented speed and remain a continuous subject of academic contestation (see for instance Gillespie 2010 for a more extensive discussion), which means they have not been attended to with the same amount of attention, nuance and contestation that more established areas have enjoyed.

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Several law critics have argued that, in comparison to other constitutional legislation, the areas of obscenity and child pornography law have gone relatively unquestioned (Adler 2001, Taylor, Holland, Quayle 2001). The most urgent criticism of current child protection legislation is that it developed too rapidly, without the assessment of much needed critical analysis from scholars. Amy Adler, one of the most vocal critics of obscenity and child protection law, has argued that the need to protect children from sexual abuse is widely-presumed as self-evident or obvious, which makes child protection legislation almost too dangerous to critique for researchers. In fact, Adler argues, child protection has been one of the most important and quickest growing areas of the law in recent years:

> Child pornography law is the least contested area of First Amendment jurisprudence. In a way, this should come as no surprise. There is not an acceptable "liberal" position when it comes to the sexual victimization of children. What could possibly be controversial about laws that prohibit pictures of children forced into sex acts? Even mentioning the First Amendment as a problem in this context seems inappropriate and cold. In fact, if you mention the First Amendment in this context, some-one might accuse you of being a pedophile.
>
> (Adler 2001: 210).

Although she writes mostly from a viewpoint on US law, her observations also apply largely to the UK and Irish legal systems of child protection (Gillespie 2010), as all three derive from obscenity legislation – a technical distinction to which I will return shortly. As a result, they are not always subjected to the same scrutiny through which other areas of the law have been refined.

There is a direct relationship between the ways in which the law has developed and the social sensitivity towards child sexual abuse discussed in Chapter 2 – Adler aptly notes that 'as the crisis has surged, so has the law' (2001: 212). This is not unique to the United States or the United Kingdom, but also to The Netherlands, where one of my case studies took place. Although national legislation in The Netherlands is

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slightly different from the UK laws applying to museums, its expansion in focus is similar:

> In the Netherlands, the distribution of child pornography is judged to be the number one problem not only because of the figures above or because people know, or even think, that this crime is committed more frequently than other crimes, but because people feel a very strong aversion to it (Stol 2002: 46).

New technological developments to which each of these governments have had to respond rapidly from the 1990s onwards have only worked to reinforce the sense that the law has needed to expand its wide latitude. The almost universal accessibility of the internet opened up new ways to manipulate material and aided the digital dissemination of images, causing an explosive rise in child pornography networks (Akdeniz 2008). Since it has only been twenty years since the digital manipulation and online distribution of child pornography was first considered, both the thinking and the legal tools on this issue are recent and immature – legal systems have yet to fully come to terms with the scale and forms of child pornography on the internet (Taylor and Quayle 2003). As a result, the formulation of a clear and comprehensive definition of 'child pornography' has proven problematic in finding wording that includes manipulated, digital material but excludes innocent images of children, made for the family album or, indeed, the gallery (DiGennarro 1987; Gillespie 2010).

A reoccurring example within the literature that sums up how dangerously subjective the condition of (child) pornography law is recalls a remark by United States Supreme Court Justice Potter Stewart who promised 'I know it when I see it' (Gerwirtz 1996). An often-recited sentiment, this phrase is commonly cited to prove the subjective nature of 'obscenity' and 'indecency' and carries a long history of imposing personal or group morality stemming from religious precepts. This deeply flawed approach to justice is not always attentive to the subtleties required of law enforcement and policing: images of children taken by artists or parent-photographers, for instance, might not constitute child pornography from a moral

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position but are nonetheless defined as such (see for example Atkins and Mintcheva 2001). "The difficulty with such an approach", as Alisdair Gillespie (2010: 19) rightly observes, "is that it caters only for the extreme examples and not the subtleties that are required of the law". And, despite the more informal approach to crime fighting that is often taken through 'policing' (which relies on a more holistic, community-based interpretation of the law (Brown 2013), it seems authorities in the UK have been highly responsive in the enforcement of child protection and child pornography legislation. Given the climate of moral panic set out in Chapter 2, the quickly expanding net of legislation has set the law 'on a collision course' with art and freedom of speech, giving rise to an abundance of censoring measures (Higonnet 2009:105, but also Avery 2015; Adler 2001, 2007; McClean 2016).

Child Protection: An (Un)Contested Mechanism

I now briefly, in so far possible, consider the workings of the law – a discussion I have limited to issues most pertinent to the study. My discussion is aided by the detailed and expertly devised information for UK museum practitioners and scholars on the powers of the police available through Index on Censorship's Art and Law pack on Child Protection (Index on Censorship 2015), but I will give a succinct overview here to aid the rest of this thesis. Apart from the most obvious act, The Protection of Children Act 1978, a number of other UK laws are relevant here because they can and have been referred to in cases against museums, artists and museum staff, including the Obscene Publications Act 1959, Criminal Justice Act 1988 (section 160) and Coroners and Justice Act 2009.[3] In previous cases, police have cited obscenity legislation in investigations against museums, for example, during the events that occurred at Tate Modern (see introduction and Chapter 2) and the Child Protection Act, against photographers Tierney Gearon (while exhibiting at the Saatchi Gallery in 2001) and Annalies Strba (who exhibited at a London gallery in 2002) (see Lydiate 2003).

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[3] The exact wording of each of these acts can be accessed online at http://www.legislation.gov.uk.

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But however confident police forces appeared when visiting local galleries and museums, none of these investigations (or any of similar nature against artists or museums staff, to my knowledge) was followed by a successful conviction. Even if such investigations had led a conviction, this would not have set a legal precedent. Because each case involving potentially obscene or indecent material is considered against 'contemporary standards of propriety'[4] – another term that is defined by largely subjective and fluctuating moral standards, each time museums display or print photographs that could be understood as problematic are judged against the constantly shifting values and sensitivities of their time. In other words, an institution might show an artwork that has been displayed at a different time without trouble and still become the subject of a police investigation. Even if such a work has been investigated in the past, police may decide to investigate again if they suspect that contemporary standards of propriety have significantly changed.

This became clear in 2007 when the Baltic Art Gallery in Gateshead, Newcastle, was subjected to a lengthy investigation for exhibiting a photograph by Nan Goldin that had already been judged 'not indecent' years before (BBC News 2007). Despite the low occurrence of such investigations against artists, curators and directors, they can have a devastating personal as well as professional impact on those involved and pose a considerable reputational risk to institutions in relation to audience development, philanthropy, etc. (which is something further addressed through practitioner experiences in Chapter 4). In sum, we might conclude that practice, institutions face an uncertain course when investigated by police forces, and lack reliable resources to fall back on when putting a potentially 'indecent' photograph on display – a risk most museums cannot afford.

The illusive artistic defence

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[4] Material is often divided into three categories that are considered against today's standards of propriety, which Taylor, Holland and Quayle (2001: 98) describe as following: 'Indicative (material depicting clothed children, which suggests a sexual interest in children); Indecent (material depicting naked children which suggests a sexual interest in children); Obscene (material which depicts children in explicit sexual acts.)'

There are several reasons why museums and artists, as entities that do not logically seem to fit within the remit of legislation targeting sex offenders, find themselves likely targets anyway. To a non-legally trained mind, the difference between an image created by an artist and a paedophile seems obvious: one, we might say, harms the child while the other may be presumed to be constructed with care – rare exceptions aside. Paradoxically, however, the most commonly invoked UK and US legislation does not consider harm against the child in what makes the image illegal (Kleinhans 2004; Lydiate 2003). An artwork might be considered obscene if its effect is to "deprave and corrupt persons who are likely, having regard to all relevant circumstances, to read, see or hear the matter contained or embodied in it" (Obscene Publications Act 1959). Indecency (*ontucht* in The Netherlands), on the other hand, relates to the art work's accessibility to an audience, thus, its display, production or distribution of indecent photographs of a child. However, what an 'indecent' image constitutes is not defined by UK law, but decided by the courts (Gillespie 2005).

Instead, indecency legislation (which in the UK is exercised through The Criminal Justice Act) does not consider the context in which the image was made, so the *intent* of the maker or the motivations with which the image was made. Rather than observing the motivations of the maker and the circumstances under which a photograph was made, judgement is applied 'objectively', meaning it considers almost exclusively the image itself and whether it is of a sexual nature (Gurnham 2009). Crucially, this focus on visual representation, which is characteristic of indecency legislation in each of the countries in which the research takes place, developed from a need for police forces to investigate and prosecute a wider range of offenders – also encouraging the prosecution of photographs that would not ordinarily be viewed as illegal because they were used in an entirely different context (Mirkin 2009; Howitt and Sheldon 2008; Edwards 1994). Family or artistic photographs can, therefore, fall within the remit of the law (Ormerod 2001).

The second reason artistic photographs are at risk of investigation is the way in which child pornography law conflates inconspicuous and sexualised images. In the United Kingdom, penal material can range from images depicting someone under

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the age of 18 (partly) undressed to images that show a child in deliberate abuse. However counterintuitive this might seem, by taking on the gaze of the paedophile, the law acknowledges that the offender's interest generally ranges from the atrocious to the most common of images (Tate 1990). It is interested "not so much in its objective content, but in the use to which the picture may be put." (Taylor & Quayle 2003: 33). In an attempt to further disentangle the definition of 'child pornography', UK legal scholar Alisdair Gillespie (2010) refers to The Sentencing Advisory Panel, which adopted a classification table to clarify sentencing. Based on a research project at the University College of Cork, the table below (Figure 2) outlines the first out of ten levels of imagery considered child pornography. It sets out the distinctions between the level of severity or victimisation based on the physical features of the image (Taylor, Holland, Quayle 2003). Many contemporary photographs depicting children fall within one of these level 1 offences, with museums at risk for distributing material by printing it in a catalogue or on the museum's website.

The second column states that the court excluded photographs showing nudity in an arguably 'legitimate' setting from prosecution, while level four photographs, depicting a suggestively posing child, were left uncertain. The sentencing guide illustrates that, in practice, the legislative system is likely to exclude pictures of nude children made without a paedophilic intent, but, in theory, might still consider investigating artistic photographs if the material is thought to 'suggest' sexual content, in many cases a highly debatable and interpretative issue.

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Table 1 Legal typology of paedophile picture collections for sentencing

Level	Sentencing Advisory Panel's SAP typology of paedophile picture collections	Court of Appeal's typology of paedophile picture collections set out in R v. Oliver [2002] EWCA Crim 2766. [2003] 1 Cr. App. R. 28: 463
1	Images depicting nudity or erotic posing, with no sexual activity. In this they included: 2. Nudist (naked or semi-naked in legitimate settings/sources) 3 Erotica (surreptitious photographs showing underwear/ nakedness) 4 Posing (deliberate posing suggesting sexual content) 5 Erotic posing (deliberate sexual or provocative poses) 6 Explicit erotic posing (emphasis on genital area)	Images depicting erotic posing, with no sexual activity. The court only included: 5 and 6 from the SAP typology. 2 and 3 were excluded and 4 was left less certain.

Figure 2 *Copine Sentencing Guide (edited to show only level 1 type offences)*

Finally, to return to the question of artistic defence, several laws in the UK and other Western countries recognise freedom of speech or artistic merit as a legitimate defence to a certain extent, according to the lawyer and curator Daniel McClean (the Obscene Publications Act (1959), for example, explicitly articulates its allowance of the artistic defence). Nonetheless, it is largely unclear whether museum practitioners can successfully call on this defence in the case of a prosecution for distributing an indecent image of a minor. McClean's (2016) is one of few sources that address this question, writing for Index on Censorship's online legal guidance for cultural institutions. He explains that the weight of artistic merit (protected under European and UK freedom of expression legislation) would be balanced against other human rights. In the unlikely case of prosecution, the lawyer argues, previous investigations against museums under the Child Protection Act could have been won through the "'legitimate reason' defence". So far, these conflicting rights have not been pitted against each other in this particular context, so it is unclear if this defence would hold up in court. Equally, the advice McClean's law firm provided the Photographers Gallery (see Chapter 2) (to McClean's own admittance 'not entirely risk-free') was that "there would be strong grounds for resisting this prosecution [the Protection of Children Act 1978] under the 'legitimate reason' defence" (Ibid.).

A similar stance was taken by the Crown Prosecution Service (CPS) in 2007 when it was decided not to prosecute the Baltic Art Gallery for possession of a possibly indecent image (Nan Goldin's *Klara and Edda Belly Dancing*) for two reasons. CPS found that standards of propriety had likely not changed enough since a previous investigation in 2001 and also found the artistic defence could be called upon:

> Even if the photograph was now considered to be indecent, a defendant would be able to raise a legitimate defence, given that the photograph was distributed for the purposes of display in a contemporary art gallery after having been deemed not to be indecent by the earlier investigation (Kerrie Bell, head of CPS Northumbria's South Unit, quoted in Reuters 2007).

Evidently, the law's claim on artistic photographs of children is at best perilous, and at worst an effective censoring power. Having grown into an untamable beast, child protection legislation is a testament to the impossibility of governing something as slippery as the image. Until artistic merit is put to test in court as a legitimate defence under freedom of expression legislation, the weight of artistic freedom remains abstract and museums remain unsure of the risk of criminalisation. This system, as such, keeps itself in place through the push and pull of self-censorship and the threat of prosecution until museums gain a better grasp on the law to equip themselves against these forces. McClean (2016) too warns against a too-cautious approach to the law, emphasising the need for institutions to rely on artistic freedom when necessary. He floats the idea that the lack of case law around artistic freedom suggests, firstly, a great insecurity on behalf of cultural institutions about their rights and freedoms and secondly, a tendency towards self-censorship. That this advice is indeed paramount, although not so easily implemented, is further examined Chapter 4.

A Failure to Protect Children?
In her introduction of *The Legal Guide for Museum Professionals* Julia Courtney notes that as museums "search for ways to navigate the challenges they face, the legal system comes to their aid, in an effort to resolve, in a reasonable and impartial manner, both the simple and the complex issues of the past and the present day."

This might be true in so far the law shows that the contested waters of this image culture, as well as the ease with which images are disseminated online today, demand a new kind of self-reflexivity from institutions exhibiting, publishing, editing and disseminating photographs of children. However, it seems the legal system's focus on the visuality of the image, rather than the context in which it was made, provides a strong argument for museums not to wholly adopt this advice. In fact, there is a substantial discourse within legal criticism that unpacks how assumptions about the image do not reflect the well-being of the photographed person and can even adversely affect children's lives.

Some of the scholars who question whether the law is ultimately successful in its objective to protect children contend that child pornography legislation is focused on guarding the sentiment of innocence, rather than questioning and criminalising potential harm that might have been caused to the photographed child (Williams 2004). Adopting a broad range of vague terms (see figure 1), image policing has become an untameable beast, argues one critic: 'as always about-to-be-lost, innocence requires endless expansions of state power for its preservation' (Fischel 2016: 210).

Crucially, some theorists have questioned whether the law's preoccupation with visual representation draws attention away from the harm done to children in the making of those images (Pierce 1984; Tate 1990; Beech et al. 2008 in relation to pornography). The term 'child pornography' obscures the nature of the material, draws unwarranted parallels to adult pornography and has been argued to lend "credence and legitimacy to the meaning that offenders bring to the phrase" (Beech et al. 2008: 218). Focusing exclusively on the visual clues the image might give away, the entangled relationship between 'indecent images' and harm is too little questioned and examined. The crimes of child sexual abuse and child pornography are different in nature and require specific consideration and sentencing. US legal scholar Carissa Hessick (2011) has made a convincing argument that by conflating child sexual abuse and child pornography, child sexual abuse is misrepresented as a 'stranger-danger' issue, whilst, in fact, the offender is most often someone close to the child (not rarely in a position of care). As a result, Hessick comments (ibid.),

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publics are wrongly led to believe that tackling child pornography also prevents child sexual abuse.

An equally revelatory argument for museums is that the language we employ to speak about children, their bodies and the terms by which they are represented is not only reflective but constitutive of the ways in which adults understand them. The flaws in child pornography legislation have much wider adverse effects, according to Amy Adler (2001), in particular pertaining to the ways in which children are understood in the social world. She posits that child pornography legislation forces society to take on the mindset of the paedophile, perpetuating the sexualisation of children and their representations. 'In our present culture of child abuse, is child pornography law the solution or the problem?' Adler (ibid.: 273) asks. Her concerns are not unlike the worries of social theorists, who pose similar questions in relation to social policy, as discussed in Chapter 2. Art Historian Anne Higonnet (2009) connects these two fields by echoing this reading of child pornography law's intention and questioning if the preoccupation of police forces with art galleries and museums deflects attention from actual abuse and exploitation. She observes:

> Strangely, every single one of the scandals about child pornography in art galleries has involved photographs of healthy and affluent white children. Protection of the most vulnerable children, apparently, is not what concerns advocates of child pornography law. Rational protection of real children against actual abuse is not the highest priority of those who demand censorship of pictures (Ibid. 2009: 117)

Others have echoed concerns that child protection is a political instrument, used as a disguise "worn by censors to mask their generally frowned upon activities" (Atkins and Mintcheva: XXII). Higonnet's critique specifically illustrates in no uncertain terms that if museums are to negotiate the underlying ethical issues caught up in images of children, the legal constructs they inevitably will encounter are bad advisors. Whilst the law casts a wide net in which even curators and artists become caught up, paradoxically, it does not necessarily provide a minimum standard for museum

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ethics to rely on. As a visual record, the image is an unreliable witness to the terms at which the representation of the child was negotiated.

Informed Consent as Ethical Imperative

So much has become clear conceptualising ethics in a different way involves a delicate negotiation of the artist's rights and the museum's accountability towards the child. Prioritising the rights and well-being of the actors involved in the photograph necessitates a change in perspective that shifts the focus of museums from the image itself towards the role of sitters and their families, photographers, curators, and viewers of the work. Museums, too, have made a few first steps in exploring the terms on which they should govern images of children expressing a bodily awareness. These attempts have a decidedly different motive than the law, by positioning informed consent as an ethical imperative, but have nevertheless relied on similar principle-based rhetoric. Here, I unpack the opportunities and weaknesses of supporting the ethical negotiation of images of children with protocols or ethics codes, before asking what it might look like to conceptualise consent through a different kind of ethic.

Introducing Protocols

There has been some productive discourse around the idea of protocols for artists and museums that attend to the wellbeing of photographed children. These discussions have been limited to the national context of Australia and, although they were welcomed in theory, mostly brought forth an array of critique that questioned the usefulness of a formalised approach towards informed consent. In 2009, the Australia Council for the Arts, the central body of funding for arts in Australia, adopted a specific set of protocols for artists, museums and publishers working with depictions of children in response to a broad public and scholarly debate on Bill Henson's photographs (see Chapter 2), which were exhibited and removed in a Sydney gallery the year before

The protocols were "developed through consultation with the arts sector, government partners and members of the general community" (Australia Council for the Arts

2009: 2). Creating transparency and providing guidance specifically for artists or institutions producing, collecting or displaying photographs of children were at the heart of this attempt (ibid.). Although they apply only to institutions receiving funding from the Council, the protocols call for an awareness of the rights and interests of children involved, by artists as well as those organising exhibitions. Obtaining informed consent is introduced as an imperative principle of working with children under the age of 15 posing naked. The guidelines state:

> In addition to complying with any legal obligations, you will need to get, and send to us, evidence of the permission of the parent(s) or guardian(s) stating that you have explained the context for the work to the parent(s) or guardian(s) and the child and:
> - they understand the nature and intended outcome of the work
> - they commit to direct supervision of the child while the child is naked
> - they agree the context is not 'sexual, exploitative or abusive'.
> (Ibid.: 4).

Moving away from a legally-induced focus on visual content, the protocols introduced by the Australia Council represent a positive attempt to engage more actively with the ethical properties of the photograph's site of construction. The protocols it enforced provide scope for the two most vital rights conceptualised in the CRC at once, the right of children to be protected from harm and the right to participate. In 2010, a review of the protocols took place, which concluded that "the protocols were generally well received and assist artists and organisations to understand their responsibilities, rights and obligations when working with children" (Australia Council 2009: 3).

Regulating informed consent: an (un) popular endeavour
But despite its novel motives, the consultation process and implementation to which the council speaks were not uncontested. Although the Council did indeed review the protocols a year after implementation, critique on the codification of principles, as well as their broad application remained prevalent and fierce throughout the process and long after (Armstrong and Derry 2009). Many voiced concerns that the set of

rules would prove too restrictive on artistic practice and that the requirement to retrospectively submit documentation on the artists' conduct is impossible to comply with, "problematic", "complex" and "unworkable" (Zabala-Notaras 2009; Coslovich and Strong 2008; Philips 2009; Moore 2012; Cox: 2013). Criticism included that producing such documentation for photographs taken during the last 25 years, before the implementation of the protocols, and for photographs made in public spaces would prove especially difficult.

Another strong point of concern persists on the complexity of policing the guidelines and the way they are reinforced as an obligatory standard for those applying for and receiving a grant by Australia Council; the voluntary nature of the protocols seems a double-edged sword. Although consent as a condition of funding is a strong incentive in the pursuit of responsible practice, the exclusionary nature of this requirement means the guidelines walk a tight rope between encouragement and censorship. In the years following the implementation, there were worrying signs that censorship in the arts became endemic, according to one Australian practitioner, who claimed that "[the guidelines] had this trickle-down effect … to artists and galleries becoming overly introspective and self-censoring work" (Elder: 2013).

Most importantly perhaps is the criticism that the protocols only state the importance of parental consent:

> In its own terms this is a curious requirement that having explained the work to the parent and the child, it is only the parent's consent that is required. This is the recurring critique of the Henson controversy: supporters and critics of Henson alike tended to speak of the child, but not to the child (Simpson 2011: 303)

Outside the art press debate on consent, there are very few published medical perspectives that explore this slippery territory in the context of the arts. However, those voices that have done so raise important concerns about the role and intent of sitters' parents. For instance, the psychologists Eileen Zurbriggen, Gale Pearce and Jennifer Freyd (2003) argue that children are especially sensitive to coercion by

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adults, particularly if adults hold a personal or paternal relationship to them. Aided by a framework that categorises parental goals and interest (Dix 1992), these three psychologists problematise the validity of parental consent. Dix's model sets out three parental goals: self-oriented goals, empathic goals and socialisation goals. Whilst most actions and activities satisfy multiple parental goals at the same time, on other occasions, the interests of the child can conflict with those of the parent. Such can be the case with children's participation in artworks, argue the psychologists, where artists' and parents' self-orientated goals (especially when there is a financial incentive) are likely to play a dominant role. These concerns were later echoed by paediatricians (Isaacs and Isaacs 2010).

In other words, even if consent is formalised through a form signed during the process of construction, the consent form is at best a momentary transfer of rights; a means of taking and granting ownership over the identity produced through photographs. Identity, sexuality and bodily awareness, on the other hand, are fluid concepts that hold subtly varying meanings as people change and grow older. Whilst museums can carefully negotiate the contemporaneous connotations attached to the depictions of children that their collections hold, those portrayed have no such power once their image is available in the public realm.

A pessimistic view of children's consent would argue that negative consequences are rarely anticipated at the time consent is granted: the emergence of the internet, for example, has made photographs of people taken prior to its existence available to a global audience; a consequence that would have been as elusive to adults as it was to children at the time images like *Spiritual America* or *Neil* were produced. Only a radical reconceptualisation of what it means to 'give consent' for an institution to collect and exhibit the image of a person would mediate these challenges in the long term.

By addressing the need to engage with concerns towards the protection of children participating in artworks, Australia Council nevertheless pioneered a necessary and significant ethical debate on the museum's accountability towards vulnerable subjects of the art they display. Unintentionally, this attempt also underscores the importance of fluidity and reflexivity in productive ethical discourse as opposed to the

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enforcement of rules and legislation. Because the protocols were generated through a consensus reached by the council's committee, rather than a co-creative process that involved diverse stakeholders, potential users of the protocols and academic researchers, some voices attested that there was too little regard for the many opposing opinions voiced prior to the acceptance of the protocols, during the Council's initiated 'consultation process'. During this period of public debate and contestation, Australian authors and artists expressed adverse opinions in response to the Council's invitation, including outright protest (Gabriela Zabala-Notaras 2009). Through publications in the media and by proposing alternative documents, these defectors produced a purposeful and potentially significant social debate around the proposed plans that was largely ignored.

The problem with principle-based ethics

Having examined the ways in which both the law and the Australia Council's protocols govern children's participation in contemporary photography, it is now possible to unpick some of the problems in the rhetoric that both these systems employ. This exercise will help us identify both the opportunities museums might further act on and the gaps that need addressing through a different kind of approach. The systems I have so far reviewed seem grounded in two different philosophies. The law is grounded in an ethic of justice, which provides a rationale for decision-making based on fixed principles and the idea that justice amounts to fairness and equality – an idea first conceptualised by John Rawls in 1971 (Maxcy 2002)). Relying on rules and principles, legislation adopts objective definitions that are enforceable and can be consistently applied. As the first section of this chapter illustrated, this 'objective' approach often results in collateral damage: broadly applicable legislation, designed to criminalise any image-user or producer with ill-intent, can also apply to photographers that employ ethically-responsible methods to produce images in collaboration children. The Australia Council's protocols, on the other hand, demonstrated an equally principle-based approach, but one that is grounded a rights-based justice, rather than legal justice. The obvious benefit of this approach is that it centralises the young sitter's well-being, rather than those looking at the image.

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There are a few significant theoretical issues that emerge as part of both the ethics of justice and the ethics of rights and how they function as part of the arts landscape (Kelly 2005). Both models emerge in policies, the justice system and ways of thinking of childhood in academia. Both are woven into the fabric of prevalent ways of thinking, seeing and governing children in Western societies and both, some argue, silence children's voices and deny them agency. Especially within post-colonial and feminist paradigms, both of which inform the new museum ethics discourse, the ethics of justice has been faulted for being blind to the imperfections of the law, (which, as the first section of this chapter illustrated, are plenty), the margins and exceptions to the rules, and for affirming a single point of view – that is, the point of view of those already in power (Wood and Hilton 2012). This was evident in Australia Council's protocols, which overlooked the child's consent in favour of the parents' and cast all children under 16 as an indistinct category. By dismissing the possibility that children's participation in images that express a bodily awareness may also be a valuable opportunity for self-expression, the protocols adopted a protectionist approach towards rights.

Where the justice-based model of law may be seen as authoritative and essentialist, the protectionist model, on the other hand, has established an important shift in equality for children but is approached with scepticism by some thinkers, including many feminist scholars. Through rights, women have formulated and encouraged worldwide debate on their, and later, children's positions, but feminist theorists at the same time challenge the language of rights for being artificially dialectic, advocating a self-centred perspective on life rather than inter-connectedness, and being out of touch with human realities (see for example Held 2006 or Kiss 1997). These criticisms emerged predominantly from feminist writers advocating a decidedly feminist morality, an ethics of care, which emerged in the 1980s and proposes care, social relationships, emotion and the body as fundamental to moral decision-making. Although feminist theory is characterised by (and often critiqued for) its diversity, theorists like Carol Gilligan (1982), Nell Noddings (1984) and Joan Tronto (1993) challenged justice-based ethics for its tendency to cast rights as devoid of emotional context and critiqued its focus on procedure over people as an overly juristic, legalistic ways to make sense of social relationships. The liberal tradition is

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especially problematic for the conceptualisation of children's rights, an area of human rights that is almost exclusively exercised by adults and often politicised to suit adult's agendas, while the child's perspectives are silenced in the process (Smart, Neale and Wade 2001).

Care-based ethics as a way forward

The care-based ethics that grew out of feminist critiques on conventional moral theory has substantial potential to support the new museum ethics discourse in developing a vocabulary that evokes reflexivity, accountability and responsiveness through a "proactive interest of one person in the well-being of another" (Conradson 2003). The ethics of care emphasises the need to care for those around us, which is why it is also understood as an ethic of encounter (Gordon 1999). By approaching moral dilemmas from a contextual, relational stance, it tends to relate to practice better than the rights paradigm. Although it is sometimes contested, the ethics of care is equally widely supported and provides a practical alternative to traditional ethics discourse. Because of its focus on the relational context of ethical dilemmas, care ethics lends itself particularly well as a moral theory to accompany children's rights, as Family Law Professor Fiona Kelly asserts:

> Perhaps more than any other social group, children exist within a relational context. Children's lives are made up of a web of interdependent relationships that are essential to their growth and development. To conceptualise children in any way that does not acknowledge this would seem to be lacking a fundamental element of children's lives. […] This is not to suggest that children do not also require a degree of autonomy. It is important that in acknowledging relationships between children and others we do not silence children in the process. However, protecting children's autonomy should not be at the expense of protecting their relationships (Kelly 2005: 384).

These ideas have also been productively applied to consent procedures in medicine: care ethics is used by doctors, nurses and carers in navigating ethical issues and children's capability to consent on a case-by-case base (Kuther 2003; Lambert and Glacken 2011). They are encouraged to recognise that children and young people

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may have limited ability to comprehend the implications and consequences of participating in medical treatment and research but do so in a manner that takes into account far more than biology. Medical guidelines generally regard young people above the age of 16 (in the UK and the Netherlands, 18 in the United States) able to make informed decisions on matters that affect them (Department of Health and Social Care 2009, NICE guidelines). Children and young people under the age of 16 are not necessarily presumed unable to give informed consent, for they may show sufficient understanding of the implications and consequences of their choices to give informed consent without a parent's approval (Wiles et. al 2005). Informed consent is thus defined not by age, but through the person's ability to understand, remember, use and communicate the information about the decision. So, without abandoning the justice perspective, the critique endorsed by the ethics of care can help form a more productive alternative framework for museums to consider children's rights.

Caring does not have to be articulated as a distinct moral theory for a person or institution to apply it as a practice or virtue. To examine the ethics of care as a potential opportunity for museum ethical practice does not imply museums are not already utilising concepts of care in policies and practice as a moral imperative. Although not often articulated as such, care is a foundational value of many areas of museum practice, such as deaccessioning and disposal practices, conservation, education, visitor studies and outreach. Caring in museums is often done through mundane, everyday practices, and its importance is advocated by a gradually growing group of researchers interested in the social work of museums (Morse and Munro 2018; Silverman 2010). This turn is part of a larger tendency within museums and research to establish a museum ethic that accommodates multiple voices to exist simultaneously, that is relational and complicates relatively simplified ideas of what is 'good' practice (Hein 2011; Marstine 2011).

There is, therefore, a notable shift in emphasis from the professional responsibilities of the individual on the one hand - captured for example in formalised professional ethics – to the moral responsibility of the institution and the importance of personal ethics within these structures. Former museum director and museum ethics

commentator Tristam Besterman, for example, notes that ethics is a reflection of the social contract between museums and people, a responsibility that reconfigures the role of the museum: "the museum practitioner certainly has a duty of care to an object, but that responsibility has meaning only within an ethical context of human interaction" (2011: 431). Perhaps most contrasting to traditional ethics, care ethics places the nature of ethics in the private sphere, with the concepts of caring, interdependence, love, understanding, trust and empathy.

Whether curators might draw on care to position themselves as guardians or caretakers towards both artists, objects and sitters inevitably brings up uncomfortable questions. If curators, as ethical actors, carry responsibility towards the sitter in the photographs they collect and exhibit, then their traditional role as mediators between artist and public is disrupted by a much more multi-layered accountability. Ethics is increasingly considered a vital part of curating, and curators today are expected to make responsible and ethical decisions when collecting and planning exhibitions (Gazi 2014; Campolmi 2017; Lippard and Reilly 2018). These insights have inspired the development of more social, sensitive and relational approaches to curating objects that share links to source communities, including co-curating and collaboration (Kreps 2003, 2008, 2011; Peers and Brown 2003). Likewise, the agency of vulnerable subjects of art has taken centre stage within debates around curating the work of contemporary artists who use exploitative methods to engage their audiences in ethics (Montmann 2017).

In response to these and other challenges of the 21st century, museum ethics embraces relational, multi-vocal conceptions of ethics without laying claim on one universal interpretation of ethics or ethical metatheory. In this spirit, it is critical here to explore the moral problems between photographers and their subjects far beyond the formalised notions of consent adopted in legal or instrumentalised ethical principles. To do so, I use care as a pivotal virtue as part of this challenge and turn towards a variety of ethical and theoretical paradigms that have the potential to aid subjective, situational decision-making within curatorial and managerial processes. The most important task in this exploration, and one that will continuously return in the case studies, is to unpack the obligation towards the sitter. Does the idea of a

'duty of care' that, for example, Besterman (2005) draws on, extend to the photographed person? And, if so, how does this duty relate to the potentially competing ethical demands of the artist, the museum and its publics?

Caring for the photographed person

As both museum and feminist theorists know, such questions do not necessarily invite straightforward answers. One of the major struggles for care ethicists has been to define how the concept can be productively applied to 'the distant other': can and should people feel an equally strong obligation to those outside their immediate sphere? In other words, it is easier to feel a duty of care towards those proximate to the curator, the artist for example, than towards those with links to the object, who are further removed. These discussions gain a different layer of complexity in the context of photography, since 'ownership', 'wrongfully taken' and 'the right to know' are knotted concepts complicated even further by the one-way relationship between active spectator and passive sitter. Photography, as a significant trajectory within visual studies leads us to believe, is an inherently objectifying practice in which 'informed consent' is an inherently fraught concept.

One of the very first to deal with the perplexing relationship between the camera and the people in front of it was a filmmaker, rather than a photographer. Calvin Pryluck (1976) warned that consent is an easily manipulated concept in artistic practice. In addition, he argued, using individuals for the advantage of artistic work is in itself an 'ethically questionable undertaking' that can touch on the boundaries of exploitation. Since Pryluck started a dialectic (that was developed further by visual and visual anthropology scholars like for example Larry Gross and Jay Ruby (1988; 1991), John Berger (1972, 1980), Howard Becker (1982)) Susan Sontag (1979, 2003) is still usually afforded centre stage on the relationship of photographers to the people in front of their camera. Sontag's *On Photography* and *Regarding the Pain of Others* firmly established photography's voyeuristic qualities and its tendency to present even the hardest realities in an aestheticised manner. In the slightest decision on composition or exposure "photographers are always imposing standards on their subjects", Sontag (1979: 4) noted, which led her to see photography as an aggression. Her often pessimistic view of the camera drew the world's eye to what

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photography obscures: the lived experiences of the subject, and the framework of knowledge necessary for images to invoke a more emotional, moral and empathetic dialogue with the subject. For Sontag, the emotional force of the image was rarely used to do good. "Despite the illusion of giving understanding, what seeing through photographs really invites is an acquisitive relation to the world that nourishes aesthetic awareness and promotes emotional detachment" (Sontag 1979: 111).

And yet, Pryluck and Sontag's pessimistic views on the photograph only represent one ontology within a much larger discourse. Since, a number of critics have also emphasised that the camera can offer a tool to acknowledge, highlight and advocate the rights of the photographed person. When Pryluck (1996) revisited his seminal essay two decades later, he acknowledged that consent can be a way to share rather than assert authority too, noting that obtaining consent "is, in fact, a negotiation—where power counts". This view as photographic practice as a negotiation between maker and subject, between whom authority is shared, is perhaps more reflective of the ways in which visual anthropologists and photography scholars think about the relationship between maker and sitter today. This trajectory, which I introduce in the next section, allows us to make an important counterargument: that good practice is not decided by the inherent qualities of the medium, but by the way in which that medium is acted upon by the ethical decision-making of curators and artists. Is it possible through care-based curatorship to turn the exposure afforded by museums from something that perpetuates the objectification of the photographed person, to something that helps photography become a potentially freeing collaborative practice that helps children and adults explore identity?

Photography as an Opportunity for Self-expression
Recent decades have witnessed a paradigmatic shift in image ethics that redefines the participation of photographed persons from passive subjects to active participants. At the heart of this trajectory is an understanding that the meaning of photographs is not necessarily decided upon by the individual behind the camera, but that the act of photography is shaped by the artist, the sitter and the spectator (Baird 2008; Mackey and Nash 2006; Carville 2010; Rose 2012). This idea is

interesting for this thesis as it throws up the question if children's participation in photography can, under the right circumstances, also be a freeing opportunity for self-expression and self-representation. By arguing for a more sophisticated understanding of the subject's agency, I do not intend to dismiss the serious and significant concerns raised by both medics and visual scholars regarding photography and its 'predatory' nature. Children, in particular, are vulnerable to the subtle coercion of adults; the imbalance of power between sitter and adult is inevitably amplified when that sitter is a child or young person. But from a children's rights perspective, with an eye on both participatory and protection rights, there is merit in exploring how curators can empower rather than censor children and their representations.

The idea that photographs can no longer be understood simply as visual representations, but that they and the people they depict have agency as part of the social network in which they exist, is vested within visual anthropology (Banks and Morphy 1997; Edwards 2002; Edwards and Hart 2004; Latour 2005; Belting 2011). Marked by the publication of *Anthropology and Photography* (Elizabeth Edwards 1992), from the 1990s onwards, researchers took an interest in the individual and collective biographies of people depicted in photographs. Each of these authors evidenced that photographs – especially when they are of a person – affect human relations: both personally and collectively. Visual scholars, in turn, have questioned for example how being visible or systematically invisible affects people depicted while grappling with conflict, suffering, human rights infringements or imprisonment. But despite the activist undertones underpinning these conversations, there has been much emphasis on *looking at* the photograph: a process that takes place between photographer and viewer. In this dualistic approach, "the subject of the photographic image remains passive and invisible" (Carville 2010: 353).

A newly emerging ontology of the photograph moves away from a preoccupation with the camera and the photographer, towards an emphasis on the political agency of the photograph and all those involved in its construction. There is, in other words, a generation of researchers who understand the photograph as 'a social encounter', as Daniel Palmer (2013; 2017) aptly names it – a view that encourages curators too

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to engage with issues of governance, the politics of representation, the subject's voice, and the ways in which photographs both reinforce and resist preconceptions about the other. Most significant within these realms are the recent writings of visual scholar Ariella Azoulay, who shifts the attention from product to practice: Azoulay (2008: 35) sees *the photograph* as but one factor in *the event of photography (*which includes *"*taking photographs, being photographed, and disseminating and looking at photographs"). Doing so allows her to examine how photographs function in the world, in particular when conveying the plight of those suffering, living in conflict or who have been denied citizenship. Whilst Sontag is concerned primarily with aesthetics (or the photograph's ability to aestheticize the atrocious) and intends to elicit empathy amongst the spectator, Azoulay's (Ibid.: 19) first concern is the subject's "demand for participation in a sphere of political relations within which his claim can be heard and acknowledged". By proposing the photographer, the person in front of the camera and those watching as entering into a 'civil' contract, she reconfigures the ethical properties of the photograph as an active negotiation by all those involved ('the citizenry of photography'). Her theory can offer curators a way into the ongoing discussions on the freedoms and protections that children's modern citizenship affords (discussed in Chapter 2).

Can this idea be extended so that curating is part of the event of photography (and looking is too)? Seeing photography as a social encounter suggests that curators do not necessarily have to be static observers of the moral dilemmas that Sontag exposed, but that the actions they take can both reinforce and resist the oppressive nature of the camera. If the meaning of photographs can be mediated, can curators be part of the event of photography? It is perhaps no surprise that writers outside a traditional Western paradigm, such as Israeli Azoulay, have contributed a great deal towards answering this question. Azoulay focusses on the performance of the photograph as part of the wider socio-political landscape to which curators have the potential to contribute. Less acknowledged but as important as Sontag's two publications on photography is *In Our Glory: Photography and Black Life* by bell

hooks[5] (1994). Assisted by reflections on her own family's photographic tradition, hooks argues that photography has performed a vital role in the representation and self-representation of African American people. Taking ownership over the roles of viewer, photographer and sitter, the camera allowed Black people to confront the dominant visual culture imposed on the Black body, and create new representations, 'an oppositional subculture' (ibid.: 57). The walls on which these images were represented, the curated space at home, she notes, were essential to the process of decolonisation. "These walls announced our visual complexity" hooks declares (ibid.: 61). For both Azoulay and hooks, photography allows those who have been misrepresented or rendered invisible to challenge the existing realities that images convey and create new ones that produce a more sophisticated visual narrative. If photography can be a potentially empowering medium, than censorship risks denying the agency of these authors.

Evidently, museums have yet to develop a language to examine the relationship between their conduct and the ethical responsibilities towards vulnerable people depicted in the art they collect, interpret and display. An interdisciplinary lens, as well as situational ethics, might support the new museum ethics discourse in developing a vocabulary that evokes reflexivity, accountability and responsiveness. Although rarely articulated as such, photographs can be empowering and oppressive at once: it is not so much our ontology, but the circumstances under which the photograph is constructed, collected, displayed and perceived that impact the sitter's life. Perhaps, museums can make the most powerful contributions to children's lives by consciously negotiating the terms at which young people are represented, rather than to censor all potentially sensitive photographic representations of children. Within the boundaries of interdependence, as the medical ethicist John Harris (2009) asserts, having the choice to participate is a human right that cannot be underestimated. Autonomy, he explains, embodies the notion that people's lives are defined by the choices they make, and choices help humans carve out a unique

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[5] bell hooks is a pseudonym for feminist activist and writer Gloria Jean Watkins, whose academic work is concerned with the intersectionality of race, capitalism, and gender. hooks chooses to spell her name without capitals to shift emphasis from the author to the content of the work.

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identity. Even if others consider our choices ill-advised or not in the individual's best interests, they help to create a distinctive sense of purpose to our lives. This sentiment rings true within the arts too: although the art world cannot rely on the law to protect children participating in images, image-making can equally offer an opportunity for children to express themselves and set the terms by which they are visually represented. As well as it being engaging, taking and curating photographs is a political act that can either deny or affirm the subject's citizenship.

Establishing the visual complexity hooks and Azoulay advocate for requires an active commitment of both curators, artists and those represented in the photograph, but might be one condition under which curators can mediate ethics. Transforming the consent process into a more reciprocal relationship might be another, but equally introduces significant challenges – something the practitioners participating in the research persuasively demonstrated, as the following chapters will show.

Chapter 4: Facing Barriers – Unravelling a Pattern of Self-Censorship

Having analysed the factors contributing to the heightened sensitivity towards childhood, I now turn towards the experiences of curators, directors and other practitioners negotiating this environment. Chapter 4 unravels how censorship and self-censorship have worked to undermine professional confidence across the museum sector and, drawing on the experiences of informants across the study, identifies a pattern of institutional paralysis: efforts to resist legal and public pressure dominate the more layered ethical considerations towards the way museums negotiate photographs of children.

Accordingly, the chapter is organised into three main sections that emerged from my analysis of the research findings, identifying a phenomenon in which a few high-profile cases of controversy continue to erode the confidence of practitioners, how fear affects ethical decision-making processes and, finally, how resisting self-censorship often depends on the efforts of individual practitioners. My argument is informed by data collected from interviews with informants, rather than specific case studies. As explained in the methodology, I aimed to choose case studies of exhibitions focusing on photographs of children that were occurring at the time of the research. As opposed to the case studies in the Netherlands and the US, there were none in the UK at the time of my data gathering. The most effective way to explore these 'silences' in the UK was through informant interviews. The testimonies of these informants introduce 'silent' or satellite cases that, as opposed to the in-depth analysis of case studies, help unravel larger patterns of museum decision-making processes. Through thick description regarding practitioners' accounts of silent cases, the chapter reveals how censorship and, specifically, self-censorship operate as part of their larger cultural and political context.

After defining the concept of self-censorship, the first part of the chapter identifies a tendency to curb risk-taking by looking at the major barriers practitioners encounter when exhibiting and collecting photographs of children. It focuses specifically on practitioners determined to exhibit the work of Sally Mann, a photographer whose

work remains sensitive in the UK, US and Europe, despite an extensive research and exhibition trajectory. No matter how the practitioners in my study handled the internal and external issues they encountered, together, their stories reveal a worrying environment of self-censorship that continues to persist long after a few rare, but high-profile controversies took place.

The second major theme emerging from the research highlights the impact of this environment on institutional decision-making processes. Some practitioners I interviewed as part of the study indicated that potential legal implications had eroded their or their peers' professional confidence to engage with the bigger questions underpinning contemporary photographs of children, relating to the work's ethical dimensions or social impact. One such case, shared from the perspective of Helen Knowles, founder of the Birth Rites Collection, suggests that censorship implicates work from established as well as emerging photographers and reveals an environment of ethical paralysis within institutions which has, to date, remained largely unaddressed.

The last section emerging from the research is that of the importance of courageous practitioners who are willing and able to combat self-censorship through assertive practice. The findings of the study suggest that the success of difficult projects often hinges on a few confident and well-informed curators, directors, managers and other staff. Bringing together the two previous sections, The Photographer Gallery's exhibition *Home Truths* included work by Ana Casas Broda alongside work by other mothers who photograph themselves and their children. Drawing upon her previous experiences with the Photographer Gallery's retrospective of Sally Mann, director Brett Rogers encouraged an environment in which challenges that arose as part of Home Truths were negotiated in collaboration with independent curator Susan Bright.

This chapter complicates the idea that ethical practice, self-censorship and censorship are clearly set out paths that are easily navigated through straightforward and responsible decision-making. It aims to challenge the notion that casts the display of photographs of children as a dispute between left liberals sympathetic to

art and conservatives concerned about family values and sensibilities. The chapter contributes to the trajectory of scholarship on museums and censorship by deepening the sector's understanding of the territory between institutional decision-making and self-censorship. It focusses, in particular, on the snowballing effect of censorship by looking at cases that have not been examined before. Through interviews with practitioners who are thoughtful and earnest but have generally not been outspoken about censorship, it becomes even more evident that the tendency to avoid risk-taking often goes unchallenged and thus proliferates. The findings provide support for the premise that the museum sector needs to continue producing transparent and accessible ethical discourse that establishes a network of support for cultural institutions combatting contemporary challenges.

On Self-censorship

Censorship has been aptly described as "the knot that binds power and knowledge" (Jansen 1988), a phrase that represents how museums, as institutions that are seen to both represent and shape contemporary knowledge, are decidedly vulnerable to the pressures of silencing. Lamenting the threats to a thriving civil society posed by the intrusions of censorship and the constraints of self-censorship, numerous scholars and activists have championed the concept of free expression while examining the legal challenges that museums face when exhibiting contentious photographs of children (Adler 2001; Williams 2004; Atkins and Mintcheva 2006; Higonnet 2009; Petley 2013). It has, however, proven challenging to make visible the extent and scale at which pressures work to restrict museum practice; case studies and conferences rely mostly on those willing and able to speak out about their own practice and that of the institution. This section succinctly examines current understandings of self-restraint in the museum sector.

There is, amongst scholars and activists in the cultural sector, a growing awareness that the urge to "balance agendas" and avoid conflicts with stakeholders, including funders and interest groups, are the driving forces behind institutional censorship in the arts (Mintcheva 2012). This understanding of self-censorship as self-restraint that operates by proxy describes a process in which the censored party internalises the agenda of an external sensor and edits, omits or withholds their own practice (Atkins

and Mintcheva 2006). These processes thwart conventional views in which censorship is only acted out retrospectively. Instead, it operates in advance by setting constraining conditions, as Judith Butler (1997) has observed. This kind of censorship "precedes the text (by which I include "speech" and other cultural expressions) and is in some sense responsible for its production" (Ibid: 128). Censorship, in this view, is formative of the ways in which topics are narrated, objects selected and exhibitions produced.

Indeed, a common denominator in the interviews with practitioners is that censorship behaves in an inadvertent and subtle manner and is not always acknowledged openly. Many of the practitioners I interviewed told me that they had repeatedly encountered internal (for instance, from supervisors or board of trustees members) and external (for example, from funders or police) barriers that discouraged them from displaying imagery of childhood. Such barriers were often implicit but, as such, demonstrate the modus operandi of self-censorship; the fear of potentially causing conflict within one's organization, with funding bodies or with publics dissuaded curators from pressing forward. In some ways, participating in this research helped participants shape their understanding and awareness of how censorship and self-censorship operate in their own working lives.

Pressures in the form of a politically-charged environment or the subtle threat of public consternation compel UK and US institutions to resign to a climate of caution. Some of the most astute insights into the way self-censorship operates came from practitioners who participated in the study under the condition of confidentiality. The three practitioners that agreed to be interviewed anonymously shared a motivation to honestly unpack how self-censorship affected their practice and felt that the anonymous disclosure enabled them to speak freely, whilst protecting the integrity of their institution.

One anonymously participating curator working at a leading US institution illustrated this concept aptly, stressing that all aspects of museum practice can be problematic when staff feel pressure to align their expressions with the particular system of values and beliefs of external stakeholders, such as local governments, sponsors,

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media or the general public. Securing or maintaining the financial, political or institutional support of these peers by editing or preemptively omitting work that would have otherwise been included constitutes a conflict of interest that is often disguised as creative decision-making, according to Curator Y (2016):

> There is self-censorship, certainly! Even though most curators will deny it, we do it all the time, especially in terms of who the funder is for the exhibition. And they'll say "oh they didn't see the script, they had no view on the script". Yeah right. They didn't physically see it, but we knew they weren't going to give us the money. We're not going to offend them, it's pretty hypocritical of them.

The power to suppress art that challenges the agendas of stakeholders is exercised between the lines, as Curator Y asserts, but can be fundamentally constitutive of the ways in which practitioners think, speak and write.

This unconscious, or perhaps quiet, form of censorship is both obscure and pervasive, encouraging constraining speech within departments or entire institutions. An interviewee based at a US museum signified that self-censorship becomes an internal, instinctive part of practice that elegantly responds to the politics of the institution and its context. At its most tricky, self-censorship is disguised as curatorial, ethical or editorial decision-making: where does selection become self-censorship? She/ he reflects:

> It might be that I'm so in tune with what the pressures of the politics are, that I work within that framework without pushing against them very hard. So, there is a certain level of a we-don't-want-to-rock-the-boat kind of mentality that exists here.
>
> (Curator Z)

This insightful perspective illustrates a trend in which censorship often happens in the mind of those juggling the competing interests of stakeholders, producing a particularly insidious form that acts without the direct interference of the supposed

censor but is equally divisive in keeping the object of the imagined offence off display.

Setting Precedents

The barriers that the practitioners I interviewed encountered often manifested as a response to high-profile cases of controversy relating to contemporary photographs of children. Assumptions about cases in which institutions were subjected to police investigations or attracted criticism in popular media motivated the barriers that stakeholders or practitioners themselves placed on their practice – a phenomenon that can be interpreted as a sign that "it is not the overt attacks on artwork, but the ensuing self-censorship that is the real threat to free speech" (Mintcheva 2012: 168). This larger pattern emerging from the findings is important because it clearly evidences that censorship does not have to occur often to have a debilitating effect on the way museums decide what and how to collect, exhibit and interpret.

The research suggested that, once an artist has become the subject of controversy, they are at risk of being repeatedly kept off display. In my study, the self-affirming effect of censorship arose particularly strongly around the long-established work of photographer Sally Mann. The research informants introduced three examples situated in England, Scotland and the Netherlands that serve as satellite cases to examine how this phenomenon functions in-depth. Central are interviews with Brett Rogers (Director at the Photographers Gallery), Wim van Sinderen (Senior Curator at The Hague Museum of Photography) and Martin Hammer (Independent Curator for Scottish National Portrait Gallery). These three interviews revealed three 'silent' cases as conflicts that arose when Mann's work was subjected to internal or external scrutiny, and as a result, was threatened with censorship.

In one case, this led to Mann's work being self-censored. In 2007, photographs from the *Immediate Family* series were omitted by the Scottish National Portrait Gallery at an advanced stage of exhibition planning for *The Naked Portrait* (6 June - 2 September 2007), a major exhibition for which art historian Martin Hammer acted as independent curator. The exhibition formed a comprehensive overview of art depicting the human body and included nearly 200 works made during the last century by artists such as Egon Schiele, Diane Arbus, Gilbert & George and Tracey Emin.

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From the very start, the project was defined as an academically and intellectually-informed consolidation of portraiture representing nudity. A gallery entitled *In the Family* tended to portraiture as an expression of biological interconnection and intimacy between artists and their sitters. The curatorial selection offered a variety of media and included visual depictions of parents, as well as children, including, for example, Edward Weston's *Neil* (1938)*,* a photograph of the artist's young son agilely bending his pale, bare chest for a statuesque pose. Sally Mann's *Immediate Family* series formed a pivotal addition to the sequence; it depicted her three young children growing up on the family's Virginia ranch in ways that most parents recognise but were, until then, rarely visualized.

According to Martin Hammer, who curated *the Naked Portrait*, the decision to exclude the work from the exhibition was made in response to the scrutiny faced by a few UK museums and galleries in the years before the exhibition took place. The rationale for what Hammer calls a form of self-censorship was managerial anxiety about the negative exposure the project could attract if Mann was included. As the curator recounts:

> He [the director] felt that it could simply become a distraction, it could become a sort of controversial media-based sort of thing that would happen that would distract attention from the very kind of serious academic purposes that underlaid the exhibition. I thought that was a very silly approach.
>
> (Hammer 2016)

Hammer's frustration was compounded by the fact that the decision was made in the absence of meaningful consultation with relevant staff; it constituted an immediate response to an elusive threat that left other European institutions seemingly unaffected. He comments that there was:

> … at the same time, by chance, a big exhibition in Stockholm. It was on simultaneously, and it accrued lots of the kind of work that I hadn't been allowed to show. Families and children were happily visiting, it was all very

uncontroversial. So that added to my sense of frustration that the work hadn't been included because I think she is a wonderful artist.

(Ibid.)

The exhibition Hammer refers to, the retrospective *The Family and the Land: Sally Mann*, travelled to the Netherlands and the UK shortly after visiting Stockholm where police targeted the exhibition with investigations on Mann's photographs depicting her children naked. [6] Although the exhibitions took place regardless of these external pressures, the cases were not publicly addressed or reported on by media. Publicly interrogated for the first time here, these examples offer a new perspective on the significant barriers institutions face when displaying contentious work. In 2009 Mann's retrospective travelled to the Netherlands. Here, it was visited by local police when the The Hague Museum of Photography (24 Sep - 10 Jan 2010) hosted the exhibition and received a complaint from a member of the audience. Police did not consider charges to the museum or its staff and no artworks were taken off display, however, the catalogues were temporarily removed. The same retrospective then travelled to the Photographers Gallery in London (7 June -18 Sep 2010), where the exhibition was again threatened by local police forces. Here, the planning of the exhibition and the staff involved suffered significant pressure, including the threat of charges. After taking legal advice, the exhibition was mounted without further disturbance.

Together, the cases represent a discourse that is fractured: each occurred within a timeframe of three years at institutions that, although situated in different countries, are geographically proximate and form part of a community of practice bound by its shared interest in photography and portraiture. Nevertheless, at the time of

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[6] From 2007 – 2010 *Sally Mann: The Family and the Land* travelled to Kulturhuset, Stockholm; Taidemuseo Tennispalatsi, Helsinki; Dunkers Kulturhus, Helsingborg, Sweden; The Royal Library, Copenhagen; Fotomuseum Den Haag, The Hague, Holland; and The Photographer's Gallery, London. Only Brett Rogers from the Photographers Gallery and Wim van Sinderen from The Hague Museum of Photography were involved in this research, the former being a vocal anti-censorship contributor to Index on Censorship and the latter collaborating as part of the case study discussed in Chapter 6.

interviewing, the practitioners involved, Rogers, Hammer, and van Sinderen, were almost entirely unaware of their shared experiences in negotiating Sally Mann's work. Brett Rogers noted that Mann's retrospective "had no kickback" in Europe whilst, in fact, the exhibition had been investigated by Dutch police before it travelled to London. Wim van Sinderen, in turn, became aware of the Photographers Gallery's legal challenge sometime after the exhibition in London had been mounted.

Furore around the work of Sally Mann

Whilst these patterns are certainly not limited to the work of a single artist, taking one artist as an example reveals the relationship between high-profile controversies and the ways in which that artist's work is negotiated over time and in different locales and institutions. Mann's work specifically resonates in the context of censorship because, more so than other photographers, the ethical values undergirding her practice – the ways in which she collaborated with her children – have been extensively questioned, discussed and validated. Among the contributors to this process of interrogation, most importantly, are her now-adult children. As sitters, Mann's children exercised their agency by actively participating in composing and editing the photographs. As adults, they have positively commented and reflected on their experiences, the construction and reception of the work (Mann 2015; Mann and Prince 2006; Mann in Bubich 2016). Other commentators and academics have contributed through various publications (Gordon 1996; Mann and Gordon 1997; Friedlander 2008; Parsons; Savage 2011; Savage 2017). But despite the children's informed consent and continuous, fierce defense of the work that eliminated ethical issues about the production of the photos, the images "lost little of their provocative power", in the words of Sarah Parsons (2008). So, if not for ethics, why has the work proven problematic for museums and galleries, even for those well-versed in the challenges of photography, as the cases suggest?

Taken with a vintage camera, the series *Immediate Family* (1992) show Jesse, Virginia, and Emmett, naked or posing playfully, sometimes with adult-like manners, in distinctly black and white images. Part of the reason the work generates both praise and criticism is that Mann photographed her children within the private sphere of the family but overstepped the conventions of the family album by publishing and

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exhibiting the images (Parsons 2008). The analogue techniques and the small sizes at which the photographs are printed only work to enhance this feeling of looking at an intimate moment. "Her photographs convince you utterly that someone real had to have been in front of her camera, doing what her camera caught on its lens", as art historian Anne Higonnet (2009: 108) notes. That same quality, the pretence of reality, caused Mann's critics to collide with the photographs; these naysayers perceived in the photos a childhood sexuality that would elicit the attention of sex offenders and damage Mann's children, in particular her daughter Virginia.

The moral agency of the work has been subject to a "thirty-year-old discussion" that invokes questions not about the work itself, but about the viewer, as one interviewee insists:

> Why do they make us feel weird feelings? Why are her pictures sometimes scary? Why are we attracted and repulsed by pictures that suggest violence or dark underpinnings or the darkness of our minds? How can it be beautiful and upsetting at the same time? And how can it evoke this longing in us for something?
>
> (Schneider 2016)

Indeed, argues Higonnet (1996: 2), "the impulse to censor images of children in order to protect actual children depends entirely on a belief in photography's realism" – a misconception Mann and her children have firmly refuted. In her memoir, the artist notes:

> The fact is that these are not my children; they are figures on silvery paper slivered out of time. They represent my children at a fraction of a second on one particular afternoon with infinite variables of light, expression, posture, muscle tension, mood, wind, and shade. These are not my children with ice in their veins, these are not my children at all; these are children *in a photograph* (italics in original).
>
> (Mann 2015: 172)

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Although she was never charged, concerns towards child sexual abuse prompted the US state to consider child pornography charges against the artist (Parsons).

The time that has passed since the original publication of *Immediate Family* has allowed some curators to carefully reexamine the contradictory feelings elicited by Sally Mann's photographs. There is evidence that institutions with strong experience of negotiating divergent critical voices in innovative ways, such as The North Carolina Museum of Art (see Chapter 6), have generated innovative approaches to the exhibition and interpretation of Mann's work. In the United States there has been a shift underway for quite some time now towards understanding Mann as part of an established photographic paradigm, suggests Lauren Turner, Assistant Curator at the Ackland Art Museum (at the University of North Carolina, Chapel Hill). Turner nuanced the political and institutional structures within which museums in the US, specifically the south, operate. For university museums such as the Ackland Art Museum, where public dialogue and academic debate are embedded in their very existence, the contemporary context in which *Immediate Family* is read demands thoughtful consideration but poses fewer curatorial obstacles now that Mann is a firmly established photographer. In relation to the interpretative challenges bound up in the work, Turner (2016) comments that the photographs:

> … have been rehashed so much, I don't know how much interpretative obsession would need to be applied to those. Especially in the south, since she is a southerner and has done her *Deep South* series, so she has definitely been on display and we've seen the controversies. I think it's one of those things where we would know to be careful, but we wouldn't say we could never take this work of art.

Although the series remains controversial, the larger canonical narrative of which *Immediate Family* became part has contributed to a careful familiarity with the series amongst some US publics and as Turner suggests, a sense of recognition amongst more progressive publics in the mid-South. The time that has passed since *Immediate Family*'s publication offers an opportunity to forge new links between the past and the present. There is evidence of this development elsewhere too: the

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exhibition *Human Interest Portraits from the Whitney's Collection Apr 2, 2016–Apr 2, 2017,* at The Whitney Art Museum in New York dedicated a gallery entitled 'Body Bared' to pieces by Mann and equally contested portrayers of the body, such as Mapplethorpe, Susan Meiselas and Katy Grannan. This provocative juxtaposition encourages us to look at Mann's portraits not as they were originally – deeply intimate documents of the complexity of childhood – but as part of a larger critique on the cultural perception of the human body.

Despite the perseverance with which curators in the United States have begun to confront and challenge the difficult history and legal vulnerabilities around photographs by Sally Mann, the intensity with which the artist and the museums who exhibited her photographs were castigated continues to undermine the confidence of museum practitioners situated elsewhere, where Mann's work does not yet hold the same currency. Using the work of Sally Mann as a common thread, the next sections draw out each of the contributing factors to the ongoing (self-) censorship of photographs of children in the UK: a social climate that is hard to define and even harder to respond to effectively, the vagueness of the legal boundaries in which institutions function and the lack of transparency, including peer support, guidance and information, that can help combat the isolation which practitioners commonly face in navigating the ethical quandaries of curating such imagery.

Language, Perception and Implicit Norms
In a 2012 lecture about freedom of speech, Salman Rushdie made an important point about the creative industry's reluctance to speak openly about censorship. If acknowledged at all, he argues, to talk about censorship is as unpopular as the act itself:

> '…censorship is anti-creation, negative energy, uncreation, the bringing into being of non-being, or, to use Tom Stoppard's description of death, "the absence of presence." Censorship is the thing that stops you doing what you want to do, and what writers want to talk about is what they do, not what stops them doing it.

> (Rushdie 2012)

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The writer's powerful observation resonates here because it illustrates the difficulty of addressing what he aptly calls 'the absence of presence': if practitioners and academics are unable to acknowledge censorship, they are unable to equip themselves against it. Interviewees pointed out that this subject, in particular, the social anxiety towards childhood, is ambiguous in character and difficult to make visible through speech. I found that the museum practitioners who had grappled with the collection, display and interpretation of photographs of children were, once they began recounting their experiences, determined to discuss and expose how censorship impacts their practice – some had not had the opportunity to do so before. However, arranging interviews was often a delicate process, in which not everyone was willing or able to participate.

In the study, practitioners were deeply aware of the fluidity and unpredictability of the context in which museum visitors make meaning of photographs of children. Even if the photographs in question, such as Mann's, had been widely exhibited or long held in museum collections, practitioners perceived or anticipated gradual changes in the attitudes of audiences that often remained elusive. Three interviewees based in the United Kingdom describe the heightened sensitivity they or their peers perceived as being 'in the air'. Martin Hammer (2016), who curated *The Naked Portrait*, reflected that "there had been a certain amount of controversy around other exhibitions recently – the issue was in the air". This feeling was not limited to those working with Mann and shifted according to social events, sometimes along the duration of a single exhibiting planning process. Independent Curator Susan Bright (2016) recounts curating an exhibition on contemporary motherhood that included several photographs by mother-photographers at the start of the 2012 revelations of child sexual abuse. She asserts:

> It never crossed my mind that there would be a problem because I just don't feel those pictures are at all exploitative. It was kind of in the air that these were naked kids. I think it was in the air because it was post-Jimmy Savile and I really do feel that there was a shift in how the public reacted to nakedness after that. *Home Truths* was a long process and the show, I think,

originally, we were discussing it in 2009, it never came up, it was just not an issue. By the time it went up in 2013 everyone was a lot more nervous about it.

(Ibid.)

In other words, Bright only began to take notice of the implications that social anxieties might have on their actions at advanced stages of the curatorial decision-making process. Hence, one potent problem the research introduced is that the social, cultural and institutional context in which museums operate is both all-encompassing, complex and unpredictable, thus hard to plan for. Identifying the intensity and magnitude of social unrest that child sexual abuse has caused seems particularly problematic at a time when most western countries continue to grapple with political responses to child sexual abuse, new revelations about the scale of the problem and the impact within local communities. For museums, these shifting circumstances continue to reset the balance between taking appropriate precautions and feverishly overreacting by self-editing or taking overly cautious legal advice.

The uncovering of the crimes of Savile, a British presenter and children's entertainer, led to widespread awareness and repugnance for child sexual abuse in the UK, causing a heightened sensitivity that continues to require careful treading by museums. This pattern was not contained geographically but resonated elsewhere. In the Netherlands, where I conducted one of the case studies, a gradually shifting social climate ensued, despite the fact that, there, publics are generally comfortable with the work of photographers depicting young people – popularised by a generation of Dutch photographers like Rineke Dijkstra, Celine van Baalen and Helen van Meene. Curator Wim van Sinderen (2016) described this as a change of "zeitgeist" that "only becomes visible in hindsight" and was brought on in the Netherlands by comparable high-profile cases in which the systematic and horrific nature of child sexual abuse was exposed. The expression *in the air* captures both the elusive nature of the social context in which institutions function as well as the inability to define or respond to it effectively.

Making it debatable

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A certain unease towards addressing what is often dubbed 'the last artistic taboo' was an underlying thread that emerged at different points in the interviews and demanded active negotiation of both interviewer and participant. Some pressing questions arise when unpacking how interviewees and I grappled with language: namely, how does language – or the lack thereof – operate to hinder the kind of debate needed to equip institutions with the tools to make resilient decisions? Certainly, the significant struggle evident in the interviews, in which interviewees and I shifted between tiptoeing around the topic to speaking inelegantly straightforwardly, suggests that building on the already established censorship trajectory might also involve providing a language through which academics and professionals can begin to address the complexities underpinning photographs of children. Taking a closer look at the vocabulary, emphasis and discussions about language between interviewees and I can be a productive way into this thorny area.

During the interviews, practitioners struggled to define the elements that mark a photograph uncomfortable or controversial, as opposed to 'innocent', hesitantly negotiating the terms at which children's bodies become problematic. The feeling that it is "completely unpredictable and random what captures a certain outrage" (Bright 2016) left practitioners struggling with the question if, "at any given time, what artist is going to be the one more inflammatory than the other?" (Cotton 2016). Others unravelled certain patterns. The curator Helen Trompeteler suggests that the mode of portrayal as well as the way in which the image is communicated impact visitors' meaning-making. "It's not the image alone, it's how it's printed and how it's displayed physically. When it's a smaller, more intimate print, it has a voyeuristic element to it" (Trompeteler 2016).

Most assumed, in addition to the visual realism of the photograph, that aspects such as the sitter's gender, race and age, their relationship with the artists as well as what the viewer brings to the image play a role but finding the right language to distinguish the relationship between viewer, sitter and maker proved both a difficult and an uncomfortable task that requires grappling with multiple perspectives on childhood. Hammer (2016) contemplated the reason Mann's work provoked uneasy viewpoints, as opposed to the other work included in *The Naked Portrait*. "These were all works

that conformed to an ideal of innocence, where Sally Mann seemed to have this slightly more disturbing, erotic element which is what sets them apart". As opposed to other images of children, senior management excluded Mann's work specifically "because I suppose it was seen as having a potential more kind of sexual dimension, it was seen as potentially giving succour to paedophile sensibilities" (Hammer 2016).

A fear of 'saying the wrong thing' and the inability to find the right language to consider this territory suggest that censorship is not only instrumental in the way it regulates museum practice but productive in the way it constitutes what Judith Butler (1997: 133) calls "the domain of the sayable". In other words, censorship reinforces itself by setting the terms at which dangerous subjects can be discussed in the first place, "creating norms governing what is speakable and what is not" (ibid.). These norms are unfixed: the common ground within academic publications on creative controversies is that museums are sites worth debating over for they represent ideas and "changing ideas are controversial because they contradict what we have previously believed" (Boyd: 185). It is "the very concreteness of museums", notes Waldo Heinrichs, that locates them at the heart of the emotive, contentious or difficult topics they represent (Heinrichs in Gallicchio: 322). Often, however, the underlying belief systems, division of emotions and ideologies they mobilise are not at all concrete.

What became clear from these conversations is that any debate must adopt terms that are both to-the-point and thoughtful, placing emphasis not on the child's body, but on the way in which the body is depicted and perceived. One interviewee, Helen Trompeteler (2016), proposes a clear distinction to grapple with photography's realism:

> I think problems arise in terms of controversy when those images of children are presented as if they're about their sexuality or whenever the body is represented in a very adult kind of way. And I guess that's how I would deconstruct them, as pictures of children with adult-like behaviour or awareness. Or, *implied* adult-like behaviour or awareness.

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As Chapter 1 explained, this thesis proposes terms such as 'bodily-awareness': a marker of the transition from childhood to adulthood that viewers can perceive as evoking sexuality but can equally be understood as an opportunity for self-realization.

Restricting speech and practice

Worryingly, how museums are both reflective and constructive of contemporary norms around the representation of children becomes evident when museums collide with the law. Such cases reinforce the idea of fallout, regulating speech across the sector. In 2010, director Brett Rogers and her team at the Photographers Gallery encountered first-hand just how much persistence it takes for directors of institutions collecting or exhibiting this type of contentious art to resist such pressures of censorship, and potentially self-censorship, when she brought Sally Mann's retrospective to London. Although *The Family and the Land* had successfully travelled Europe, the preparations for the exhibition were derailed when the heightened sensitivity towards child protection unexpectedly came to a head in an unrelated recent incident that occurred locally. The timing of the exhibition played a vital role in how it was perceived by local law enforcement, as Rogers (2016) recounts:

> We became caught up, unfortunately, in a court case that was going… that had just been heard at a London court about a man who was found with some books in his house, but who had also been engaged in paedophilia. Unfortunately, the two things were put together: the fact that he owned a few Sally Mann books, and Jock Sturges and many others, but that he was also evidently involved in paedophilia. So, these two things get very confused in the public's imagination.

Mann's work was linked to the recent arrest of a sex offender and local law enforcement challenged the Photographers Gallery on child protection grounds. Despite the similarities between the legal systems of the countries that hosted the retrospective—the United Kingdom, Sweden, Finland, Denmark, and The Netherlands are linked through the extensive protection of freedom of speech in the

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European Convention on Human Rights (Bychawska-Siniarska 2017), the interpretation of this legislation proved particularly narrow in the United Kingdom. Rogers explains how the subtle but influential differences in the interpretation of the same legislation reflect the varying geo-political, cultural and social attitudes towards the image. Here, Mann's work received a similar treatment as in the United States:

> So when she [Sally Mann] showed it in Europe, in Sweden and Holland, she had no kickback, there was no moral – she didn't have to mount any moral defence of the work, but in America, she stood as an apparent and here also, unfortunately… it went even so far that we were told at one stage by the police that if she were out of the country, at the airport, she could be arrested.
>
> (Rogers 2016)

Because the child protection defence has, to date, never been called upon in a UK case concerning artistic photographs of children, the Photographers Gallery faced an uncertain path (McClean 2016). The challenge with this lack of legal precedent is the unpredictability with which local police authorities interpret the rights of artists and institutions against contemporary standards of propriety – their decisions embodying a fluid set of interpretations, belief systems and values. Although the threat of persecution never materialised, this uncertainty exercised an unrelenting pressure on the gallery – precedented only by Tate Modern's *Spiritual America* (see Introduction).

How the Photographers Gallery case unfolded exposed to everyone involved just how subjective the application of child protection and child pornography legislation is: "we were very enlightened", remarks Rogers. One of the investigating officers, Rogers recounts, had recently visited the Science Museum with his children who had been deeply moved by the image of Phan Thi Kim Phuc, a Vietnamese girl fleeing from the napalm bomb that consumed her home, clothing, and skin. The image, taken by Nick Ut (1972), informed the officer's understanding of artistic merit and the museological context in which images of children have the potential to exercise a transformative power:

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He realised from what this child had said to him that week that it's all about context. That this image in that context could not be just considered a nude image of a child. It was really explaining the context of the human atrocity and so was fully justified of being shown in the Science Museum (Ibid.).

One of the more disconcerting things revealed, demonstrating the modus operandi of self-censorship, is just how much weight perception carries: it took significant resources to stand up against potential legal threats and combat what the director describes as "a sudden, unexpected and distressing legal storm" (Rogers 2015: 5). The case can be interpreted to represent a phenomenon in which the fluid boundaries of artistic freedom are not tested in court, but set by subtle negotiations, triggering a kind of thought-policing that operates by proxy. Without clearly defined boundaries of freedom of speech, practitioners tend towards caution, reigning in their professional decisions under the assumption there might otherwise be repercussions, as demonstrated by the earlier discussed silent case at the Scottish National Portrait Gallery. Rogers' persistence in never actually withdrawing the exhibition meant that *The Family and the Land* could receive public appraisal, marking a pivotal moment against the ongoing self-censorship of Mann's work.

Institutional Resilience

So how do we move towards a more courageous museum sector, if not by proactively defending the right to artistic freedom? Cases like those discussed in the previous section have led commentators to conclude that "if galleries are prepared to stand up for their right to display this kind of material, the police will back down, since the CPS probably won't support them" (Petley 2013: 72). Indeed, The Photographers Gallery's refusal to back down in the face of legal threats counters the belief that museums are unable to challenge external pressure and that they, in fact, have the potential to act as advocates for artists and other institutions engaging with contentious topics. And yet, the research illustrates that the gallery's proactive approach is unique, firstly, because it requires a high degree of financial and political independence to fight a legal challenge, and, secondly, because pressure is more often exercised through implicit yet divisive forms of censorship: presented in the form of helpful legal advice, an informal visit by police or an unsubstantiated threat

from stakeholders. Although some of these 'scare tactics', as Svetlana Mintcheva (2012) aptly names them, have been addressed by a few commentators, there is very limited practitioner-led knowledge-exchange or academic research on internal second-guessing, the avoidance of risk, and overly constrained curatorial decision-making from within museums.

Looking critically at the findings, many of the practitioners encountering more subtle pressure considered taking legal advice themselves but, in the end, elected more mundane strategies to avoid public controversy, reputational cost and financial damage. In fact, despite recognising its importance, robust legal advice was something that interviewees collectively avoided. This is, for example, illustrated by two interviewees who found themselves at the centre of controversies concerning photographs of children. The independent curator Helen Knowles, founder of the Birth Rites Collection and a key figure in a silent case discussed in the next section, was pressured to de-install photographs by emerging mother-photographer Ana Casas Broda. Knowles sought legal advice but chose not to press forward to avoid a larger internal conflict. She asserts:

> I also contacted lawyers, the guy who represented Sally Mann and Robert Mapplethorpe – I talked to him. He said it was absolutely… he couldn't understand. He told me the routes that I could go down... but I didn't go down any of those routes, which I decided to do in order to keep the collection for the time being. Because it's always a balance between… I could have put my foot down…
>
> (Knowles 2016)

Similarly, photographer Betsy Schneider commented that, when faced with a complaint and potential lawsuit, one of the institutions censoring her work felt compelled to submit rather than resist. I interviewed Schneider, whose work has repeatedly been the subject of censorship, as an informant, as her case has been addressed elsewhere (Schneider 2004). She recounts:

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They [the museum] got advice from a lawyer, and the lawyer said you can win this case, but it will cost a lot of money. So, problem number one for me was that I feel like it's a museum's responsibility to express ideas. They felt like their existence... [was threatened]; they felt like they couldn't take that kind of hit.

(Schneider 2016)

Before further examining the processes behind such decisions, it is important to point out, as Schneider conveys, that the tendency to compromise artistic freedom and stay quiet on sensitive, socially relevant topics sits awkwardly with efforts to foster the kind of institutional agency that undergirds contemporary museum practice. Museums are demonstrating increased willingness to embrace critical new roles as human rights activists and agents of change – a transformation brought on by the desire to become socially responsible and contribute positively to communities (Silverman 2010; Janes and Conaty 2005; Marstine 2011). These socially purposeful practices actively engage with the issues at stake in their communities, reflecting, rather than rejecting, their fundamental values, rights and morale. However, in order to do so, museums must, as Schneider suggests, actively engage, rather than evade the difficult questions involved in these efforts.

In reality, however, the activist or human rights-driven projects that have emerged in the last decades form an addition to governmental agendas to, for example, combat social inequality and injustice where the efforts of authorities fall short. In other words, publicly funded institutions have to think about their relation to the state and its constituents. Sheila Watson takes this argument even further, asserting that, to some extent, "all publicly funded museums in the developed world reflect the aspirations of the state" (Watson 2007, p.15). Watson declares that these renewed efforts to demonstrate relevance and accessibility were initially driven by political pressure and a financial necessity (ibid.). Either way, there are firm boundaries to the extent at which museums can go against the grain. By exhibiting photographs that reject the government's increasingly broad definitions of child pornography, very often, the political nature of institutions themselves is revealed, putting at risk the museum's critical political, economic and community alliances.

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This delicate balance between offering a critical voice and following in line may lead institutions to negotiate the threats of the law softly, rather than proactively. Alternative scenarios on the part of many practitioners are aimed at establishing a more collaborative relationship with local police forces or avoiding fallout that might 'stir things up'. This was evident at The Hague Museum of Photography (HMP), an institution that is generally resilient when it comes to sensitive subject areas. Situated in the Netherlands, a country that is generally seen - and sees itself – as tolerant and forward thinking towards artistic freedoms and whose artistic tradition has a long trajectory of photography, the Museum demonstrated unconditional support of artistic freedom in relation to the retrospective on photographer Hellen van Meene, as Chapter 5 illustrates in more detail. The Hague Museum of Photography is one of many Dutch photography institutions, a testament to this nation's comfort with the medium as an art form. Yet, even in a country where photography thrives and freedom of artistic expression seems a given, museums' decision-making processes are hampered by politics and funding needs.

Soft censorship

On paper, what happened at The Hague Museum of Photography shares a resemblance to what occurred subsequently at the Photographers Gallery: the museum mounted Sally Mann's retrospective *The Family and The Land* a few months before it travelled to London and, when a visitor lodged a complaint to the authorities, the gallery was visited by police to examine the work (Van Sinderen 2015). Closer examination of the events that unfolded, however, reveals that another type of negotiation took place, one that is perhaps far more common than outright self-censorship or censorship. Here, the visiting officers adopted a seemingly empathetic position towards the curator and the artist, as opposed to the serious threats Brett Rogers was confronted with. The one-off visitors immediately acknowledged that they had "seen far worse" as part of their child pornography investigations. Van Sinderen (Ibid.) recounts:

> But they had to discuss it with their superiors. The adjutant said that they had
> to speak to the national coordinator before they could decide further, and by

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the end of the day we received a call that everything was in order. He kept the catalogues until the end of the exhibition but returned them afterwards.

The curator acquiesced and the catalogues were returned shortly after the exhibition closed. Questioned by a journalist friend on his decision not to fight the confiscation, Van Sinderen emphasised the importance of not escalating the conflict; he recounts the conversation:

> She said 'so the police confiscated the catalogues?' 'No', I said, 'they just asked to take them with them'. 'No', [she said] 'the police confiscated the catalogues!' I said 'no!' Because she wanted to report on it, of course. I could have easily agreed to say the police seized Mann's books but that would be exaggerated. It wasn't necessary, it ended well.
>
> (Ibid.)

Van Sinderen's compromise is perhaps best understood as a reflection of the expectations placed on contemporary, public-funded museums. Composed largely of expats and older, affluent locals, HPM's local community expects an internationally-relevant exhibitions agenda but equally holds the publicly-funded institution accountable to standards that are not as liberal as, for example, the museum's Amsterdam counterpart FOAM. At a time of political and financial uncertainty, in which a climate opposed to funding of the arts is embraced by right-wing and populist voices, a short-term compromise to sustain a positive relationship with local police might be considered a long-term strategy for an institution embracing some of the most boundary-pushing depictions of childhood, including those by Bill Henson, Nan Goldin and Rineke Dijkstra. Thus, Mann's catalogues were temporarily taken, "not seized", as the curator emphasises – a decision that maintained a constructive, long-term relationship with local police forces and avoided a potentially more damaging conflict in which Mann's work could be used as a politicised moral justification against funding of the arts.

A new benchmark for institutional resilience

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But even for those museums that enjoy a certain degree of autonomy in relation to funders, sponsors and local politics and demonstrate a willingness to defend artistic freedom, legal resilience comes at a considerable cost. Those rallying against museum censorship too place some of the blame on the corporate responsibilities and financial damage as major motivations for institutions to turn to self-censorship (Higonnet 2009). When Richard Prince's appropriated photograph *Spiritual America* was investigated by Metropolitan police, Tate Modern hired the lawyer Anthony Julius from the eminent London law firm Mishcon de Reya, who authored *Transgressions: The Offences Of Art* and represented high profile clients such as Princess Diana. The Photographers Gallery called on high-profile legal defence in the form of QC Geoffrey Robertson, a human rights barrister and academic who not only represented Salman Rushdie, Julian Assange, and the country of Armenia, but is widely regarded as someone who "helped to deliver the coup de grâce to cultural censorship in Britain" by defending clients such as Gay News and the National Theatre from Christian campaigners (Chu 2010). Both institutions are registered charities with budgets raised through sponsorship, donations, legacies and enterprise, as well as government funding. The Photographers Gallery also relies on public admissions.

The rationale for turning to the most high-profile defenders of freedom of speech was that both institutions were caught up in an area of jurisprudence that has not been sufficiently tested in court (see Chapter 3). Whilst the probability of prosecution of a museum or gallery is low (McClean 2016), the risks are considerable: staff at Tate and the Photographers Gallery were threatened with the possibility that practitioners could be put on the sex offenders list (Wood 2017; Rogers 2016).

These necessary efforts to challenge police authorities investigating artists and museums represent a positive step as part of a larger campaign for freedom of speech but an extraordinarily pessimistic view also raises the question of whether less self-reliant museums can meet these new standards of legal autonomy. The reality for many museums is that they cannot afford this kind of legal advice, which is likely to make them particularly cautious. Brett Rogers explains that, following on from the gallery's experiences, lawyers are now called upon for every exhibition that

features work likely to collide with child protection or child pornography legislation. She asserts:

> I should say that these days, just to be on the safe side, we do take a legal view on things, because of course we are aware that our audience, especially when we are totally free of charge, could involve minors so we are very aware of the law, which is – we have to be aware that we're not showing [too problematic] work to minors in any way. So, we always take a little bit of legal advice.
>
> (Rogers 2016)

These precautionary measures allow the institution to have a clear view of the changing sensitivities that their exhibitions touch on and continuously assess and reassess their position in relation to society. It is as much of a legal precaution as a way to negotiate the expectations of the gallery's publics, who consist of both adults and minors. Doing so empowers the institution and its practitioners to take on a confident position towards the barriers they have encountered in the past: "if we accept to show an artist's work, then we really feel as though we have to back them wholeheartedly", Rogers (Ibid.) reflects. Likewise, many larger institutions have access to an in-house legal department that advises on art jurisprudence (Tate's has become particularly well-versed at child protection issues arising from photography) representing a benchmark that is both unprecedented and unattainable for most publicly-funded institutions.

Despite the fact that what unfolded at Tate Modern and the Photographers Gallery did not set a legal precedent, there are a few hard-won lessons to be learned about the fine line between artistic photography and the law – lessons that might help museums better understand their legal position in the future and prevent them from responding by "unnecessarily removing controversial and provocative artistic subject matter from public view (for example, abandoning a play or taking an artwork down from exhibit in a public gallery) when challenged to do so" (McClean 2016). Together making a considerable contribution to the understanding of the legal issues around the subject, interviewees unravelled some of the factors that lead to police

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investigations. Importantly, they revealed some of the judicial motivations for holding museums and their staff accountable, which appear multifaceted. Police may warn museums that, because they are publicly accessible, they could potentially be inviting in paedophiles and normalising their behaviour (Rogers 2016; Schneider 2016). Secondly and, paradoxically, these photographs may be judged as sexually explicit and not appropriate to children, as Rogers noted earlier (Rogers 2016). Apart from being a legal consideration, this point raises the ethical dilemma between protecting (parts of the) public and enabling audiences to access (publicly-owned) artworks. Thirdly, and most revealing perhaps, is that museums are seen to have an exemplary function as institutions that are reflective and constitutive of moral and cultural standards. This came into play at Tate Modern (Wood 2017), making the law seem like a heavy-handed measure for encouraging museums to align their curatorial practices with a political agenda, rather than a legal imperative.[7]

Conflict, Isolation, and Reflexivity

Despite being willing and able to risk legal challenges, Tate and the Photographers Gallery are deeply aware of the impact that the threat of persecution has on the personal and professional lives of staff and artists (Rogers 2016; Serota 2015). Whilst it has long been recognised that museums are what Elaine Heumann Gurian (2006) dubbed "safe places for unsafe ideas" or, according to those taking her argument even further, "dangerous ideas" (Coles 2016), the research also demonstrates that practitioners often stand alone in principle when proactively claiming these roles. Four practitioners at the centre of silent cases described a feeling of isolation at the time conflicts or controversies occurred. Speaking of the organisational challenges and emotional impact of legal threats levelled against staff, director Brett Rogers (2016) commented, for example, that despite being embedded

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[7] This data was obtained during an AHRC/ M3C funded research placement I undertook at Tate modern and covered under the University of Leicester's ethical clearance. Catherine Wood, Senior Curator in International Art (Performance) at Tate Modern, was involved in the exhibition as curator and gave permission to include the fact that investigators understood Tate as having a wider social responsibility in the research.

within the photography and museum community, she found herself deeply isolated in her position as director:

> I must say when I had to face it, there was nobody I could turn to because I didn't know anybody in this country that had to deal with this issue before, except perhaps Nick [Serota] at Tate, [who negotiated] the image of young Brooke Shields.

At play in Rogers' isolation was being unable to learn from the strategies other institutions had adopted in order to grapple with the challenges of collecting, exhibiting and interpreting photographs of children at a time of heightened sensitivity. Now the disputes around The Photographer's Gallery's display of Mann's work have long subsided, Rogers is able to reflect on the immediate backlash around *The Family and the Land*. She commands the efforts to inform and equip institutions on censorship and the law and stresses that the kind of guidance offered by discourse is of critical importance:

> I think that the most important thing is to be able to refer to a dossier of material of how other institutions have dealt with the issue, and general guidelines, things to do and not to do. Because one thing I did learn is that everybody thinks that you should invite the police in immediately and show them all the work and ask what their view is on it, which you really shouldn't do. You as an institution should make your mind up about how you feel about it. And if the police come in then you have to have prepared your case very well.

> (Ibid.)

Knowing how to prepare for, communicate with and respond to police interference or high-profile controversy creates both professional confidence and institutional resilience. Several practitioners echoed this refrain and praised the easily accessible and honest information about child protection-related censorship cases produced by, for example Index On Censorship (2015). The case studies, discussions and expert information converges museum practice with legal theory thanks to collaborations

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between museum practitioners, freedom of speech activists, and academics working at the nexus of law and museology.[8]

At the same time, however, the more difficult questions involved in making 'your mind up about how you feel about it' hinge not on the technical, legal knowledge, but on the willingness to reflect on ethical practices, doubts and concerns – a step some practitioners felt their institutions were unlikely to embrace. The desire to keep conflict contained and shield the institution's exposure to criticism from media, funders and peers meant internal decision-making processes were driven not by the institution's moral agency, but by concerns towards reputational damage. Especially in the UK, my research uncovered a pattern that those dialogues taking place between artists, curators, directors, boards and external stakeholders do not necessarily centre around issues of representation, but that, mostly, art institutions are occupied with strategies to prevent offending their publics.

Given this state of institutional paralysis, three practitioners I interviewed felt that their voices, interests and considerations were not sufficiently acknowledged when decision-making processes were cut short to de-install work (Hammer 2016; Schneider 2016; Knowles 2016). Independent curator Martin Hammer spoke of a lack of influence in the Scottish National Portrait Gallery's decision to self-censor Sally Mann's photographs from *The Naked Portrait.* He reflects: "he (the director) announced that this was going to be the case, so we submitted to go along with it". Hammer's frustration was compounded by the fact that the decision, from his perspective, was made without putting forward reasoned arguments and in the absence of meaningful consultation of relevant staff and independent contractors,

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[8] A few examples of the sector's efforts to promote legal resilience (although not specifically in relation to child pornography legislation) include the V&A conference on freedom of speech in 2018, art and law workshops organised across the country by the Art/Law Network (2019). Index on Censorship followed up its 2008 conference with Art and Law information packs for museum practitioners, as well as a number of online available commentary pieces. In the US, the National Coalition Against Censorship continues to concern itself with the censorship both online and offline. An edited volume by Janet Marstine and the NCAC's director Svetlana Mintcheva, entitled *Curating under Pressure*, will be published in 2020.

such as he. This caused internal conflict and a sense of defeat amongst curatorial staff, who felt unable to protest, as Hammer (2016) puts it:

> We got permission to borrow two works by Sally Mann from the Metropolitan Museum in New York. It was at that point, so quite late on in the process, that the director of the Scottish National Portrait Gallery in Edinburgh decided that he didn't want Sally Mann to be in the exhibition, which at the time I found extremely irritating. Obviously, there was nothing I could do about it, ultimately.

These findings roughly corroborate qualitative research undertaken on contested topics more broadly, which suggests a reluctance to address contentious topics is often driven by management or stakeholders (Cameron 2003). Museums, Timothy Luke (2006: 22) notes, are unavoidably engaged in cultural conflict but, as opposed to embracing this opportunity for productive dialogue, "the innate conservatism of many museum boards, curators, and directors leaves most of them too worried about such disputes and debates".

Yet there are signs, too, that the real and significant threat of repercussions posed by unclear child protection legislation make this issue decidedly trickier. Might a directorate's knee-jerk reaction also testify to the weight and complexity of responsibility that, especially in a hierarchical organisational structure, is often carried by senior staff alone? Interviewees such as Wim van Sinderen and Helen Knowles, curators who each decided to negotiate censorship behind closed doors for the benefit of their collections, show that the tendency to keep internal conflicts or judicial interference under wraps was as much imposed by managers or a board of trustees as it was the result of an analogous fear of repercussions held by practitioners themselves.

The consensus amongst those reflecting on museum censorship is that risk management is an inevitable part of managing controversy (IOC; NCAC) but that self-constraining decisions are decidedly fraught when exercised without an opportunity for debate and dissent amongst directors, curators, artists, educators

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and, if necessary, legal advisers. They point out that withdrawing work infringes upon the rights of the artist (Atkins and Mintcheva 2006) and, in relation to the larger impact of self-censorship, the process of self-restraint tends to obscure whether the social anxieties, political pressures and economic threats with which institutions grapple are overstated or, in fact, warranted – in which case they require further interrogation, contestation and negotiation from the wider museum sector (Mintcheva 2012). Although there are no obvious villains or even obvious heroes in these scenarios, the sector-wide lack of transparency demonstrated by both scholars and practitioners helps foster an unproductive and stifled discourse that keeps in place self-censorship and, internally, is symptomatic of a failure to engage with the diverse viewpoints and ethical considerations of practitioners involved in the issue.

Whether they were imposed by senior management or curatorial staff, the high barriers erected by museums were not always successful in protecting staff or advancing the sector's struggle with these images. In fact, internal turmoil and heightened emotions meant that a sense of isolation resonated with staff associated within all aspects of the institution, taking on different forms according to their roles, responsibilities and the complex dynamic of their relationships. Caught between the conflicting artistic interests of the artists and the corporate view of the institution, curatorship proved particularly trying, as the artist Betsy Schneider recounts: "it was actually more traumatic for her [the curator] than it was for me.… She felt very kind of betrayed by her job, I think she left." The divisions that emerged were not always addressed head-on by interviewees themselves but described by peers, as in Schneider's case. Still, it became clear throughout the research process that some cases damaged professional relationships and led to a stifling atmosphere that, in two institutions, caused larger, emotive fallout when practitioners resigned from their position in the aftermath of controversies. Thus, the decision for institutions to avoid confrontation by turning inwards rather than looking outwards proved a double-edged sword: whilst averting exposure and shielding insiders, isolation leaves practitioners to navigate difficult territory without the support of peers. These findings corroborate research by Victoria Hollows (2017) on the ways in which museum handle social justice issues internally.

If institutions are unable or ill-equipped to engage with internal complexity, opting for paralysing silences instead, a more reflexive and ethically-engaged commitment to the decision-making process is unlikely to emerge. It is helpful to point towards studies that have unravelled the internal conflict that arises "when institutions' values are challenged" more holistically (Hollows 2013: 35, Lynch 2013). Hollows unearths the inner workings of trust, responsibility and emotion to advocate that in order to advance the ethical issues underlying difficult subjects, museums must first become more attentive to the competing visions of staff. This might involve fostering an organisational change that prioritises a collaborative approach of ethical engagement, an undeniably messy option that engages the strong differences of opinion from all involved staff and stakeholders, over a hierarchical and risk-averse decision-making process driven by a select few. To borrow from Hollows:

> If the ethical discourse could challenge the assumptions of power relations, then we have the opportunity to move from a conflict of differences to being able to identify the values we share, as well as sharing the decision-making processes. We all have active agency; activism is not something that just happens 'out there'.

There is, as the institutions at the heart of this chapter show, an ethical imperative to embrace principles of freedom of speech but ethics must also involve intentionally moving away from the immediate political challenges underpinning the work to examine "whose values are ultimately prioritised" through the institution's actions within a larger context of ethics debates (Lynch 2013:10). Although interviewees often considered these questions amongst themselves, relating to the voice of the artist, the agency of the sitter and the interests of the institution, they were, as the next section illustrates, rarely proactively confronted as part of the institutional decision-making process.

From Institutional Paralysis to Transparency
A silent case at the Birth Rites Collection provides an opportunity to persuasively demonstrate how becoming more reflexive will allow practitioners in the sector to confront ethics more robustly. This case came to light through an interview with

curator and artist Helen Knowles (2016), who founded The Birth Rites Collection. The focus of this case is a series of work by Ana Casas Broda, an emergent mother-photographer whose visual language and artistic practices have not been exposed to the varied range of academic, journalistic and editorial perspectives that have helped us understand Sally Mann's *Immediate Family* series. Although the perspective of the institutions described in the previous sections does not always represent the personal ethics of staff involved (Chapter 5), the rich analysis Mann's photographs have undergone over the years and the photographer's status as a firmly established artist provide clear institutional justification for museums faced with scrutiny to embrace her work. For institutions negotiating the work of emergent artists, questions around representation, consent, and voice play a more significant role.

The issue of institutional paralysis manifested according to a familiar pattern: the institution exhibiting the work of Spanish photographer Ana Casas Broda received a complaint from a visitor and, in an immediate response, deinstalled six of the artist's photographs (Figure 3 and 4). The complaint was levelled against *Kinderwunsch* (2013), a body of work that examines contemporary motherhood through a brutally honest lens. The series of 28 high-contrast, theatrical images relays the transformations of motherhood through interactions between the photographer and her two young children (Birth Rites Collection). Broda directs our focus to her post-pregnancy body while she lies exhausted on a sofa or stares frailly into the camera with a face full of pen drawings, forming a bold contrast with the energetic, unscathed bodies of her sons, who are seen tirelessly at play. The nudity of the artist and her children represent their primordial interconnection and the complete surrender of the maternal body and mind. In both humorous and bold ways, the artist captures surrender and sacrifice in the same frame as closeness and intimacy.

Figure 3 Overview of Ana Casas Broda's *Kinderwunsch*,(2013) displayed as part of the Birth Rites Collection Courtesy of © David Oates

Figure 4 Overview of Ana Casas Broda's *Kinderwunsch*,(2013) displayed as part of the Birth Rites Collection Courtesy of © David Oates

At the time of the interview, the Birth Rites Collection was, however, not on display at a museum. Curator and artist Helen Knowles founded the collection in 2014 after staging an exhibition of five collaborative artworks created by practising artists and childbirth professionals, including an obstetrician, midwife, the president of the Child Birth Trust and a representative of the Royal College of Obstetricians and Gynaecologists. With the support of the midwives and social carers teaching at Salford University's School of Nursing, Midwifery, Social Work and Social Sciences, the collection grew to 65 works and found a semi-permanent home in the Mary Seacole Building.

As a whole, the Birth Rites Collection conceptualises the dynamics of childbirth, maternity and the fact that the subject remains taboo even within the domain of contemporary art – something Broda's series strikingly approaches through the artist's own journey into contemporary motherhood. Other notable works in the collection include two colourful tapestries from Judy Chicago's *Birth Project* (1980 - 1985). These collectively produced needle works, on display in the University's water-birth room, reconstruct different stages of the birthing process and portray the "mythical, the celebratory, and the painful" (Chicago 1985). More subversive work in the collection is Liv Pennington's *Private View* (2006), a photographic collage of forty pregnancy tests that were the result of a performance piece in which the artist invited patrons of a London bar to take an impromptu pregnancy test. The anonymous results were broadcast live and in-situ and documented by Pennington, each "unique like a fingerprint" (Birth Rites Collection).

Thanks to the uniquely innovative collaboration between Knowles and Salford University, the collection meandered through the corridors, practice rooms, lecture halls and offices used daily by students, staff and visitors - a context in which the Birth Rites Collection resonated in particularly profound ways. Here, the collection gave students and staff the means to create professional reflection in a way that medical books fall short of: creating dialogue on the social attitudes towards childbirth, a topic Knowles insists is 'deeply unpopular, uncommercial and precarious' in the public domain. From the very start, Casas Broda's series subscribed to this purpose by highlighting both the intimacy and the demands of

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motherhood, employing the concept of play to interrogate these issues even further. By giving the children free rein to play games of their choice, we witness the children draw on Broda's body, wrap her in paper and take a bath filled with milk.

Diverse pathways into the work are possible and depend on the gaze of the viewer. One is, as Helen Knowles suggests, a parental perspective, commenting that "for me, as a mother, I just see these as children, basically exploring. Kids do crazy stuff. […] I think mothers understand this implicitly." Indeed, many women - and midwives in particular - might recognise Broda's scenes as representative of new motherhood in the way she adopts concepts found in attachment parenting, a child-rearing technique aimed at minimising the boundaries between parents and children by meeting the child's needs "on the child's schedule rather than that of the parent (Liss and Erchull 2012: 132). Other perspectives have been less sympathetic, as Knowles explains:

> There are certain images – one of them is a little boy and he has been wrapped up in masking tape. It's obviously a game between him and his brother, and it's something that I as a mother have seen like a million times. That was one thing that people got really offended by. Probably because they thought about bondage? I don't know what they thought about! (ibid.).

The photographs are located at the nexus of the private and the public gaze. More specifically, while they are a document of the artist's own journey, the photographs function as more than self-portraits at the same time. They strategically position the exchanges between women and their children as a reciprocal, relational process that is both physical and emotional. To make sense of them, we have to imagine the narrative of making the pictures. The works inevitably provoke questions of agency: *Kinderwunsch* conceptualises games as a vehicle for the exchange of power. Although the children are seen to take control in the images, Broda also provides subtle, but uniquely relevant clues that she remains in charge. An almost invisible but omnipresent wire runs through some of the photographs, providing evidence that the artist not only staged the images but carefully decided the timing of the images,

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"using remote control" (Broda in Philips 2013). Thus, power is actively exchanged between the three, who are both sitters and makers, as Knowles (2016) notes:

> It's not a straight line. This piece is about control in my opinion. The children are manipulating her, but equally, she holds on to a camera that she has got a wire for – a relief camera – so she takes the photography. It's a fantasy. This is what these photographs are about, artworks are meant to ask these questions. And what is really amazing is the friction you get in a place like this, because it is really about these issues. You go to an art gallery and it takes away this kind of friction, and that is what I think is really important about the collection.

The complex interaction between the artist and her children merits the work, specifically within the context of nursing, midwifery and social work, where questions about the perception of reality, the power dynamic between parent and child and the way in which control is exercised are central to most debates. Therefore, Broda's work has a unique potential to aid what Knowles calls the 'intuitive' and 'less quantifiable' side of teaching, Knowles insists.

Yet it is that relationship too – between artist and children - that complicates the interpretation of *Kinderwunsch*. An interrogation of the circumstances under which a photograph was produced is inherent to the very subject of youth, as Charlie White argues in his essay 'Minor Threat'. Such photographs ask the viewer to move from a passive gaze to a more active consideration of the medium of photography: 'to consider the complexities of photographing a minor is to consider photography's inherent power as well as the forces external to photography, which can use this power for cultural and political manipulation' (White 2008: 179). Even between child care professionals, equally valid interrogations of the artist's way of working can lead to different conclusions. A more troubling way of understanding Broda's photographs, as Knowles recognises, was represented by the complainant, a lecturer in child protection, and those within the School who agreed to censor the work.

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A day after reinstalling Broda's work in an even more pertinent place in the building, the curator was called into a meeting with a few key figures of the School's management. The justification for the work's censorship, according to Knowles, was two-fold. Firstly, there were concerns that paedophiles could come into the school to photograph the works and, despite the presence of the work in printed media, online and in museum exhibitions, the University would be held responsible. Secondly, the works function in a public space rather than an art gallery, was questioned: was it fair for users of the building to be confronted with the work? "My argument was 'well, of course, this is a school of Midwifery, Nursing and Social Care, and these are issues that need to be dealt with. This is what you are teaching your students, and this is the whole point of the collection", recalls Knowles.

Despite raising pertinent issues and providing important clues, Knowles felt the meeting failed to critically engage with the questions underpinning the work. The School's inability to address the source of unease more successfully became evident the next day, when the offending photographs were to be taken down by a member of staff. Knowles recounts:

> He said, 'which do you think we should take down?' And I said 'well, I don't think we should take any down. But given the conversation yesterday maybe it's the ones showing the kids' genitals'. So, we then went through them and he picked out the ones that were particularly showing the kids' genitals. What was interesting, is that that does not take away the power of this work.

If the nudity of the children and their mother was not at the heart of the School's concerns, then what were the ethical considerations that drove the decision to censor the work? It was not until the act of censorship took place, which necessarily involved looking more closely at the work's supposed transgressions, that what Besterman (2011, 252) has aptly called 'the territory of productive confusion' revealed the foundations of a more reflective debate. Knowles began by explaining how Broda attempted to engage her children in the construction of the images by inviting them to play games with her, as the artist put it herself: "I am their canvas: they play with me and change me" (Broda in Philips 2013). But this rhetoric raises

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pivotal concerns from the specific and deeply informed perspective of academics in child protection, social care and midwifery. For the senior academic tasked with the de-installation of the offending work, Broda's rationale resonates with the justifications employed by sex offenders; the expert in social care noted that "well, we just prosecuted a woman for saying exactly those things" (ibid.).

The case of the Birth Rites Collection helps to unravel some of the powerful complexities institutions face. What began as a question of value, 'this might make visitors feel uncomfortable', unfolded as a question of ethics, 'is it right for the children's bodies to be on display?' and 'how do we interpret the intentions of the artist?'. In any ethical dilemma, it is helpful to distinguish what might be a matter of taste, assumption or commonly accepted standards and what might be norms and principles that ultimately have a bearing on the well-being, rights and life of the people museums represent (Stark 2011). However, the discourse on censorship has struggled to define the extent to which ethics, values and morale provide a robust premise for self-censorship.

For example, do the opportunities of appropriating sensitive images online justify censoring sensitive works in an art institution? The fear that paedophiles might be able to access galleries can be framed as a child protection issue but multiple interviewees pointed out that art today is available not only in galleries but also online and in publications. It is here that the line between self-censorship, curatorial selection and responsible decision-making becomes particularly blurry. Lisa Philips (2016: p), Director of the New Museum critically remarks:

> …how far away we are from a society of shared values and ideals. If we live
> in a culture where freedom of speech is a human right, do we have a
> responsibility to moderate what we say to create a society of shared values?
> Is this moderation self-censorship?

In an attempt to engage with this dilemma, Cook and Heilmann (2010) have attempted to expand the definition of self-censorship by distinguishing private and public self-restraint. As opposed to public self-restraint, private censorship

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represents a phenomenon in which an external sensor is absent, and decisions are navigated through one's own values and beliefs. It "involves an intrapersonal conflict between the actual expressive attitudes held by an agent and the set of permissible expressive attitudes that they endorse" (Ibid, p.2). The introspective conflict central to private censorship was something almost every practitioner encountered – as the next chapter will show in more detail. In some ways, private self-censorship is even trickier than outright, externally imposed censorship, as it raises a normative question: is it possible to have legitimate motives for self-censorship? And if so, what informs practitioners' ethical and moral compass in negotiating photographs of children?

These critical questions are legion but, still, are rarely part of the discussions leading up to the act of censorship. The case of the Birth Rites Collection makes visible the silences created by self-censorship, revealing what questions are not being addressed and whose perspectives are not yet represented in the discourse. How might institutions begin to rethink and reshape their own practice to enable sensitive work to exist in a productive learning environment? What are the ethical conditions upon which museums could enable such work to be seen? What relevant perspectives might enrich the discussion between informed critics, the artist and the curator? And how might interpretative strategies confront concerns towards the sitter's rights to reflect the tensions between perception and reality, power and exploitation? Perhaps, by actively unpacking these questions, institutions have the potential to exercise moral agency towards both freedom of speech and child protection.

The collaboration between the University of Salford's colleges and the Birth Rites Collection came to an end in 2017, when funding for the project was not renewed (Knowles 2016). The curator found a new home for the collection at King's College London' Florence Nightingale Faculty of Nursing, Midwifery and Palliative Care, where the artworks perform a similar function as they did in Manchester.

That a healthy discourse depends on institutions' willingness to share has been powerfully underlined by Janet Marstine (2011), who posits that 'radical

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transparency' engages not just superficially or selectively to shield what is at stake, but actively engages larger contemporary ethics debates. She challenges the sector's reliance on confidentiality with regard to ethical dilemmas, citing Hilde Hein's questioning of the dichotomy between the public and the private. Hein (2006: 32-33) notes that "the appeal to privacy as an essential claim to immunity from public intervention can be divisive and dangerous" – a claim that indicates how paralysing silences, whether they are a product of self-censorship or the reluctance to understand and address censorship, keep a reciprocal debate on ethics from taking place. Marstine (2011: 6) concludes that the ability to open up is a mark of "visionary, proactive and courageous leadership" that is taking institutions to new areas of trust with their audiences.

Mounting Resistance: Taking a Stance

Any act that rails against censorship holds political significance for promoting the freedom of the arts. And, encouragingly, there are signs that it might not actually take much to combat this self-reinforcing cycle. As this chapter shows, defying external and internal pressure often relies upon, a few courageous individuals who take a stance for artistic freedom. Subsequently, these practitioners have become instrumental in gradually transforming practice around them. Some years after exhibiting the Sally Mann retrospective, The Photographers Gallery hosted *Home Truths* (2013), an exhibition on contemporary motherhood that included photographs from Ana Casas Broda's *Kinderwunsch*. As part of the decision-making process leading up to the show, the team addressed the ethical and legal layers of potentially problematic work to strategise on narrative, juxtaposition and the use of warning signs. Independent curator Susan Bright (2016) recalls how the gallery's previous experiences fed into this process:

> It definitely came up, it was why we had the sign. Brett was really amazing, she is not afraid of controversy, and if she believes in something worth showing she will show it. She won't not show it because it might cause trouble.

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Rogers utilised the Photographer's Gallery experiences with *The Family and the Land* to create a precedent for the institution, a solid foundation upon which her team could act confidently in the future.

Many practitioners developed unofficial coping mechanisms that enabled them to navigate social sensitivities by employing alternative curatorial tools. For *Home Truths* an inconspicuous approach emerged unexpectedly in the form of subversive artist Leigh Ledare. Ledare photographed his mother in erotic nude portraits for *Pretend You're Actually Alive* (2000-2008) to leverage ideas about intimacy, authorship, agency and sexual morality and, as such, provided an intellectual and visual distraction from other work. Bright (2016) recounts: "Ana just kind of flew under the radar. Whereas perhaps in another time, or if Leigh wasn't in the show, it could have caused more anxiety".

For others, this kind of deflection became an intentional and systematically-adopted technique that was shared between curators and even earned its own moniker. Named after a painter who was lambasted by his royal subject for depicting his unsightly appearance and ordered to recreate the portrait, the term 'hairy arm' represents the painter's subversive response: by simply adding a hairy arm to the painting, the artist deflected his sitter's attention from the rest of the portrait which remained unchanged. In other words, to knowingly include an object that functions as a curatorial lightning rod enables more important, potentially sensitive, tricky or controversial truths to exist. Curator Y (2016) explains:

> Sometimes you know there is going to be pushbacks, so you add a hairy arm that they can vent and wring their hands over and then the rest of it is fine because they wear themselves out on the hairy arm.

Although this tongue-in-cheek reference also risks creating a sense of intellectual superiority towards publics, such techniques can give curators leverage to stage "minor bits of rebellion" and channel emotional outrage towards objects they are

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willing to compromise on for the benefit of the exchanges, influences and ideas they want to render visible (Ibid.).

Whilst employing different strategies to varying levels of success, each of the key practitioners in this chapter found subtle and sophisticated ways to contribute to more courageous practice, the most profound example being Martin Hammer, who mounted an alternative act of resistance in response to the Scottish National Portrait Gallery's decision to omit Sally Mann's work from *The Naked Portrait* that was only visible to the most observant visitors of the exhibition. Although Mann's photographs were not displayed on the museum's walls, the absence of the photographer's presence was abundantly clear in the exhibition's accompanying catalogue where Hammer afforded her a lead role in the publication's narrative (Figure 5) (Hammer 2007). This rebellious statement functioned as a powerful metaphor for the negative, invisible space that self-censorship occupies – as Rushdie suggested at the start of this chapter. In addition, Hammer relays his experience of the subject in his role as Professor of History and Philosophy of Art, raising awareness and producing dialogue on both the ethical and art historical implications of self-censorship.

Figure 5 Catalogue *The Naked Portrait* by Martin Hammer. Photo credit © Author

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Through each of these small acts of rebellion, museum practitioners exercise agency, deciding how the sector responds to pressure. Especially if its presence is not acknowledged and takes place within an institutional setting, censorship is ungraspable and becomes but one force in a complex whole. If engaging more assertively with the ideas around the role of children in art and photography, we can come to see the artwork as a means to explore the much bigger questions posed by the socio-political climate of the twenty-first century. In sum, moving forward is as much a case of raising awareness for the judicial complexities museums face, as embracing the institutional complexities that arise when photographs of children expressing a bodily awareness challenge the ethical compass of the institution and its practitioners.

Chapter 5: Challenging Curatorial Assumptions and Institutional Values

Chapter 4 raised awareness of the modus operandi of censorship and introduced the idea of institutional paralysis – a fear of repercussions that prevent museums from actively engaging with the ethical dilemmas undergirding the collection, display, and interpretation of photographs of children. But as the constraints that operate to inhibit curatorial practice became increasingly pronounced, so have museums attempted to challenge and defy them – mostly, as this chapter shows, by relying on the authoritative voice of the art historical canon. While these efforts may be welcomed for resisting self-censorship, one of the pivotal lessons that can be learned from the practitioners contributing to this chapter is that museums can no longer disregard the fact that photography is a social medium that operates in political ways, and must acknowledge that new interpretative strategies are necessary to move forward. Accordingly, the chapter explores curatorial strategies and ethical decision-making processes that function as meaningful alternatives to risk-averse practice. In examining museums that, despite facing similar pressures as the institutions in Chapter 4, successfully staged exhibitions around the subject of childhood, this chapter illustrates the challenges and opportunities of interpreting photography as presented by conventional curatorial tools and analyses the often competing institutional and personal ethics of staff underpinning these processes.

My argument is informed by a case study at the The Hague Museum of Photography (HMP), an institution that used a confident voice to exhibit a retrospective of the Dutch photographer Helen van Meene. By reflecting on and unpacking the themes arising from the case study data supplemented with informant interviews, I tentatively propose that, although the traditional tools institutions employ to interpret childhood offer strong merits, they alone might not sufficiently equip curators to mediate the complicated and conflicted kind of feelings that these images evoke. Although there is no one-size-fits-all approach, the chapter considers how museums might begin to reframe their discussion of art photography to address both the ethical and the social issues underpinning images of childhood.

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The chapter takes the case study at its starting point. By looking in depth at this retrospective, this section posits that the museum's art history-focused approach is successful in the way it boldly and unabashedly embraces van Meene's work, her subject choice and the ethos of the collaboration with her sitters. However, a closer look also reveals that by focusing almost exclusively on the stylistic qualities of the work, the curatorial narrative adopted in the exhibition itself understates the political importance of the photographer's use of subtle subversions, satire and personal references to assert a decidedly feminine gaze. By leaving the critical notes in the work unaddressed, the museum overlooks an opportunity to engage visitors in the social, political and discursive meanings the work also has the potential to evoke and, critically, allows the museum to overlook how ethics play a role in the artist's collaboration with her sitters.

The case study then provides an opportunity to compare and contrast curatorial approaches identified by some of the research informants. Especially when curators directly and transparently address the ways in which artists and sitters collaborate behind the scenes, this section reveals, museums are able to offer visitors a richer and more nuanced understanding of what it means for young people to participate in art.

But whether they took an approach to exhibition design governed by the rules of art history or not, the museums and practitioners central to my argument balanced a complex set of values, taking into account the institution, the artist, the viewer and the sitter, whilst honing their curatorial voices. The practices they adopted represent an ongoing museological challenge to rethink the very structures through which museums have understood photographs, as opposed to the display of painting, in the past. The last section, therefore, explores the professional and personal values that practitioners balance when negotiating this ethical terrain.

In sum, the focus of the discourse on photographs of children has been predominantly on censorship and the previous chapters built on the crucial and highly productive contributions that a number of leaders in the field have made to the legal liberties museums are afforded when exhibiting contentious work. Yet the

previous chapter also concluded that there is still significant work to be done when it comes to ethical decision-making processes and that more practitioner-led reflection can drive the process to make museums and their practitioners more equipped, informed and assertive in the face of pressure. This chapter moves beyond the dichotomy of freedom of speech versus censorship, through which commentators have approached photographs of children, to demonstrate that ethics and freedom of speech cannot be treated as two separate or opposing fields and that the two are deeply intertwined.

Art History: A Safe Way into Unsafe Territory?

Whether they display conflict, suffering or photographed persons who are vulnerable in other ways, there is a strong sense within the literature that photographs of people cannot be adequately understood without also looking beyond the visual, to recognise the encounters between sitters and artists, as well as sitters and museum visitors (Azoulay; Stylianou and Stylianou-Lambert 2017; Gursel 2016). And yet, these authors also observe that, remarkably, museums very often elect to focus on the aesthetic nature of images – that is, the technical skills of the photographer and the traces of their creative decisions visible in the image. This strategy was one that emerged strongly from my preliminary research too, which took place in 2015 and focused on museums in the UK. It found that, while photographs of children were absent from exhibitions on subjects like identity, family and childhood, a number of curators took an alternative tack that sidestepped both the pressures to self-censor and the ethical concerns of exhibiting the photographs by relying on an aesthetic rationale and/or the widely recognised place of the artist within the art historical canon. This section briefly maps out the aesthetic curatorial rationale through the preliminary research and then introduces the case study research in order to exemplify the identified complexities.

As one of the only ways in which museum visitors encountered what are often considered 'difficult' images of childhood, this preliminary research suggested that the aesthetic rationale allowed a number of curators to confidently support boundary-pushing artist. Where others chose to omit these photographs from their displays, these museums embedded single or small series of photographs of children within

exhibitions organised by traditional categories of photography – landscape, portraiture and still-life – or focusing on the classical influences in images. Examples included the display of Anoush Abrar's *Hector* (2014), an image of an infant boy posing in a manner that recalls Caravaggio's painting *Sleeping Cupid* (1608), which was on display at the National Portrait Gallery as part of the Taylor Wessing Portrait Prize, and *Botticelli Reimagined* at the Victoria & Albert Museum, which displayed two of Rineke Dijkstra's *Beach Portraits* (1992) alongside Sandro Botticelli's painting *Venus* (1480) to reveal a common visual language between both mediums. Both these exhibitions isolated distinctive features of the visual language adopted by Abrar and Dijkstra and, significantly, mobilised new and previously unseen connections to evidence the place of these photographers and their medium within the art historical canon.

At the same time, however, such examples raised the fundamental question as to whether overtly appropriating painterly techniques and references to the art historical canon in both photographs themselves and curatorial strategies somehow possesses less provocative power than narratives which are firmly grounded within the contemporary. As a framework that operates to validate artworks within the hierarchy of value, an aesthetic rationale seemed to represent a relatively safe way into a potentially difficult topic, as some of my interviewees also suggested.

For example, Independent Curator Helen Trompeteler, who was previously curator at the National Portrait Gallery and involved with the museum's yearly Taylor Wessing Portrait Prize, raised the poignant point that at this moment, photographs that take stylistic cues from old masters seem less prone to controversy (2016). She speaks specifically in relation to the second-place winner of the 2015 competition Anoush Abrar's *Hector* (2014), mentioned above, which shows a naked blond-haired, blue-eyed toddler in an instantly recognisable pose. The formal composition, *chiaroscuro* lighting and Hector's classical pose instantaneously recall a cherub even to those unfamiliar with its source of inspiration (National Portrait Gallery). The black background serves only to enhance the notion that *Hector* could have been taken at any time and place, offering a selection of clear references that enforce distance by

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placing the boy within a timeless rather than a contemporary context. Trompeteler (2016) explains:

> What was interesting about this image was that there wasn't as much controversy about it as I thought there might be, I think because of the art historical references. It was such a deliberate reference to Caravaggio and that whole art historical tradition of cherubs. It seems to me that where there are such direct art historical parallels to previous genres and paintings, that somehow, it is more accepted as an image.

The fact that Hector is an infant and a boy might also have diminished some of its potential to offend too, as the trajectory of cases I build on suggests adolescent girls tend to evoke stronger responses, but the clear historical references equally seemed to evoke a sense of recognition in his viewer, Trompeteler muses. Similarly, the juxtaposition of Rineke Dijkstra's self-conscious young women *Beach Portraits* (1992) with Boticelli's sirens at the Victoria & Albert Museum drew the eye not to the way in which Dijkstra aptly visualises the awkward stage between childhood and adulthood, but to the traces of Botticelli's influence in the composition and setting of the image.

Perhaps unconsciously, these exhibits cleverly merged art and reality, shifting focus from the corporeal to the symbolic. As an interpretative strategy that operates in defence of the photograph, this approach is ingrained within the structures of museums that have traditionally been supportive of photography as a 'high art', argues museum and photography scholar Elizabeth Edwards:

> Precisely because of the unique attributes of the photograph – the social encounter between the artist and the sitter that precipitates images of people, the reproducible nature of the photographic image and its indexicality – museums have traditionally embraced curatorial approaches that operate to legitimise the medium as part of the hierarchies of value, granting its makers equal footing to painters and sculptors. With their authenticity, originality and cultural capital suspect, photographs, for the most part, lie outside the

systems of value that produces museum objects. They sit low in that hierarchy.

<div align="right">(Edwards 2014: 5)</div>

In other words, narratives that thematise photography as an appropriation or dramatisation of art history are nothing new but reflect how collectability and value are constituted in the market place (Moulin and Vale 1995). For museums, the aesthetic rationale, a knowledge-based curatorial strategy bound up with the daily practices of most art museums run by curators with a scholarly background in art history (Alexander 1996; DiMaggio 1991; Acord 2010), constitute somewhat of a default position when the values of photography are challenged in museums.

Edwards' apposite observation, however, also alludes to something museum and photography scholars have known for some time – that there are substantially significant tensions within this modus operandi. Photography, as a "beautifully complex medium" (Cotton 2013), does not operate in the same ways as painting: most importantly, here, because photographs involve not only the individual behind the camera but the participation and the reflection of the person in front of the camera. Unlike paintings, as Ariella Azoulay (2010: 252) aptly notes, "a photograph showing persons who were photographed cannot be regarded merely as an object produced by a single individual". Nonetheless, the aesthetic rationale, being a position that espouses "a sense of non-involvement or detachment" from the social and political context in which objects are displayed (Cameron 2003: 30), has allowed museums to abstain from engaging with their responsibility towards the sitter and the political meaning-making of the spectator.

My intention, here, is not to return to a discussion of fraught child protection, but to challenge the wider assumptions that underpin a tendency to rely on the widely recognised place of artists within the art historical canon. The desired effect is to rethink the hidden patterns that have implicated public institutions across the board in debates about social accountability and exploitation of the vulnerable other and, accordingly, the ethical criteria that shape everyday curatorship. My argument is based on the conviction that museums have a responsibility towards the

photographed child, but also an obligation towards their publics to act sensitively and empathetically, show leadership and justify their actions as part of this particularly thorny area of practice.

Some museums have begun to do all these things already, since questions towards the sitter very recently acquired prominence as part of the MeToo movement, which subjected the conduct of several artists to intense scrutiny. However, when it comes to fine art photography, the art world has in the past been famously unreceptive of perspectives that privilege the social and ethical use of photographs, dubbed "popular aesthetics" in Bourdieu's *Photography: A Middle-Brow Art* – a term also described as a "working-class attitude" that was "marginalized as an aberration of uneducated people" (Degot 2014). Although some museums have attempted to move away from a singular emphasis on the artist and demonstrated that other responses to what proved contentious depictions of children are possible too, these gestures are not always productively applied to art deemed controversial, sensitive or difficult. My concern in this chapter is not with any one artist or institution, but with examining the widely relied-upon curatorial approaches, assumptions and ethical criteria, with the aim of helping museums begin to evaluate their role in developing ethical dialogue.

This is certainly not a new argument, but one that is strongly rooted within a much larger common thread in academic scholarship over the past decade. Very recently, for example, Nina Möntmann (2013:) turned her focus towards the "instrumentalization of ethics as a privileged tool for neoliberal talking points", questioning the curatorial responsibility towards the other when curating, for example, art that intentionally exploits or marginalises its subject to shock the viewer. In a similar vein, Richard Sandell mobilises museums to question their traditional ways of working in relation to social justice:

> Museums cannot operate as if separate from the inequalities that exist within the communities they aim to engage. They cannot rely solely on the disciplines – art history, history, anthropology and so on – that have traditionally been used to frame and shape the narratives they present.

(Sandell 2016: 140)

Or Sharon Macdonald, who observes that doing so can be conceptualized as a duty that is easily overlooked:

> exhibitions rarely seek to explain their contents in terms of a broader social and political context; and this may be something which even those involved in making exhibitions tend to over-look as they concentrate upon the intellectual, aesthetic and practical details of the task at hand.

(Macdonald 2007: 177)

For museum practitioners, these debates form an important point of departure to evaluate how and why they work the way they do as directors, curators, artists, and public institutions in general.

Case study research

The fragmented cases identified during the preliminary research prompted further research into the ways in which the majority of art institutions work – a task that required a holistic case study at an institution willing and brave enough to participate. I found one such institution at the The Hague Museum of Photography (HMP), The Netherlands, which mounted a retrospective by photographer Hellen Van Meene from 29 August to 29 November 2015. Although located within a different national context, the exhibition is situated within similar parameters as those examples mentioned earlier: the UK and The Netherlands share a history of gradually emerging awareness towards child sexual abuse (Chapter 1), and although images of children here seem to arouse somewhat fewer public debates in general, HMP has been confronted with a public complaint and police pressure in response to Sally Mann's *The Family and the Land* (Chapter 4) – not unlike its London counterpart, The Photographers' Gallery.

The HMP offered full access during the last ten days of the exhibition's opening, which meant that I was able to interview staff and the artist herself; observe internal meetings, including informal team and more formal artist meetings; attend and

participate in school sessions, and access any documentation relating to the exhibition on site. Whilst these methods helped me identify some of the traps and assumptions embedded within the ethical decision-making of institutions employing the aesthetic rationale, this particular case study also has substantial potential to encourage new practice and thinking across the field. As a dedicated photography institution, the HMP through its catalogue offered a model for possible alternative pathways into art history that engage productively with the ethical context and hold strong contemporary relevance for the viewer. The next section is organised according to the findings from this case study, starting with a discussion of the museum's approach within a larger trajectory of support for boundary-pushing artists, the catalogue's creative engagement with Van Meene's social significance, and – lastly – what can be learned from the museum's ethical decision-making process. Throughout, informant interviews assist the process of reflexion and comparison.

In Defence of Photography
The HMP has always dislayed and continues to display resilience towards the external barriers raised by the specific political, economic and cultural climate in which it operates. The institution does so by consistently providing a platform for photographers interrogating boundary-pushing subjects and, as its handling of Sally Mann's *The Family and The Land* suggests (Chapter 4), negotiating the occasional police pressure and public complaints under the radar; using compromise and dialogue to avoid greater fallout. This strategy operates to contain controversy, maintain the support of stakeholders and constituents, and keep media at arm's length (although the Dutch press takes fewer interest in museums than their British counterparts).

So far, this approach seems to have been effective in creating a healthy environment for photographic practice on the boundaries: photographers examining the construction of femininity in adolescence as a central motif in their work are frequently found within the museum's narratives (such as in the exhibition *Photo As Figure*, which encompassed over 50 photographs on the human body, including work by Hendrik Kerstens, Jock Sturges) and sometimes form the sole focus (the museum has hosted exhibitions by Bill Henson and Sally Mann, and its collection

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includes work by Rineke Dijkstra, Inez van Lamsweerde and Hellen van Meene (Van Sinderen and Van Der Krabben 2013).

Van Sinderen, Senior Curator at The Hague Museum of Photography, skirts the needlessly provocative in favour of quiet contemplation but does not avoid the controversial, refusing to conform overtly to what he calls "zeitgeist". That is, the museum's primary interest is in supporting the artistry and creative freedom of its photographers without adopting an activist or socially-engaged agenda that risks diminishing or over-valuing a single perspective. Instead, all exhibitions at the museum are bound by an interest in human life, explains Van Sinderen, a factor which distinguishes the HMP from its Dutch counterparts. An emphasis on the "nostalgic, profoundly beautiful and melancholic" runs through the museum's exhibition trajectory as a curatorial signature and is characteristic for the museum's identity under its current curator (Van Sinderen 2015). This strategy is not uncontested: Van Sinderen knows that critics and publics expect the more difficult, immediate and dark to be present for some topics. He is currently planning a thematic exhibition on farming. Despite expecting reviews calling for work speaking to some of the current debates on environmental change or bio industry, the curator selects mostly Dutch photographers who represent 'timeless topics' in agriculture – still lives, portraits and landscapes – to testify to social, cultural and national change more implicitly.

This predisposition towards the aesthetic is apparent in the curatorial commentary and exhibition design of the retrospective at The Hague Museum of Photography, which included over 90 images ranging from the very start of the photographer's career in 1994 to the most recent work in her oeuvre. For example, it is never immediately clear to the viewer whether the sitter's uncomfortable and unnatural poses are carefully composed or spontaneous, as critic Charlotte Cotton (2014: 33) notes. The sitters rarely gaze directly into the camera and, although they are each atypical and inexperienced models – Van Meene portrays pregnant teens, captures girls with braces, skin blemishes and pale skin, as well as androgynous-looking boys – her subjects resist attempts to pin down their identity: yet the ways in which Van

Meene often draws our eye to their bodies references the liminal zone of adolescence in which the camera captures them.

'It's all about aesthetics'

The title of this section is borrowed from a statement made by Van Sinderen when asked for the conceptual rationale behind the retrospective*:* "with Van Meene it really is all about aesthetics", he remarks. Indeed, each element of the exhibition – its introductory text, video and furnishing – is shaped according to the visual language evident in the photographs (Figure 6, 7 and 8). Although there is very little textual interpretation apart from a wall-length introductory label, the exhibition design accentuates what we might call the artist's *écriture* – a word commonly used to describe the "visible signs and traces representing spoken language, someone's personal handwriting, and the manner of writing or style of an individual period" (Gursel 2016: 234). In photography, *écriture* describes the visual traces in the photograph signifying the hand of the photographer. Much like *Hector* and *Beach Portraits,* such traces are visibly present in van Meene's work and form, as the exhibition's introductory text points out, a recognisable trait:

> Although Van Meene has continued to develop and her choice of subject has widened over the past two decades, her work has always displayed the same consistent and distinctive personal style. Whatever the nature of her photographs – whether autonomous artworks, images commissioned by the New York Times or Tank Magazine, portraits of young girls in Tokyo or Los Angeles, or portraits of dogs – each of them is always and unmistakeably 'a genuine Hellen van Meene'.
>
> (Van Sinderen 2015)

Specifically, van Meene uses natural light, intense colour and close attention to detail such as costume, hair and posing to portray girlhood through an almost dream-like, vivid aesthetic that adopts a close likeness to painting. This resemblance is often noted by curators, critics and concurrently emphasised by van Meene herself through compositional allusions relating to the art canon and in photographs carrying titles like *Botticelli in the Lowlands* (Barnes 2014)*.* The retrospective at HMP too

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locates van Meene's *écriture* as part of a larger framework to testify to the 'timelessness' of the work:

> Van Meene's unique style is characterized by her timeless and mysterious atmosphere in her images and by her consistent use of natural light. Due to the crucial importance of lighting in her photographs, but also because of the particular way she stages her pictures of adolescent girls, her work is sometimes compared with that of major painters of the past, from Botticelli and Velazquez through to the Pre-Raphaelites of the nineteenth century.
>
> (Van Sinderen 2015)

This emphasis on the stylistic elements in the work that locates the artist within an art historical trajectory is replicated throughout the gallery. Walls are painted in soft colours to resonate with the painterly light and colour pallet in the photographs. And the placement of an antique, flower-patterned sofa under a photograph that features the same sofa replicates the classical motifs in the work.

Figure 6 Overview *Hellen van Meene: The Years Shall Run Like Rabbits*,
The Hague Museum of Photography. Courtesy of © JRR Gerth

Figure 7 Overview *Hellen van Meene: The Years Shall Run Like Rabbits*,
The Hague Museum of Photography. Courtesy of © JRR Gerth
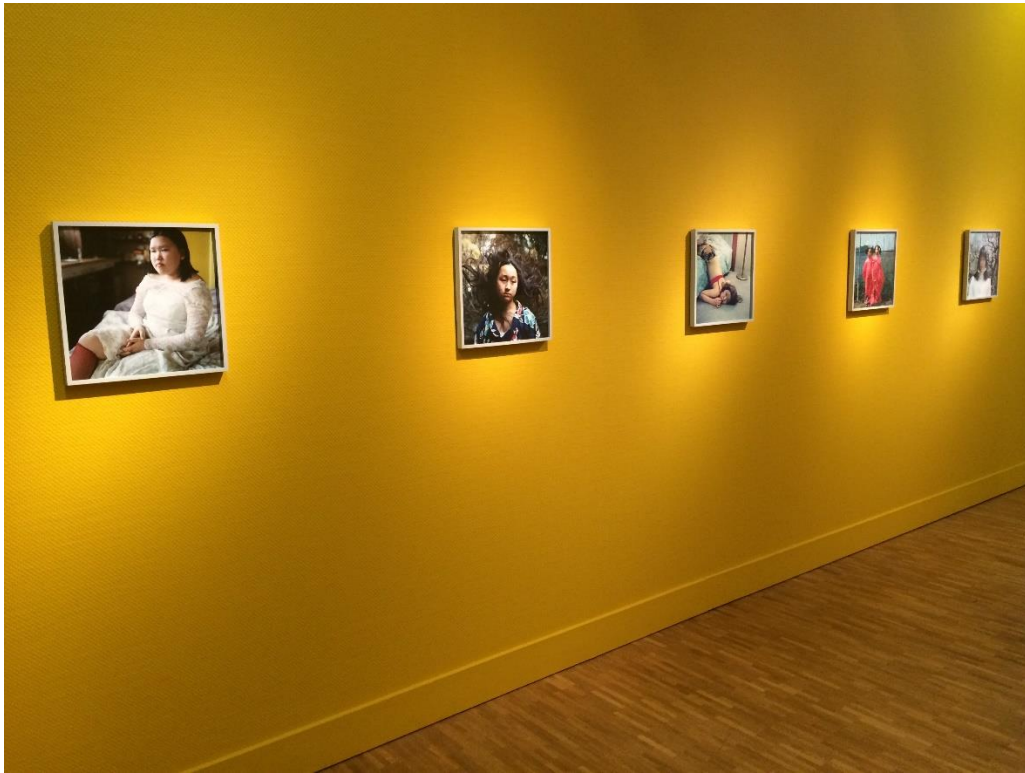
Figure 8 Overview *Hellen van Meene: The Years Shall Run Like Rabbits*,
The Hague Museum of Photography. Courtesy of © JRR Gerth

At the same time, however, there are subtle clues within the exhibition that the museum is also attempting to engage its viewers with the ethical properties in the work by drawing the focus to Van Meene's collaborative process. A video placed at the entrance of the exhibition reveals that the photographer not only resembles the old masters of painting in the visual lexicon she adopts, but shares an equally profound likeness in the way she carefully orchestrates the images, adjusting strands of hair and directing her sitter's most subtle movements from behind the camera. These fragments of the photoshoot evoke the feeling that the photographer does not necessarily capture her sitter's own perception of identity but uses her models as a vehicle to enact what Catherine Grant (2010) refers to as 'allegories'. The young sitters appear as actors or doll-like stand-ins – a process the artist herself has described as "moulding the person like clay and rebuilding them into the image she has in mind" (Barnes 2015: 9).

Indeed, the video reveals a clear power dynamic between van Meene and her sitter. This is not to suggest that she works in an ethically fraught manner: on the contrary, there are certain benefits to the use of non-candid approaches in comparison to the fluid and covert power dynamic embedded within the relationships of sitters and mother-photographers (who face a paradoxical challenge, as one of the mother-photographers I spoke to explained: "I have a vested interest in protecting her, but I also… it's almost like this inversed proportion that the closer you get, the more trust you have but the more there is at stake" (Schneider 2016)). Van Meene is able to relate a clear idea of the images she means to create to her models and their parents and her role and interests as photographer are perhaps more clearly demarcated than that of parent-photographers. By her own account, she often maintains good relationships with her models, many of whom have since grown into adulthood and occasionally attend exhibition openings (Van Meene 2015).

Nonetheless, the distinctiveness of the photographer's aesthetic paired with the authorial voice modelled in the recording pose a hefty interpretative challenge, for they reveal that Van Meene's photographs "attest to something outside the version of childhood and womanhood that we find comfortable and familiar", as education scholar Jacqueline Reid-Walsh (2005:198) notes. Indeed, her work appears at odds with the maternal gaze modelled by, for instance, Ana Casas Broda or Sally Mann and the assumptions and expectations perhaps placed on women-photographers. On the contrary to the seemingly candid and collaborative visual lexicon of most female photographers, Van Meene's process and physical end product seem to have more in common with for example Bill Henson, in that her sitters appear in a manner only an artist can achieve; profoundly beautiful, in artificial poses and settings, and, never quite engaging with the camera: a passive object of the subject's gaze.

This apparent unfamiliarity may activate questions in the viewer concerning the dynamic between sitter and maker; the photographer's intent and the series' wider resonance outside the aesthetic plane in which the museum locates them. This is a challenge that is certainly not unique to Van Meene's work or to the HMP as an institution: photographs "activate" their viewer by posing questions on the circumstances under which they were made, as the artist Charlie White (2008: 179)

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notes. Photographs of young people in particular expose the complex relationship between photography and its context: "to consider the complexities of photographing a minor is to consider photography's inherent power as well as the forces external to photography, which can use this power for cultural and political manipulation" (Ibid. 179).

The interpretative challenge posed by these qualities does not go entirely unrecognised but is confronted in a subtle manner, through the catalogue that accompanies the exhibition. The creative speculation of the catalogue's author Martin Barnes (Senior Curator of Photographs at the Victoria and Albert Museum, London) demonstrates that by thinking outside the structures of the canon alone, art history holds a compelling potential for curators to actively engage with the relationship between sitter and maker and explore what it means for young people to participate in photography. The next section, which explores the readings offered by Barnes, inspires us to rethink how curators can offer a mediating voice but simultaneously sets up my argument for the following section, that doing so must be an integral part of the exhibition for the benefit of the sitter, the artist and the viewer.

Alternative ways of looking: Van Meene's feminist gaze
As a place that generally affords a spatial and conceptual distance from the exhibition, catalogues share a reciprocal relationship with museum exhibitions and text labels: they are viewed as places for museums to expand discourse, present discursive presentations of information and think more freely about the scholarship underlying exhibitions (Spencer 2001; Hughes 2010). Although – or perhaps because – they might not reach the same number of visitors as exhibition labels, for curators, catalogues are compelling places to explore how museums might begin to rethink the conventional frameworks they employ. The alternative route taken into *Hellen van Meene: The Years Shall Run Like Rabbits* by Martin Barnes examines how Van Meene's photographs can be read as sites of either feminine recognition or voyeuristic fictions. Barnes explores these readings through the work of art historian Catherine Grant and, importantly, interviewed the artist herself for the piece, talking amongst other things about the casting process for one of her recent series. Together, these sources allow Barnes to explore productively how feminist and

psychoanalytic theory – in addition rather than as opposed to art history – might support rather than negate a socially and ethically-informed view.

By looking towards Van Meene's peers, such as Collier Schor, and predecessors, including Margaret Cameron and Lady Clementine Haywarden, Grant and Barnes draw our attention to what might seem incidental placements or errors that are not always immediately obvious when looking at Van Meene's allegories on display. Clothing, for instance, is often used to give subtle expression to something the sitter cannot. As in the work of Shor, it appears displaced, inside-out, or uncomfortable to the wearer; whether it is to provide cover, through modest dresses and oversized undergarments, or exposure, using a wet t-shirt that reveals the sitter's breasts. Other figures wear their ultra-feminine, matronly dresses backwards, as if to suggest that they are out of place on a young girl (Barnes 2015). At times, the garments render the subject invisible against the backdrop of similarly patterned flowery wallpaper (Figure 9 and 10).

These knowingly constructed contradictions between exposure and vulnerability invoke a familiarity "with the way the model feels as she stands there, the gaze of the camera turned on her body", perhaps especially so from a female experience (Grant 2008). Grant reads the subtle subversions of femininity and sensuality described here through queer and gender theorist Judith Halberstam's (1998) idea of a 'reversed discourse'. In *Female Masculinity* Halberstam describes this as a process when "one empowers a category that might have been used to oppress one— one transforms a debased position into a challenging presence". By purposely erasing the identity of her sitter and placing her sitter within the suppressed setting of, for example, the domestic, the photographer shows her most observant viewers that these are not primarily depictions of weakness, but powerful appropriations of the very structures that have worked to marginalise women. Once noticed, the importance of these subtle clues cannot be unseen, because they form the language through which Van Meene subverts rather than replicates the male gaze. These subversions are evident in every detail; Barnes (2015: 8) notes for example, the young girls' hair often "seems to possess a life of its own, appearing to express with vigorous independence and symbolism what the limpid figures cannot".

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This image has been removed by the author of this thesis for copyright reasons.

Figure 9 Hellen van Meene, *Untitled (#0068),* The Hague Museum of Photography, Photo credit © Hellen van Meene

This image has been removed by the author of this thesis for copyright reasons.

Figure 10 Hellen van Meene, *Untitled,* The Hague Museum of Photography, Photo credit © Hellen van Meene

Reasoned through feminist theory, we may come to see that Van Meene has much in common with the objective of other women-photographers. She began photographing other teenagers in the rural city she grew up in when she was an adolescent herself. Therefore, there is what Reid-Walsh (2005: 198) suitably terms a "performative aspect of girls' self-representation" present in her photographs. In accordance with this perspective, Van Meene's gaze is one of recognition and nostalgia rather than objectification and operates 'through the structures of self-portraiture' (Grant 2008). For Van Meene, her close attention to detail allows her to transform the inexperienced and often insecure, giggly models with whom she works and bring out traits they are yet unaware of:

> I try to get the best things out of them. If it means I have to turn her around, or anything else, it's my responsibility and that's a big challenge every time. It's too easy to make a photo of an insecure girl [sic]. I mean… there's nothing in it. It's much more of a challenge to take an insecure girl and change her into Queen Elizabeth. That's more difficult (Van Meene in Toyne 2007).

In other words, her images are generated through women's experience, and the seemingly voyeuristic gaze she casts is derived from this; by aestheticizing her subjects, they come to mirror Van Meene's adolescent self – uncomfortable at being looked but at the same time self-possessed.

Curating Reflective Conversations

The catalogue's creative speculation about the presence of the self, that is Van Meene's self, shows that art historical links and references, especially when supported by insights from peripheral disciplines, do not always have to follow the same well-trodden path. By drawing on a feminist perspective and psychoanalysis rather than the canon, Barnes' essay is significant in the way it explains Van Meene's work as part of a broader ethical and political arena. The catalogue, as such, provides a strong contrast to the exhibition at large, which does not stray from a fine art narrative to explain its contents, and helps illustrate why *not* addressing ethics risks alienating visitors coming into the work through a different door.

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Barnes' essay demonstrates a sensitive awareness to something Ariella Azoulay has pointed out too, that even photographs commonly understood as exclusively aesthetic operate in political ways. What spectators understand photographs to mean is very often based on a presumption about the power dynamic between the photographer and the sitter and informed by the stylistic clues that the spectator is left to unpick 'like detectives' (Barnes 2015: 12). As Barnes (ibid.) warns too, "the dynamic between the model and the photographer alone is not enough to complete an understanding of these images, which take a deliberately performative stance. Our role as spectators is the missing third element in their reading". For curators, the negotiation of this 'third element' requires a profound understanding of the ways in which images *can* be perceived and the ways in which artists relate to them, drawing on cultural codes and conventions to stage what Sophia Krzys Acord calls a "reflective conversation" (Acord 2010: 462).

This challenge is not unique to Van Meene's work but was encountered by multiple practitioners. In recognition of the lens through which contemporary publics may understand photographs of children expressing a bodily awareness, a few curators mobilised specific curatorial tools to cater to their specific publics. As a result, the same exhibition may look quite different when hung at different institutions, by different curators. For instance, two Los Angeles based institutions recently collaborated to each stage a retrospective on Robert Mapplethorpe, The J. Paul Getty Museum and LACMA and their respective curators Paul Martineau and Britt Salvesen. Together, Martineau and Salvesen carefully considered the inclusion of two images of naked children that were part of the prosecution's evidence in the Cincinnati obscenity trial of 1990, which brought criminal charges against The Corcoran Gallery of Art and its director Dennis Barrie (Grundberg 2016). *Jesse McBride* (1976) and *Honey* (1976) would be included in an exhibition that also included the photographs Mapplethorpe was revered for: classical nudes, flower still lifes and the sexually explicit portfolio 'X', on homosexual S&M. Both Salvesen and Martineau independently considered contemporary attitudes towards childhood, the placement of the works and the concomitant messages conveyed to their audiences. In consideration of the artist, who died in 1989, and the frames of reference in which

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contemporary audiences consider the work, both curators reached similar conclusions.

Salvesen decided not to include *Jesse McBride* and *Honey* in the LACMA portion of the exhibition for reasons that do not relate directly to their potential to offend audiences, as she writes in an explanatory email to the author, but were informed by a critical understanding of the intent behind Mapplethorpe's creative choices. The following paragraph accurately reflects the delicate decision-making process Salvesen describes:

> The themes of the exhibition came from what I considered to be the artist's main priorities – the subject areas in to which he was most committed and which he made his own. He did photograph children throughout his career, but usually as a result of expedience: either the children happened to be present because Mapplethorpe was spending time with their parents, or parents commissioned Mapplethorpe to make their portraits.
>
> In my view, Mapplethorpe's photographs of children are significant because of their posthumous reception -- responses to them do merit serious examination -- but the criteria for my curatorial selections in this retrospective exhibition had to do with the artist's work and career formation during his lifetime. Since these pictures did not spark debate until after his death, their inclusion amidst his other work of the mid-1970s could have given a false impression that he was deploying the subject (children) in a knowingly provocative way at that time. He WAS testing the boundaries of the art world's acceptance with S&M subjects, but not with children.
>
> (Salvesen 2016)

Both Salvesen and Martineau demonstrate how the role of the contemporary curator is not simply a passive participant, but a mediator who stages a dialogue between artist and museum visitor. Martineau too is highly aware that subtle curatorial choices are integral to the reception of Mapplethorpe's work in the contemporary, an

insight that is especially important when artists can no longer represent and negotiate the contingent meaning of their work themselves. Martineau explains:

> I planned on having the exhibition catalog in a case opened to Mapplethorpe's portrait of Rosie as Britt relates below [printed above here], but I changed my mind. Since I wanted to place the *X Portfolio* at the end of the exhibition within the context of the controversy over the *Perfect Moment*, the portrait of Rosie would have ended up in a case adjacent to Mapplethorpe's sex pictures. I was concerned that that was asking too much of our visitors, particularly those who don't read the labels. As one of my primary goals was to help our visitors understand and appreciate Mapplethorpe's most challenging work, I opted to have the catalog open to *Embrace* (1982) instead.
>
> (Martineau 2016)

The curators' choices may be easily disregarded as self-censorship, but are, in my view, reflective of the situated knowledge production that characterises critical curatorial practice. The multifaceted, socially responsive role of the contemporary curator requires a powerful understanding of the ways in which exhibitions stage a dialogue on the artworks they include. Meaning is not inherent to the essence of objects (Dudley 2010; Graves-Brown 2000), which means exhibitions serve an important purpose in shaping and reflecting contemporary meaning elicited by them, as Greenberg et al. (1996: 2) note: "Part spectacle, part socio-historical event, part structuring device, exhibitions—especially exhibitions of contemporary art—"establish and administer the cultural meanings of art".

Power dynamics

The transparency adopted by both Salvesen and Martineau in their negotiation of Mapplethorpe's photographs of children reveals that openly addressing ethics is not only imperative to establish the child's informed consent but, in addition, allows curators to accurately capture and reflect the ethos of the artist and the sitter's collaboration. Salvesen rightly notes in her email relating to *Jesse McBride* (1976) and *Honey* (1976) that "the sitters and their parents testified to their consent in the making of the images 14 years earlier", meaning her decision is informed by, but

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does not necessarily reflect a concern about ethics. Rather, her curatorial thinking signifies a negotiation of "the complexities of cultural politics" underlying the interpretations of active audiences (Hooper Greenhill 2010: 9). Regardless of informed consent, voyeuristic or 'predatory' qualities (to borrow the words of Susan Sontag) are subtly present in most photographs of children. Especially at this time, audiences and images require some level of curatorial mediation.

The research put forward another unconventional and effective curatorial strategy, an integrative mode of portrayal that attends to the collaborative nature of the artists museums represent. This strategy, which moves away from a traditional curatorial authority to make way for the perspective of the artist and the sitter, allows curators to respond to the politics of representation in a way that is "very subtle" as Independent Curator Susan Bright (2016) notes. Reflecting on her attempt to negotiate contemporary attitudes towards childhood for *Home Truths* at the Photographers' Gallery, Bright explains: "it's done in captions and text panels and the fact that I interviewed all the artists and made sure that their voice was very much in the exhibition experience". She did so by, for example, incorporating quotes from the interviews in the exhibition to highlight the collaborative nature of their artistic processes. The concept of a reflective conversation, in this sense, offer scope for curators to nuance the harsh object-to-subject relationship between artists and sitters. The benefit of this strategy is in helping visitors engage on more equal terms with the photographed person too – a concept that resonates with Hilde Hein suggestion that museums can "introduce human beings to one another as subject to subject" (Hein 2007: 35).

Each of these strategies aimed at establishing a sense of reciprocity between spectator and sitter relied heavily upon curators' willingness to enter into a conscious and reflective conversation about the work, the artist's intent and the conceptions with which visitors enter the museum. Salvesen and Martineau took this strategy of transparency to an unprecedented level by openly communicating about their decision not to include the works, creating understanding and support for their reflective decision-making – a move that is particularly brave at a time when

censorship and freedom of speech are often seen as mutually exclusive (The Art Newspaper).

'Looking in a different way'

Although the canonical rationale employed by the HMP was somewhat of a default position, inspired by the institutional signature as well as the 'overview' function of the retrospective exhibition, it also signified a strategic curatorial choice. Reflecting on the ways in which his curatorial voice operates as part of the museum's broader social and political arena, Van Sinderen explains that his curatorial voice concomitantly advocates a certain way of seeing. He illustrates this with the example of a photograph included in the retrospective. It shows a young girl whose unclothed torso reveals a burgeoning pregnant belly while her hand is tenderly draped across her chest. Short, dark brown hair frames a confident, unfazed and androgynous-looking face. With her body turned towards the camera and the camera pointed slightly upwards, she looks casually down towards the viewer. "You can look at her belly and young body and see something beautiful", explains van Sinderen (2016), but, he continues, it is also possible to look at the portrait and see something corrupted, or rather, evidence of the young woman's corruption. "In those words, it becomes an image of nudity and the image becomes banal. But you can also look at it in a different way".

A closer look at the decision-making process behind the exhibition design suggests that the disposition adopted by Van Sinderen is reflective of practice across the HMP: the selection of images, words and design features that make up the exhibition, the marketing campaign and educational programme. Press Officer Astrid Hulsmann, for instance, insists that the choices made in each of these stages are first and foremost a result of the work itself and that van Meene "was treated no differently than any other artist"; Hulsmann simply selected the most recognisable and gripping image as 'a Van Meene' to communicate the exhibition externally – the potentially provocative power played "no role" in the way the museum planned her retrospective (Hulsmann 2015). Similarly, school sessions are executed by a pool of educators rotating between local museums and cover the same ground regardless of the content of the temporary exhibitions. Although exhibitions that include violent, overtly provoking or explicitly sexual photographs are screened off for children when

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nudity is "more naturally present", the sessions creatively engage children with the technical and creative aspects of the photographs on display (Prins 2015; Spaans 2015).

These are, of course, mostly positive traits that characterise an institution invested in its artists' creative freedom. At the same time, however, my research also suggests that when this reflective conversation is not embarked on or embedded throughout, museums not only sidestep the difficult but essential task of probing the work's ethical terrain, but risk alienating visitors that do enter the exhibition through a social or political framework. This became apparent in the case study through feedback from a visitor that the HMP received in response to Hellen van Meene's retrospective, which problematised specifically the video and the text label placed at the introduction of the exhibition. The writer of the email noted that: "the images I take issue with are staged by Hellen and the chosen see-through clothing are also her choice. The video shows how steering Hellen treats them" (Anonymous Complaint 15/10/2015). In fact, for the writer, the aesthetic rationale adopted by the museum makes the institution complicit: 'this text is an alibi', she proclaims, "because girls in that age category do not choose these poses (and clothing) themselves" (Ibid.).

Van Sinderen personally replied by explaining the museum's choices and reflected that the complaint "wasn't a problem" – his strategy of transparency and dialogue led to what might be interpreted as an 'agree to disagree'. Thus, the significance in this exchange is not in its representation of audience reception or to court controversy – a single complaint is by no means an appropriate tool for audience evaluation. As research data, complaints have very limited value in assessing or evaluating exhibitions from a standpoint of audience responses. In fact, several interviewees shared their thoughts on the prevalence and the absurdity of most complaints, with one participant recalling how "curators got hate mail" in response to objects like snow globes, "those little souvenir things that you shake and the snow falls". "That just shows you how somebody can get upset about anything", Curator X sums up.

However, as research data, a complaint might also be seen as a prompt, a hint or a way into a more in-depth discussion about the ways in which the museum's

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curatorial narrative aims to attend to the multivocality of objects and the multifarious perceptions of spectators, as it does here. In this case, the complaint addresses an issue that has been put forward by visual scholars too: that when the language curators adopt to describe photographs is directed towards the contribution of the photographer only, exhibitions might appear to force a shift in focus from seeing the sitter to seeing only the traces of the artist's hand. This point has been aptly addressed by visual researcher Zeynep Devrim Gursel (2016: 236), who posits that, although images of people are always aesthetic, focusing on the aesthetic alone risks overshadowing and silencing the photographed person. Gursel (ibid.) argues:

> … not only does the language of personal vision risk stripping subjects of any agency and turning them into a palette for the photographer's artistic choices, or at best, subjects to whom the photographer can give voice, but more important, it obscures the politics of the encounter between the subject and the photographer – and certainly the spectator at a distance, whether a gallery visitor or a newspaper reader.

Gursel helps us understand how the aesthetic rationale, upon which a majority of institutions rely, supposes a harsh object/subject binary that diminishes the agency of the subject by supposing "a profound inequality between the active *subject*, or agent, and whatever it proposes to itself as the object" (Hein 2011: 113). These politics of meaning-making are perhaps most evident in the exhibition's narrative around the sitter:

> Van Meene draws her models – often young girls – from her immediate social circle or spots them in the streets. She doesn't care who the girl is or where she comes from. For that reason, she deliberately refrains from titling her photographs; the identity of the subject is irrelevant. The photographic image represents a mere moment in time, carefully staged by the photographer; the subject may look quite different the next day – especially if she is a girl in 'in-between' phase, hovering over the brink of adulthood. Time flies by: The Years Shall Run Like Rabbits. What remains is a timeless image that

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frequently offers no clue as to whether it was produced at the start of Van Meene's career or just this year (Van Sinderen 2015).

Although this text and the video that works to visualise what is described here can be seen as a testament to the profound beauty that the photographer finds in each of her young sitters, they also suppose an object-subject contradiction that 'neutralises' the 'other' (Hein 2007: 35). Hein (Ibid.) posits that the inequalities embedded within the art historical narrative are especially profound for women "when that ''other'' is a female face or nude body". From a female experience, such a harsh distinction can feel like "the ''neutralized other'' is ''us' (Ibid.). This identification is evident in the writer's feedback too, which concludes with a personal testament:

> During a lecture I once attended in South-Africa a painting was shown; [it depicted] a black woman seated on her knees next to a tub whilst doing laundry. The attendees of the lecture were asked what atmosphere the painting evoked: harmony, peace, tenderness. Subsequently, we were asked if we had ever washed our clothes on our knees. And if this would be a nice feeling.

> For me, this was an experience of political awareness and I hope with this email to achieve something similar in this regard (Anonymous Complaint 15/10/2015)

Paradoxically, as the catalogue posited, it is exactly this feeling of being looked at that Van Meene's herself has drawn on throughout her oeuvre. But without locating the subtle subversions, misplacements and personal references she includes, this underlying significance is lost to most of those navigating the exhibition without the guidance of the catalogue.

With this analysis, I do not necessarily mean to suggest that the heightened sensitivity towards children is a distinctly female problem. Rather, the exchange between museum and visitor reveals an awkward tension between the canonical curatorial framework, with its distinctly male origins, and its representation of the

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photographed sitter. Although the narrative of the artist-genius may have served museums as a defence of the medium of photography, it overlooks that photography is an art to which both the individual behind the camera, the sitter and the spectator contribute – regardless of the visual language employed by the photographer. For museum, this tendency to silence the sitter has ethical implications, not only because the art historical narrative has a tendency to skirt over the transgressions of renowned artists, as activists continue to point out (Kenney 2018), but because it does not accurately reflect the dynamic between Van Meene and her sitter. Seeing Van Meene's adolescent portraits as depictions of weakness does a great disservice to both the photographer and her sitters, whose willingness to be photographed is, at best, overlooked and, at worst, misunderstood by those conceptualising their apparent objectification as a blanket prohibition of their participation. These findings offer an important prompt for institutions to recognise and renegotiate their own relationship to the sitter; if the conventional narratives museums employ risk perpetuating young people's vulnerability, what interpretative tools might they draw on to offer a more sophisticated view on adolescence?

What also became clear from this example is that probing the ethical terrain of artistic practice should not only be seen as an ethical obligation towards the sitter but might be conceptualised as a responsibility towards the spectator and the artist too. As Susan Bright suggested when talking about her own curatorial practice, having a good understanding of the ways in which the image was constructed is an essential part of representing the interests and intent of the artist. Especially at a time when photographers are facing public scrutiny about their ethical conduct, curators play a vital part in both protecting the artist from undue scrutiny and transparently explaining their practice towards the spectator. Because, despite the common occurrence of 'hate mail', each of the curators I spoke with also knew that complaints waged against museums exhibiting photographs of children can prove highly influential, triggering a police inquiry and (online) media backlash that can have a profound impact on the artist, staff and the photographed person. Whether they are made by members of staff, such as at the Baltic in 2007 (Jenkins 2010), or by members of the public, complaints have a potentially frightening power.

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Balancing Values, Responsibilities and Interests

Despite the obvious merits in staging a transparent and ongoing ethical dialogue about artistic practice, curating and informed consent, the approaches demonstrated by Bright and Barnes, Martineau and Salvesen, were exceptions to the rule within the research at large. Far more often, institutions seemed to rely on professional, subject-specific knowledge that averted the inward-facing curatorial conversations needed for a more politically-engaged approach and, at the same time, prescribed in a less permeable manner how the viewer should look, by relying on a scholarly, art historical basis as the HMP did.

This tendency to hold on to the aesthetic is perhaps in part explained by the desire 'not to get involved', as the academic scholarship discussed in the introduction suggested. However, interviews with practitioners alluded to a more nuanced balancing of interests underlying the choice for a canonical or aesthetic rationale. At the heart of the introspective considerations some practitioners described was an assumption that if curators initiate conversations about consent, they forsake their responsibility as an advocate for the artist. The fear that such conversations could be interpreted as raising suspicion seemed quietly present in decision-making processes modelled by museums across the research.

This was, to some extent, visible in the case study, where conversations about potential criticism, social sensitivities or the photographer's ethics were not part of the decision-making process for either Hulsmann or Van Sinderen, who, when touching on the topic of consent, explains that he has worked with Van Meene since the very start of her career so sees no reason to address this (Van Sinderen 2016). For Van Sinderen, the choice not to do so was not a deliberate evasion of ethics but constitutes a reflection of Van Meene's own predisposition towards the aesthetic: to her own accord, her work "is not concerned with sociological or psychological portraiture". This focus on the photograph as art allows institutions to, perhaps unwittingly, overlook the artist's and the institution's relationship to the photographed person. This alternative tack to the institutions discussed in Chapter 4 might be interpreted as a way to reject the pressures of censorship and self-censorship by mounting a firm and deliberate endorsement of Van Meene's own vision (aligning her

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practice with fine art photography as she does herself) whilst sidestepping ethics to rely on a personal relationship with the artist.

Negotiating the interests of the institution and the artist
The decision-making process underpinning the case study alludes to something that emerged in other interviews too: that initiating an ethical dialogue with the artist and, thereby, straying from the well-trodden paths of curatorial practice is sometimes felt as *in competition* rather than *in support* of the curator's responsibility towards photographers whose subject matter is already suspect. The question how artistic consent is negotiated was introduced by either myself or the interviewee in almost every interview and, through the natural progression of the conversation, discussed to varying levels of detail. Many of the interviewees broached the subject with some level of reservation, but one anonymously participating interview informant in particular persuasively spoke to the feeling of hesitation with honesty and poignancy.

Specifically, Curator X offers insight into the introspective or unofficial set of interests that curators negotiate, balancing the more clearly defined professional duties towards the artist and the institution with their own ethical considerations towards the sitter. As a practitioner working at a UK art institution, the curator reflects on the institution's considerations on the treatment of a photographic work that was acquired sometime before contemporary depictions of children became the subject of high-profile controversies. As part of the acquisition process, the topics of consent or ethics were not specifically addressed. The work had been collected by other leading art institutions too and, Curator X describes a strong sense that the artist – whom I cannot identify for reasons of confidentially – practised in a cognizant manner, being intimately familiar with the (now-adult, but at the time young) sitters and their parents.

When both public expectations and the curator's own awareness of the ethical issues underpinning the particular way in which the child was depicted naked grew, exhibiting the work became an increasingly troublesome affair. Not in the least because it was felt that potential criticism could unfairly expose the artist to unfair scrutiny, whilst keeping the work off display out of fear negated the institution's duty

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to support the artist's freedom of speech and the public interest in making the work accessible. Whilst deeply aware of this impasse, the institution felt nonetheless dissuaded from seeking out the ethical dialogue with the artist needed to acknowledge the contemporary context in which the work exists.

Re-addressing the subject with the artist now was feared to have more deleterious long-term consequences than temporarily not exhibiting the work: the curator expressed concern that the photographer in question could interpret the institution's enquiry as a covert critique or an attempt to mount a rationale for self-censorship, giving in to social pressure or risk-averse stakeholder interests. And secondly, if a potential conflict arising from the institution's engagement with the contemporary questions underpinning the photograph were to be made public, this endeavour could be misconstrued by the media as an admittance of poor institutional ethical practice. After all, should the museum not have been more mindful about the child's consent in the first place?

Understandably, speaking of ethics as part of loans or acquisition processes can be a sensitive endeavour and, in any case, can be even more difficult at a later time, as part of a climate of controversy that not only surrounds artists, but also the roles institutions might play in endorsing those artists. Even if curators wish to legitimately address the consent of vulnerable subjects of art, the fear of being caught in the crossfire of heated and polarised press debates can dissuade them from engaging more openly and thoroughly. For the artist and the sitter, however, a preoccupation with the shifting social expectations placed on museums has paradoxically obscured rather than enabled the possibility of redressing, and thus creating a better institutional and public understanding of, the site at which images are constructed. As of yet, this example suggests, ethical or moral considerations towards the sitter do not appear to have the same currency as the need to protect the institution itself. Not necessarily because curators do not value them equally, but because the latter is framed as professional ethics whilst the former, as a newly emerging, highly specific and largely unaddressed arena for museums, is much less defined in terms of professional conduct or current standards of 'good practice'.

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Personal ethics

And yet the absence of ethical considerations in institutional practices did not necessarily mean that practitioners were not already thinking about the sitter. Moving beyond professional ethics reveals that most practitioners are already considering these questions much more actively and sensitively than prevalent ethics discourse might suggest. In fact, when querying practitioners about the private values that influence their everyday practice, almost all participants articulated astute principles of care. For one practitioner, this push and pull between private and professional ethics directly influenced their curatorial decision-making, although this was not necessarily something that was felt to be an appropriate part of curatorship. In relation to a specific photographic series on adolescence, Curator Z concedes:

> I can get to mostly anywhere intellectually but, for one, I feel like those photographs are collected well by other institutions, so there is no need for me to collect it. My collecting scope now, for the most part, in forming the collection has to do with how individual stories connect to a larger national narrative. Now, clearly, those photographs connect to a larger national narrative, but I don't feel like I need to collect them because other people have collected them well.

> And then behind that, if you want me to be completely honest with you, it is one of the few places where those photographs make me personally uncomfortable and as a parent, I would not – could not – imagine putting my children in that vulnerable situation.

For most practitioners, personal ethics remained a quiet, less impactful part of their practice, but the idea that introspective considerations were not necessarily appropriate, or should be acted on, formed a central motif in interviews. Unlike Curator Z, these considerations were usually not reflected in the output of the larger institution. At the HMP, for example, educator Yke Prins described feeling unsure about one of the images on display during the Hellen Van Meene retrospective. She points not at a photograph in which the sitter is naked, but an image of a young girl playfully draped over a bed, wearing a bright red, lace bra. Prins recalls taking a

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photograph of her own child in which she recognised something similarly 'uncomfortable', which, at the time, led her to "quickly get rid of" the photograph (Prins 2016). For Prins and most other interviewees, thinking of the sitter did not necessarily mean second-guessing the decision to collect, display or interpret work, or that they were suppressing an urge to censor, but rather, that their internal dialogues approached the photographed person through a lens of care that did not quite occur in institutional negotiations of the sitter's consent.

The concluding section of this chapter succinctly unpacks these internal values to imagine how the concepts of care that practitioners drew on might inspire a more robust museum ethics discourse around the subject. My intention is to show that taking care as a guiding value might form a productive start to a discourse that values an open dialogue over the safe resort of self-censorship.

Moving Forward

Whether they were employed under 'the disguise' of professional ethics or not acted on at all, a central motif in the findings was that the personal ethics described by interviewees often drew on what might be conceptualised as an ethic of care. The fact that virtues of care emerged so convincingly was particularly remarkable, though perhaps not surprising, because health care and legal professionals have long been employing the same concepts structurally and professionally, as the theoretical framework I explored in Chapter 2 and 3 illustrated. Care ethics can be equally interesting for museums, because it enables us to think through ways in which the personal values through which Curator Z and Prins conceptualise their relationship to the photographed child can be translated into something with political relevance.

To briefly recap, the feminist moral theory or virtue of care is characterised by its approach towards moral dilemmas from a contextual, relational stance; it thinks of the 'self' as socially constructed (Engster 2005; Held 2006). This relational thinking helps see the political significance of our personal relationships, much like, Jennifer Dasal, Curator at the North Carolina Museum of Art, uses her own considerations about taking and sharing photographs to think through the subject's agency:

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Because right now, it's all about sharing images with my family and friends […] but then at some point, I should not do that. What should I show and what shouldn't I show and then I wonder about these images: how much did her daughter… did she have any say, did she pose herself in a particular way? At some point does she or did she turn to her mother and say I don't want you to make work and display work about me anymore?

Although practitioners often rationalised their responsibility of care from a paternal point of view, like Dasal, Curator Z and Prins, care ethics is not necessarily uniquely feminine or maternal (Koehne 1998), which was reflected by the interviewees, as the approach was not restricted to parent-practitioners or women. Rather, it was firmly located within the context of personal relationships in general. For instance, one interviewee noted that thinking through the impact of the museum's choices on those with ties to the object was "really important as a public historian, a public servant, a [parent], a friend, and a human" (Curator Y).

The relational approach that each of these practitioners took to think about the photographed child enabled them to think about the ways in which the child - their needs and rights - intersect with the institution. When thinking of an ideal way to negotiate photographs of children and young people, Curator Y noted that going back to the photographed person when reexhibiting potentially sensitive work was an ideal and something they had previously done when displaying objects from source communities and representations of disability. Most important, Curator Y explains, is to be open about practice and open to the ways in which consent might change. Because, as Curator Y equally admits, going back to the people 'related to the object' is very often not possible for already over-stretched museum practitioners:

In my mind I want to do this but I don't always follow through on all of it, but I'm aware that these are things that ethically should be considered or done and then I have an excuse of why I don't do them because I just couldn't get to it or whatever but at least it's important to think through the ethical ramifications of every – to be intentional and think through as much as I can about everything.

Others echoed the feeling that such a form of 'ongoing' consent was an ethical ideal, but "not really something that can always be considered" because as curators, very often "you don't have any contextual information at all and you are going by the image alone" (Trompeteler 2016).

In the interviews, a much-considered solution to this dilemma was to make evidence of the vulnerable sitter's consent a mandatory part of loans or acquisition processes, which would shift the responsibility of care from the shoulders of individual practitioners to the institution as a whole. Many of the interviewees were, for this reason, not opposed to the kind of guidelines implemented by the Australia Council (see Chapter 3). However, the topic of guidelines also brought up certain concerns. Some felt the museum sector could object to the "tense relationship with freedom of speech" and guidelines, which would play an especially important role in The Netherlands according to Van Sinderen (2016).

And, whilst they "might be helpful" (Trompeteler 2015), most participants also questioned the value of a formalised approach for being too "prescriptive" (Rogers 2016). For example, how would museums deal with artists who have not documented consent in the past, but worked in an ethically sound manner? Would all work made before the implementation of such protocols be disallowed? More importantly, guidelines might not be able to cover the actual responsibility practitioners felt towards the sitter, noting that "there should be more than consent, there should be open respect for the relationship" (Mintcheva 2016) or that "this is one of those things where you just sort of go on instinct" (Turner 2016).

Indeed, consent is a value that is not easily captured in a static and momentary form or transfer of rights. Even within museums, the consent form is instrumentalised to determine ownership over the identity produced through photographs. Ownership is then granted and appropriated through a momentary transfer of rights. As Bernadette Lynch remarks, there is something oddly impersonal and mechanic about this process, "you signed something and it's gone. Now, thank you very much, your input is no longer required" (Lynch in Graham et. al 2012: 13). This sits uncomfortably especially with objects in which people are intimately and personally

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involved, and even more so when those people are children. Any person's consent might change, but when granted at an early age, a person's understanding of sexuality, perception and identity might shift. Simultaneously, as new technologies and social sensitivities emerge, the cultural meaning of photographs changes too.

The consent form alone does not necessarily mediate these insecurities. On the contrary, the consent form, in this view, risks becoming a tool to surrender power and control. These dynamics of power have been much debated in the context of museums, intellectual property and participatory work (see for example Carpenter 2011). Problematising consent "helps you to see much bigger questions about what makes museums legitimate and democratic institutions", as Graham et. al (2012: 7) argue. At best, it can be an expression of the intimate relationships between museums and those that contribute to them, as the authors of *Earning Legitimacy': Participation, Intellectual Property and Informed Consent* posit:

> Re-approaching the copyright and consent form via these bigger questions allows us to reimagine copyright and consent not as a moment of institutional appropriation (the museum takes what's yours) but as a moment where slowly developed shared understandings are documented so the institution can remain true to the spirit of the collaboration long after it has passed.
>
> (Ibid.)

Perhaps the caring perspective that those participating in the interviews related might help museums reimagine how issues of ownership are dealt with, as a process that not only involves artists and their subjects from the moment the work is constructed, but continues to evolve as work is collected, exhibited and reinterpreted by curators. In other words, I am not arguing against the consent form as a helpful tool for museums to establish ethical criteria. On the contrary, this chapter shows that museums must begin to reconceptualise what it means to consent in much more radical ways. That might, on a case-by-case basis, mean going back to the artist and the subject when relevant and must in any case include adopting more transparent and dialogical methods when facing criticism over the artists they represent. However, this project starts with making children's agency more visible within the

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exhibition processes adopted by art institutions. By taking the concepts of care that practitioners are already actively mobilising as a starting point, museums might begin to recognise and rethink how the representations they create can grant children agency and help them exercise rights in ways that 'remain true to the spirit of collaboration'. Curator Jennifer Dasal, whom I cited at the start of this section, did exactly that by taking the concept of care and catalysing it as a compelling and previously unseen foundation for her own curatorial voice. Chapter 6 illustrates the benefits of this approach.

Chapter 6: Rethinking Curatorial Approaches to Photographs of Childhood

Chapter 5 made the case for museums to become more attentive to the social and political resonance of photographs expressing a bodily awareness but also acknowledged that neither practitioners nor the literature has so far identified very many curatorial strategies through which museums might do so. This chapter, therefore, reimagines what ways forward might look like, moving beyond thinking of ethics as merely an issue of consent and drawing on a children's rights framework to explore how museums might think of children in more than one way.

The chapter is organised around the interpretative strategies successfully employed by one particular to display these images in ways that draw out the significance of the works and supports the agency of children represented by these museum narratives. The North Carolina Museum of Art's (NCMA) exhibition *The Energy of Youth: Depicting Childhood in the NCMA's Photography Collection* (September 26, 2015 - April 3, 2016) adopts a radically novel agency-driven interpretational approach. Experimental in nature, the exhibition forms a testing-ground that helps us imagine how new curatorial approaches. The NCMA models a curatorial approach that is ethically-informed and inclusive, and can reconcile artistic freedom with the collection, interpretation and display of photographs of children expressing a bodily awareness.

The chapter begins by briefly highlighting the intersecting concerns towards children's lack of participation in public life emerging from the areas of museum studies and children's rights. As practitioners have become increasingly interested in children's rights, there are a few novel projects hinting at the considerable contributions and positive impact upon public discourses around childhood that cultural organisations can make within this arena.

Moving on to the specific context of the NCMA, the next section speaks to the challenges that museums can expect to encounter when involving children in a more challenging cultural dialogue about the ways in which they are represented. Situated
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in a state with a pronounced politically and socially diverse makeup of residents, the case study institution tackles the sensitivities emanating from some of its collected photographs through a strong curatorial voice and ethical awareness. However, it is an interpretative project with a young museum visitor that the chapter takes as an astute example and promising beginning of a more thorough engagement with young people and their ability to impact adult understandings of adolescence.

To conclude, the chapter reviews the political power of the NCMA's small, but exciting foray into this terrain: the project's potential to challenge narrow conceptions of childhood and help children shape the meaning of protection and participatory rights.

Negotiating the Terms of Representation

One of the interviewees participating in the research made an insightful comment when speaking about the limitations of the consent form as an ethical criterion upon which curators might base their decision to display artworks. By asking 'do children ever really have full control or agency of their own image?' Independent Curator Charlotte Cotton (2016) did not mean to suggest that children are unable to understand the consequences of posing for the camera. In fact, her point is quite the opposite: young people of varying ages have been proven to use and interact with images as forms as self-representation and self-portraiture in complex and sophisticated ways – perhaps even more so than adults (see for instance Douglas and Poletti 2016). However, their representational cultures are limited to the closed, mostly online spaces through which young people interact with each other and only rarely permeate the more dominant sites at which adults construct meaning, like museums and art galleries. Childhood scholar Patricia Holland (2004) articulates this point more eloquently:

> Over history, children have been the objects of imagery, very rarely its makers. Their voices have had only limited access to the channels that produce public meanings, and even then the tools that are available to them have been inevitably honed by adults. Like all groups without power, they

> suffer the indignity of being unable to present themselves as they would want
> to be seen or, indeed, of even considering how they might want to be seen.
>
> (Ibid: 20)

As the children's rights movement is still gathering momentum, museums have become increasingly sensitive to the needs and abilities of children to self-represent. While some do so in more cosmetic ways, in the fringes of educational spaces, a few have gone to greater lengths to open their collections and organisational structure to foster a new kind of democratic practice that prioritises participatory and community-based work throughout. The most radical initiatives see children create artworks and exhibitions (Mallos 2012), take up cameras to report on their museum experiences (Lemon 2013), or organise exhibition tours that bring out young people's alternative perspectives (Weier 2004). In fact, museums are part of a minority of institutions where children have been involved in reshaping policies, programmes and projects that place the child at the heart of institutional decision-making and permeates change in all aspects of the institution (Martorell 2017; Piscitelli 2011). The most fundamental initiatives like children's panels, youth forums and kids' takeovers have proven the value of this turn towards the participatory and report long-term benefits (see for example the charity Kids in Museums 2015).

These novel projects are not yet commonplace within contemporary art museums and are often restricted to topics deemed 'child-friendly'. Children themselves remain markedly absent from debates around sexuality, adolescence and representations of the body because the right to protection is given more weight than the right to participate. This results in a blanket prohibition on children's participation in images and debates about sexuality and representation. Despite the sophisticated set of rights children and young people have been granted by the United Nations Convention on the Rights of the Child (UNCRC 1990), which include both protection and participation rights (see Chapter 2), the freedoms granted by the CRC are not always recognised and acted on by adults (Mai & Gibson 2011; Lundy 2007). As opposed to a quick dismissal of children's rights altogether, or their right to participation, a more nuanced response towards both children's "universal

capacities" as well as their "particular vulnerabilities" could lead to a decidedly more complex conclusion. As Valentine (2008) comments:

> One response advocates, in the name of protection, banishing children from the arena of public visibility. The other, which is far messier and unknown, would make children publicly visible and active in new ways. It would take, it seems to me, an extraordinarily cynical view of participation to argue that the former has greater emancipatory potential.

Valentine illustrates how contested this arena of children's rights is but her insights also suggest that museums' active engagement with the social relevance of images of childhood can facilitate a new kind of participation that allows sitters to redress and transform the ways in which adults think about adolescence, sexuality and representation. *The Energy of Youth* at the NCMA provides a case study demonstrating the potential of this new kind of participation.

The project deploys a series of alternative interpretative strategies to negotiate the difficult social, legal and digital terrain – adopting a methodology that accepts risk by shifting the emphasis from aesthetics to the social and political resonance of images of childhood expressing a bodily awareness. It pilots curatorial approaches which lay the groundwork for an ethical discourse that dismantles the multiple barriers museums encounter when displaying sensitive photographs of children and, as I will argue in the second part of this chapter, engages children and adults in debates about children's agency.

The Energy of Youth

The NCMA has collected contemporary photography since 2004 and shows its growing collection in rotating collection displays that comprise its entire photography gallery. The institution's strategy is to collect and exhibit pieces that are among the most nuanced in the oeuvres of both local and internationally-known photographers depicting childhood. It then encourages a dialogue between those works and the histories, politics, cultural and social context in which the museum is situated.

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As with all museums, the staff at the NCMA negotiate institutional structures that require prudence and a familiarity with social and political pressures. Located in the northern region of the southeastern U.S., North Carolina has both a strong conservative core, mainly in rural areas, as well as a growing liberal, urban base, which means it operates in a context that is politically fluid and increasingly diverse (Fausset 2014). Because the state has witnessed a huge influx of new residents over the last few years, its political climate is undergoing rapid change (Adamy and Overberg 2016). At the time of my research, ideological tensions manifested during debates on the 'bathroom bill', legislation passed in 2016 to regulate transgender bathroom access. Portions of the bill were repealed after international protest (Barnett, Nesbit and Sorrentino 2018). The NCMA finds itself at the very heart of American contemporary politics of representation; North Carolina is in many ways representative of much larger trends in the rest of the country but, here, because of the complex and dynamic political arena, they are played out with "more intensity" (Zengerle 2017).

For staff, the wide spectrum of political and social backgrounds that characterises the museum's audiences makes the museum a compelling place to work. Educator Beth Shaw McGuire (2016) reflects:

> North Carolina is intriguing in that depending on where you are in the state it varies dramatically, about your world view and your value system, […] that's what's interesting about being a state museum, we have to think of all those audiences.

However, this unsettled landscape also means that the NCMA is wary of addressing politics directly through its exhibitions so as to avoid the risk of being perceived as biased. As the only state museum in North Carolina, the NCMA is frequently perceived by its audiences as entirely publicly-funded (though, in fact, it relies primarily on philanthropy and earned revenue), adding another dimension to an already strong sense of accountability (North Carolina Museum of Art n.d.). What the conflicting accountabilities of the NCMA mean in reality is that the institution is expected to assume a neutral stance on contemporary political issues. Nonetheless,

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its larger exhibition trajectory and programming are purposeful and committed to what is at play in its surroundings, often providing vital context for addressing and engaging intimately with socially, politically and culturally relevant debates.

The way they do so is largely informal and dynamic but is pronounced, for example, in its decade-long commitment to move both African-American and African art from the margins to the centre. In 2011, the NCMA staged what was then the largest exhibition to date of work by contemporary African American artists, the title of which was a political statement in itself—*30 Americans* (Inge 2011). Today, the NCMA embeds the work of contemporary African American artists throughout the permanent collection. In 2017, informed by ideas of community focus groups, the museum re-envisioned its African Galleries, tripling them in size and commissioning new, critically engaged work for them (Perrill et al. 2017; Howe 2017).

This approach, which fosters a conversation between historical and contemporary works that evokes their relevance in multiple contexts, is part of a wider move towards ethically engaged curatorship within museums. Curators concerned with the mobility of their permanent collections explore how alternative ways of interpreting objects can elicit new kinds of knowledge, moving away from the traditional narratives embraced by art museums. Irene Campolmi (2017) has observed how a generation of art institutions, including London's Tate and New York's MoMA, have begun to reinterpret their collections by displaying them thematically, asking how fixed collections can be organised in ways that are relevant to the needs and interests of current audiences. By prioritising the social, political and cultural knowledge of their publics over the aesthetic and art historical knowledge of their curators (or at least valuing both equally), these institutions "invite perspectives and interpretations of artworks that had until recently been left unexplored", as Campolmi (Ibid: 78) argues. The *Energy of Youth,* as I will illustrate here, adopts this strategy and demonstrates how it offers critical possibilities for curators to address sensitive topics and invite divergent views.

Curated by the NCMA's Associate Curator of Contemporary Art Jennifer Dasal, *The Energy of Youth,* as both a title and exhibition, serves as a metaphor for the

multiplicity of childhood. Including 28 images acquired by or gifted to the institution, the display adopts a nuanced perspective on what it means to be a child, advocating "that there is no one way, no universal aspect of what childhood can be or is" (Dasal 2016). Dasal's aim was to counter essentialist representations of young people while simultaneously depicting the often-overlooked challenges underpinning young people's lives. The museum's photography collection addresses childhood through mostly familiar, everyday scenes that depict the often-difficult social landscape of which children are part, touching on economic inequality, race, migration, adolescence and representations of the body.

The works are complex and nuanced, requiring active engagement, as Dasal (2016) asserts: "some people expect there to be heavier, larger issues at play but I think that is possibly a quick dismissal, because they are not looking closely enough." This subtle and critically-engaged approach to photography is evident in the work on display in *The Energy of Youth*. For instance, Titus Brooks Heagins' vivid oversised portraits of African Americans, *Fabienne* (2009) and *Devonte* (2008) (Figure 11), invite a conversation on otherness and common humanity between sitter and viewer (Heagins 2010); Ralph Eugene Meatyard's *Untitled* (1959) (Figure 12), eerily obscuring his young sitter's identity with an old man's mask, examines age and mortality, family and seclusion, intimacy and distance.

Although the exhibition does not directly address the ways in which artists collaborated with the children they photographed, their visual language suggests that they represent a wide scope of practices. Many images appear unstaged and candid; some photographers are parents or family members of the sitter, like Sally Mann, Margaret Sartor, Ralph Eugene Meatyard and Linda Foard Roberts, whilst others adopted participatory methods. The photographer Bill Bamberger, for instance, worked as part of a community art initiative with a group of Flint high school students to produce a series of photographs and interviews that capture the lives of adolescent boys growing up in a school perceived as 'rough and unsafe' (Bamberger). 'Boys Will Be Men' is a record of collaboration between the artist and the students about their home town, 'their achievements, as well as their aspirations'

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Figure 11 Titus Brooks Heagins, *Devonte*, 2008, 42 x 62 in., North
Carolina Museum of Art © Titus Brooks Heagins

This image has been removed by the author of this thesis for copyright reasons.

Figure 12 Ralph Eugene Meatyard, *Untitled*, circa 1960, 7 7/16 x 8
5/16 in., North Carolina Museum of Art

(Desormeau 2002: 1). Erwin Olaf's *Rain: The Ice Cream Parlor* forms a contrast; by adopting a stylised and glamourised visuality that reminds us of the 1950s, his boy scout with dog represents an idealised version of childhood as nostalgic and dependable.

A critical eye is evident, too, in Sally Mann's *Shiva at Whistle Creek* (1992) (Figure 13). Mann's work has frequently been the object of conflict in both the UK and the US, evoking divergent reactions mostly, though not exclusively, from conservative voices, on the one hand, who accuse her of sexualising her own children, and those sympathetic to art, on the other, who laud Mann's technical skill and maternal eye. The photographer's vocal advocacy of her position as a mother and artist was met with stiff criticism when her children were young and her primary subjects but her now-adult offspring have defended their mother's collaborative way of working and the benefits of engaging in art at a young age (Mann 2015).

This image has been removed by the author of this thesis for copyright reasons.
Figure 13 Sally Mann, *Shiva at Whistle Creek*, 1992, 8 x 10 in., North Carolina Museum of Art © Sally Mann, Gagosian Gallery

Mann's most debated images expose the tension between adults' perceptions of children as innocent and the messy truth about childhood's conflicts, contradictions and awkwardness.

The photograph on display in *The Energy of Youth*, *Shiva at Whistle Creek* is certainly not one of Mann's most boundary-pushing works (Apter 1997; Parsons 2008*).* As an exhibition that only draws on the NCMA's own collection*, The Energy of Youth* is perhaps reflective of a more careful collecting strategy. For Beth Shaw McGuire, Mann's work is an 'intriguing' example of how the institution negotiates the divergent sensibilities of its publics. She explains:

> We sometimes borrow from university collections, which I know have more images by Sally Mann that would be more problematic for some audiences. So that idea about what you include or don't include I think was part of… We have access to much broader work than just what's in our collection and even what's in our collection there might be some things that we might not necessarily put out because of that they raise more questions than they answer. For an exhibition like this, where you don't have explanatory labels for every work, explaining one picture out of twenty does not work either because it draws extra attention to the image that you have to have a label for.

Shiva is, instead, exemplary of a trajectory in Mann's work that is subtle in the way it depicts childhood as multi-faceted and unconstrained through seemingly candid photographs of her children at play, dirty and sometimes naked. *Shiva* is an introspective portrait of one of Mann's daughters, crouching in a stream with her hands folded in front of her. Her apparent nudity adds to the image's spiritual reference.

And yet, despite the varied oeuvre of which *Shiva* is part, the high-profile controversy that erupted with the exhibition of Mann's earlier work continues to shape her reputation: many of the curators I interviewed at institutions in the US, UK and Europe suggested the photographer's entire body of work is frequently the subject of

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policing, external and internal disputes, and self-censorship, as Chapter 4 illustrated too. Conversations with practitioners in both the UK and the US affirmed that many museums are – quietly – cautious or simply feel unable to exhibit Mann's work in fear of repercussions, instead opting not to display or acquire it. For instance, the 2007 exhibition *The Naked Portrait* at the Scottish National Portrait Gallery included a large section on children's bodies, but despite dedicating much of its catalogue chapter on Sally Mann, included none of her works. In 2010, Mann's first solo exhibition at the London-based Photographers Gallery came under attack when police visited the gallery before the show opened, whilst Dutch police confiscated catalogues when the same exhibition was mounted in The Hague.

The striking innovation of *The Energy of Youth* stems from its ability to gently encourage viewers to confront and unpack the adult assumptions and cultural sensibilities of childhood that this collection of works explores. Without dismissing outright the controversial histories and previous interpretations of the individual photographs, the exhibition emphasises the place of these images within an important trajectory of photography recounting the stories of marginalised young people. Jennifer Dasal, the exhibition's curator, enables multiple viewpoints by choosing not to deploy extensive or prescriptive curatorial interpretation; Dasal (2016) explains that there is "not necessarily one angle, direction or explanation for the images" and that "we can all come into them differently based on our experiences." At the same time, however, she redresses essentialist and overly simplistic public narratives in which young people rarely have a distinct voice through a concise introductory text for the exhibition that articulates a clear objective in support of children's agency. The text summons viewers to embrace children's muted perspectives while making meaning of the adult-generated images on display. It reads:

> Although sometimes seen as clichéd or mundane, images of children are frequently suffused with the energy of youth, which never ceases to provide opportunities for us to question how we see ourselves and the world around us. The Energy of Youth celebrates the sensitivity brought to these moments of innocence, reflection, play, and transition.

This collection of images demonstrates that there is no universal experience of childhood and instead challenges viewers to consider the unique experience of each child as deserving compassion and understanding. Many of the works ask us to consider the development of identity and to recognize how aspects of gender, ethnicity, race, or class begin to affect our lives from a very young age. These photographs also ask us to think critically about how a society might value, learn from, and support its youngest members.

(Dasal 2015)

As the text conveys, Dasal adopts the values of respect and compassion to introduce a relational reading of childhood that is – as an ethical framework – unequivocally supportive of a perspective of children as active social agents. It is also distinctly feminist in its embrace of care and understanding as critical concepts in our approach to interpreting the experiences and emotions of children, as captured by the photographs. In doing so, Dasal's succinct, nuanced text not only makes the case for a more empowering view of children but also exposes the silences, gaps and muted perspectives created by the absence of children's own voices in narratives about them and the topics that concern them.

Redressing the Absence of Children's Perspectives
The critical distance assumed by Dasal in *The Energy of Youth* encourages audiences and museum staff to explore how a view of children as active holders of rights could wield new knowledge of the photographs on display. In their work on the representation of disability in museums, Richard Sandell and Jocelyn Dodd (2010) note that projects engaging with rights often hinge on the museum's ability to employ multiple interpretive approaches, in which the curator's voice performs a role as mediator. The most successful of these efforts prioritise the authentic experiences of those affected by the museum's inadequate and biased representations of them (Ibid.). From a similar perspective, Karen Kelly, Senior Editor at the NCMA and responsible for the museum's online interpretive strategies, recognised *The Energy of Youth* as an opportunity to include children at the very heart of the NCMA's practice.

Kelly's own career trajectory is shaped by children's museums, many of which engage children in what is often thought of as mature subject matter and find creative and critically engaged ways in which to do so. The Boston Children's Museum, at which Kelly was previously employed, models its child-focused galleries after Michael Spock's vision to create a world away from the adult-centred reality in which young people live (Frankel 1999). It strives to give children ownership over museums by empowering them as audiences, participants and representational subjects (Enseki 2007; Mayfield 2005).

Drawing on this ethos, Kelly and the NCMA's editorial team initiated a small-scale innovative collaboration with a child to create an audio interpretation for the NCMA's online spaces, voicing a young person's response to five of the most resonant works on display in *The Energy of Youth*. The audio files were published on the museum's blog, a platform staff employs to offer up alternative perspectives and engage hard-to-reach communities. Being available online only, as opposed to embedded throughout the gallery, the project was somewhat limited in its reach. This, in part, might be seen to reflect the experimental nature of the project, which evolved and adapted according to the constraints and opportunities staff encountered along the way.

However, at the same time, there are reasons why the project's online presence can be equally conceptualised as a positive trait. For one, the interpretation created by the museum represents a novel response to the online environment in which images of children are often read without the much-needed contemplation and understanding that art elicits in the physical spaces of the museum (Chapter 3). Functioning as a digital intervention, the project was situated outside what are often perceived as the more risk-averse spaces of the physical gallery. Long after the exhibition was deinstalled and exchanged for another collections display, the interpretation for The Energy of Youth is still available and easily accessible online. In other words, the voice of the young person with whom the NCMA collaborated continues to have resonance today.

The young person Kelly selected to develop the online audio interpretation was then eight-year-old and art-savvy Leo (Kelly 2016). Being an avid participant in the museum's art summer camps, Leo was selected as someone to whom the NCMA's collections, staff and spaces were already familiar and who found the museum "invigorating", according to his father[9] who works at the museum (Rainey 2016). The project was initially set up to involve multiple children but, with a uniquely complex set of ethical demands and a tight deadline, staff eventually resolved to collaborate exclusively with Leo. Because he was a relative "insider," Leo's participation may have, to some degree, compromised the alternative spirit of the project; however, it also created a context through which the museum could set conditions for Leo to be both protected, as a minor, and empowered to speak with both an authentic voice and one that can employ the language of the museum and its audiences.

As participatory practice in the domain of children's rights has assumed an array of realisations (Clark 2006), it has also become clear that not all of these practices enable the equal exchange of power between adults and young people. Some museum scholars have drawn on what Nancy Fraser (1992:147) aptly termed "invited spaces" to illustrate how an inability or unwillingness to share control undermines the value of participatory practice (Kidd et. al 2014; Lynch 2011). At NCMA, however, staff exercised a degree of control, not to limit Leo's agency, but, instead to enable the project to unfold, taking into account the intense political, social and cultural anxieties at the doorstep of museums negotiating contemporary photographs of children expressing a bodily awareness. While conceptualising Leo as a competent social actor, NCMA staff entering into this knotted territory also knew that the project demanded care and self-reflexivity.

Carefully navigating the boundaries of dependency and empowerment, the editorial team set a series of conditions that dismantled some of the traditional barriers imposed on children and their participation in museums. For instance, by closely involving Leo's parent, staff were able to sensitively negotiate the subtleties of power

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[9] To respect Leo's confidentiality, I have not provided the name of his father.

between adults and children, staff and collaborators. Leo's father provided support, guidance and consent, generating joint ownership with his son over the project and establishing an environment in which Leo could speak freely and confidently. As Leo's father notes too, the project is particularly novel because it involves children not only with topics that concern themselves but because it does so through contemporary art, which is an underrepresented arena in participatory museum practice. He notes: "Hearing his perspective certainly felt like a novel idea, especially in the area in which we work, we tend to broadcast a curatorial perspective, and even then, very little interpretation around modern and contemporary work".

To solicit the interpretation, Kelly assembled a list of guiding questions for Leo's father to ask him. These were intended as a starting point rather than a directive towards a pre-determined outcome. Leo and his dad engaged in a fluid and lively conversation, "talking about what he [Leo] thought about a bunch of pictures for an afternoon" (Leo's father 2016). With a tender and affecting high-pitched tonality that articulates intelligence, enthusiasm and the lived experiences of childhood, Leo's fresh readings of very complex works challenge adults listening to him to reconsider common assumptions both about photographs of children expressing bodily awareness and about the agency of young people to engage with difficult topics.

Reframing the Story of Childhood

The NCMA's experiment constitutes an exploration of how children enter and exercise agency in debates around the terms at which they and their bodies are represented – and how museums might begin to act on this. As opposed to describing the photographs, Leo's interpretations are primarily narrative-based and adopt pathways into the imagery distinctive from those typical of adults; Kelly (2016) asserts:

> he wasn't describing what he was seeing symbolically. It seemed to me that [his interpretation] was more story based. The story might have symbolic elements in it, but he wasn't making equations the way adults make equations and this is pertinent to the topic that we're interested in, I think.

Rather than drawing on a political or socio-contextual framework to understand the works, Leo constructs narratives that deploy humour and personal experience to explain the actions and emotions of the sitter. This is evident in his brilliantly astute response to Sally Mann's *Shiva*:

> I think that this goes down so she's getting ready to either, one, make a cannonball [jump into the water] or just positioning her legs to just go down… Is she wearing a bathing suit? It's either she's wild, which is a pretty good chance, or she is taking a shower in the lake.

> (Evans 2015)

Leo's voice, as Kelly suggests, underscores the creative power of the image and demonstrates that the sexualised body is a distinctly adult problem. While drawing on the personal, his analysis remarkably also sheds new light on the scholarly discourse. Indeed, curators have long pointed out that Mann's work often shows children in possession of a "feral quality" (Hammer 2007), akin to the adjective "wild" that Leo uses but, where curators are at risk of eroticising the naked body through aesthetic judgements made through art historical jargon, Leo's childhood perspective provides different readings that contrast adult objectification.

Picking up on the ambiguous and moody atmosphere in many of the photographs, Leo aptly articulates what visual clues they provide and how those elements make him feel. This is a productive interpretive response to work that is difficult to read or confusing, such as the highly experimental photographs of Ralph Eugene Meatyard. Meatyard's distinctive black and white images of children, their faces and limbs obscured through haunting masks, dolls and doll parts, often provoke the darkest corners of the imagination; as one journalist comments, "their outrageous gruesomeness unlocks a Pandora's Box of interpretations" (Gallagher 2011). In discussing Meatyard's *Untitled*, however, Leo contributes his own innovative response, taking the work as a starting point to emphasise the importance of empathy:

I think he's holding the doll – don't cry because this might be a little sad – I
think he is holding the doll because he was married to somebody and they
had a baby. But then the child died, and he wants to remember that child.
He's just sitting in the corner, just trying to have some deep thoughts and
also, a lot of people sit in corners while they are sad or have emotional
feelings – and you can even tell by his mask.

(Evans 2015)

Leo's focus on the projected feelings of the sitter, as well as the viewer, provides a
potent corrective to the ways that aesthetic discourse distances us from the
personal.

Leo's reliance on affect encourages viewers to identify with the sitter, even when the
sitter might seem far removed or unfamiliar. The small shirtless boy at the centre of
Titus Brooks Heagins' oversized portrait *Devonte* meets his viewer with a defiant
gaze that is typical of the photographer's subjects; the boy's exposed chest and
belly, however, convey the vulnerability of his age, as they evidence the remnants of
"baby fat". Heagins' visual narratives give voice to those outside and marginalised by
hegemonic cultures, exposing uneasy truths to his viewer; "Heagin's insistence on
placing them [his subjects] squarely in front of us as declarations of their common
humanity calls into question our own capacity for tolerance and openness in the face
of difference" (Porter 2010: 10). Leo helps the viewer approach *Devonte* through
care and understanding:

He's probably thinking, what is going on and where in the woods am I going to
be going? I think he was climbing over that rock over there. Maybe his shirt
got caught on a branch and it just ripped off and he can't get it off… How old
is he?

Leo's eagerness to understand the circumstances of the sitter suggests that he sees
him as a friend and that, perhaps, we should too.

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The exploratory approach towards collaboration with young people that the NCMA adopts through the channelling of Leo's stories reveals how shifting the focus from protection to participatory rights by embracing the views of children provides a novel way for museums to address the social, ethical, and political significance of contemporary photographs of children, as well as their art historical impact. Indeed, the model that Leo establishes to engage in a respectful and considered way, unclouded by judgment, with Devonte and the other individuals in these photographs, on their own terms, serves as an ethical intervention. It reveals the problematic nature of adult assumptions in reading contemporary photographs of children, not only in relation to sexuality but across a much broader spectrum of what it means to be a child. As a testament to the significance of his role, Leo's father (2016) is perhaps best able to articulate how an interpretative strategy that embraces a child's perspective can be a meaningful alternative to self-censorship by offering meaningful engagement with the direct experience of childhood:

> Hearing a child's perspective may be a disarming, gently inviting gesture to experience what may be a confusing picture, one where a curatorial voice of authority may be stifling, or even seem confrontational. I also feel that any story or narrative that can be shared to allow someone to enter into an artwork is valuable, and when missing, can keep our general audience at arm's length from challenging work.
>
> (Anonymous 2016)

Leo offers a way into the photographs that a curatorial voice alone cannot. Whilst Dasal's juxtaposition is subtle in the way it affirms childhood as a multi-layered and unique experience, Leo speaks to the significant commonalities and familiarities in the experience of growing up.

The NCMA's move towards a more democratic and ethically engaged practice is an urgent and compelling project. The command of Leo's voice and his distinct perspectives on the humanity of the sitters in *The Energy of Youth* call into question the limitations and restrictions museums currently impose on how children exercise agency. What opportunities are denied by censoring the work that could testify to

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young people's most diverse and complicated states of being? And how does participation enable children to define and defend themselves against adult assumptions? These questions firmly locate participation in a children's rights framework: recognising children's cultural citizenship means museums must engage critically with children's potential to participate in the subjects that concern them, even if these subjects are considered "difficult" by adults. In this view, inviting children to contribute is not simply a choice but an ethically informed imperative.

The Political Resonance of Children's Participation

The interpretative project for *The Energy of Youth* is perhaps best understood as an experiment into the ways in which children can subvert adult interpretations of childhood. The NCMA's approach towards its images of childhood is not necessarily pioneering in the methods it employs to collaborate – museum practitioners have developed more radical ways for children to effect change in institutions – but represents innovation in its appeal for a bolder and richer understanding of children's capabilities outside the overtly "safe" limits of participatory territory. Marking a significant museological inroad towards the process of advancing children's agency, as well as towards overcoming the polarised discourse pitching freedom of expression against censorship, the project's negotiation of participatory and protection rights demonstrates one way that museums can take initiative in advancing children's rights beyond policies, conventions and legal instruments and resisting the pressures of self-censorship.

Redressing Stereotypes

Although gentle in its approach, the message Leo helps the museum convey is that childhood does not adhere to narrow and exclusionary concepts like 'childhood innocence'. This sentiment is, as Chapter 2 argues, fraught in the way it privileges certain physical and psychological traits modelled after predominantly Western ideals of the Romantic period. The importance of this point was raised specifically by two interviewees, both Independent Photography Curators based in the United States, who pointed out that despite its contemporary and historical relevance, the experiences of mixed raced children are rarely present in museums. Qiana Mestrich spoke about the underrepresentation of the Black body in art photography, which

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she has redressed through a curatorial and photographic project around mixed-race orphans in post-war England.

She points out that exhibitions on motherhood, family and childhood persistently replicate the "stereotypes of beauty that little girls grow up with and that society kind of sexualises little girls around" and thus inadvertently reinforce social inequalities, reaffirm negative stereotypes, and mirror actions of exclusion (Mestrich 2016). The face, she posits, often plays an important role in these representations, with girls' expressions rendering them either 'too cute' or 'too sexual'. With their distinct focus on the body – in Devonte's bare chest and stern look, Shiva's averted face and in-focus body, and Meatyard's use of masks – many of the images at the NCMA do not rely on the multiple interpretations attributable to the sitter's expression to convey an illusory message, but confidently grant children and their bodies a presence of their own.

Matters of representations are inextricably connected to a broader move to make museums more welcoming for and attentive to the needs of children and young people. Independent Curator Charlotte Cotton, who has worked in both the United States and the United Kingdom, shares the view that exhibitions generally show "such a tiny slice" of childhood and motherhood. For Cotton, the issue of representation relates to a much larger question about the meaningful interactions museums are aiming to establish when representing childhood. "I think there's a really interesting relationship between when an exhibition happens and what they were actually providing to families or children", she remarks (Cotton 2016). This disconnect was also pointed out by staff at the NCMA, who try to think about participatory opportunities and interactive installation where possible but are equally constrained by the expectations placed on art museums, as Kelly notes:

> The difference between an art museum and a children's museum is that we really ask for a lot of distance and we also don't hang works at a height that is child-friendly. We have had discussions about that internally and that would be interesting to follow up with. I think one of the barriers that we place between what we're putting on display and the viewers is our assumptions

about how viewers will react. I think it really comes down to the artist idea of what he's up to.

<div align="right">(Kelly 2016)</div>

Although there is a burgeoning generation of museums that, like the NCMA, cater to children as primary audiences in at least some of their practices, contemporary art and photography exhibitions specifically are more often staged within galleries that are not *for* children, even when their displays are *about* children. "What is connotationally happening when that construct of things takes place?", asks Cotton, and are those institutions representing "a symbolic child or an actual child?"

Pablo Helguera's distinction between *symbolic* actions and *actual* actions, to which Cotton refers, is an astute framework through which to reimagine how museums impact children through their actions and representations. Helguera uses these terms not to suggests a hierarchical order, but to distinguish socially engaged practice, which relies on social interactions, from representational. Symbolic actions might be politically motivated but nonetheless operate through representation on an "allegorical, metaphorical, or symbolic level" (2011: 6). Actual practice, on the other hand, is social in nature and "geared towards communication and understanding between individuals that can have a lasting effect on the spheres of politics and culture as an emancipatory force" (ibid.: 7). Although we might see *The Energy of Youth* as a socially engaged, but mostly symbolic exhibition, its interpretative project has political and emancipatory power because it is composed of an encounter between an actual child and the spectator. Together, the exhibition and interpretative project have impact by giving voice to children's own perspectives, Leo and potentially the sitter, and giving them the power to transform adult views on what it means to be a child.

The benefits this approach might hold became clear in Raleigh but were corroborated by findings from the case study at the HMP: both revealed that children and adults look through quite different frameworks of engagement. Like Leo, children participating in the HMP's educational programme understood the body on display not as sexualised, but through interpretations of their own. Their views were inspired

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by lived experiences ("the girl in that picture is having some problems" and "her parents are not doing so well"), their knowledge of film and fairy tales ("I think she is a princess who looks sad because she feels alone") as well as a vivid imagination ("the boy is wearing armour because he is avenging his dad"). And, although the HMP's educators did not seek out the most revealing images, in the view of the young participants, the models' nudity was but an aid in the artist's exploration of childhood and adolescence. Whatever way they made sense of the work on display; Leo and the school children in The Hague revealed that they hold a wealth of compelling and powerful perspectives about their own representation that are rarely explored by museums.

Claiming Rights

The small but significant steps of the NCMA show that art museums have the potential to attend to children's agency more effectively than they do today. Although collaborations between children and adults might not ever be truly 'equal', projects that seek to amplify young voices validate children's power to exercise and preserve their right to be heard. By encouraging a child to contribute to the ways in which adults perceive young people, the approach modelled by the NCMA has transformative power within a larger framework of rights. As a children's rights statement, *The Energy of Youth* conceptualises how museums might foster what van Daalen, Nieuwenhuys and Hanson (2016) propose as 'living rights': the idea that rights can be shaped by children themselves. The researchers advocate the potential for children to actively claim the rights granted to them through for example the CRC and, in the process, shape what these rights are, become and say about them. Children's rights, as Olga Nieuwenhuys argues, are not simply defined by legal constructs like the CRC but are shaped through lived experience. She posits:

> Cultures or childhood are more than constraining structures that shape children's subjectivities. Both are also children's making. Culture and childhood are conceptual domains in flux: they are not 'things' or natural phenomena, as in the essentialist approaches, but practices that adults and children have the power to discard, adapt and transform
>
> (Nieuwenhuys 2008: 8).

Interpreting this idea of living rights to museums leads to a conclusion that for an ethical, critical view of photographs of children, it is entirely necessary to involve children in the very discussions that shape their representation. Such an approach would open up the potential for children to give meaning to rights they have been afforded but are still largely unimplemented when it concerns their representation, and to transform the dominant narratives of childhood.

To return briefly to the discussion that concluded the previous chapter, the NCMA case also opens up possibilities through which museums might continue to explore what agency means. This chapter shows that alongside an inevitable demand for institutions to rethink the way children's contributions, rights and autonomy are governed in relation to the sitter's consent and the role curators might play in respecting that consent, is an increasing need to explore the terms at which museums represent childhood. Recognising the inequalities inherent in any art depicting childhood involves not only granting children the right to self-representation but affording them the power to inform public opinion. Rewriting narratives according to young people's experiences, stories and perspectives gives children an opportunity to shape their own rights as part of a system that has traditionally excluded them from the spheres of influence.

Perhaps more so than any other public institution, museums are well-placed to negotiate what remains an almost irresolvable subject through understanding and compassion. *The Energy of Youth* is a gesture (Marstine 2017) with significance beyond its small scale. With this project, the NCMA helps us to imagine the fluidity of what it means to be a child, a fluidity so profound that it can be reshaped by the very subjects on which it is imposed. The NCMA's approach evidences that museums can swap a strategy of self-censorship for something that is much more valuable to children's lives.

Chapter 7: Conclusion - The Bigger Picture

Restatement of Purpose

This research started with the intention to lift the lid on the ethical decision-making processes museums employ when collecting, displaying and interpreting photographs of children. It acknowledged that the gradually emerging awareness of the scale, damage and historical aversion to recognizing and taking action concerning child sexual abuse has inspired a profound struggle for museum practitioners that is particularly fraught when photographs express a bodily awareness: a marker of the transition from childhood to adulthood that viewers can perceive as evoking sexuality but can equally be understood as an opportunity for self-realisation. In addressing one of the most challenging areas of museum ethics, the thesis responds to the insufficiency of literature on this topic and reframes already existing debates, which are characterised by a politically-charged dialectic that tends to focus exclusively on freedom of speech on the one hand, and child protection on the other. The purpose of the study was to move beyond these debates to uncover the ethical and interpretative complexities that images of young people provoke within the institutional context.

Throughout the previous chapters, I addressed the research questions posed in the introduction of the thesis, which asked how museums and their ethical decision-making processes are affected by the distinct social attitudes towards child protection and how, in return, museums may be able to respond to cultural discourses through the images and narratives they display. In addition, the thesis asked whether museums have an ethical responsibility towards young people participating in artistic photographs and, more than this, young people in general. The thesis seeks to address these questions not to offer solutions in the form of ethics codes or guidelines, but by recognising the insights of practitioners as a source of guidance. The analyses presented help foster a discourse that encourages a proactive approach in which values/principles and case studies are considered in everyday practice, to effectively acknowledge and analyse the complexities of ethical issues (Marstine, Dodd and Jones 2015: 74). Firmly grounded in dialogue, the research offers a holistic view on the pressures, barriers and dilemmas museums

face across the UK. Simultaneously, it proposes specific curatorial approaches to help museums become more resilient and ethically accountable at the same time.

What follows in this concluding chapter is a consolidation of the findings and how they intersect, rather than a summary of each chapter. Looking at the significance of each of these strands together sheds new light on, for instance, the ways in which the case studies work together and how the findings correspond with the theoretical framework. The first section reframes the four main threads put forward in the literature and each of the analytical chapters: the pattern of self-censorship identified by the research, the sector's struggle to address the sitter's informed consent and new curatorial approaches that enable museums to prioritise children's agency. The chapter then points to the methodological and theoretical limitations of the research and makes suggestions for further research.

Findings

Patterns of self-censorship

To start with, my research on curating photographs of childhood, which involved interviews with practitioners, artists and scholars in the US, UK and Europe, identified a troubling pattern to curb risk-taking, which often goes unchallenged and remains elusive. Some of the practitioners I spoke with told me that they had repeatedly encountered internal (for instance, from supervisors, museum boards or risk-averse directors) and external (for example, from local police forces) barriers that discouraged them from displaying imagery of childhood from established as well as emerging photographers.

Such barriers were often implicit but, as such, demonstrate the modus operandi of self-censorship; the fear of potentially causing conflict within one's organisation or with funding bodies dissuaded a few UK curators from pressing forward with the display of specific artists or exhibitions. The institutions most successful in resisting or challenging attempts to take or keep work off display relied on high-profile lawyers for legal advice to protect the institution and the artist's freedom of expression, which suggests that confidently protesting censorship can be out of reach for smaller, less financially robust institutions.

What also became clear from my interviews is that fallout can prove even more damaging in the long term – some practitioners indicated potential legal implications had eroded their professional confidence to engage with the challenging contemporary questions underpinning these photographs. In this respect, the thesis corroborates the concerns of a burgeoning group of academics who warn of the adverse effects that acts of censorship create; arguing that self-censorship too easily becomes a pervasive response to the looming threat of legal repercussions directed towards artists and cultural institutions negotiating the display, collection and interpretation of photographs of children. These advocates of free expression have produced a robust trajectory that provides specialised legal advice, case studies and a network of support (National Coalition Against Censorship, Index on Censorship 2015) – a still growing but crucial source of support and information that some of those participating in the research highlighted as particularly helpful.

Absences in current debates

Indeed, my research concedes that understanding the law is imperative for museums to confidently defend themselves and the artists they represent against the threat of legal action, but what also became clear from my analysis in Chapters 2 and 3 is that the law does not necessarily provide a minimum standard for ethical museum practice. An in-depth discussion of legal criticism, medical perspectives on children's consent and a discussion of image ethics firmly established that photographs can be opportunities for children's empowerment but are simultaneously sites at which young people can be vulnerable to the pressures of adults and precariously shifting cultural attitudes towards the image. Museums, in this view, are not merely passive subjects of censorship but play an active role in the lives of children as sitters, representational subjects and holders of rights through the narratives they create and the ethical decision-making processes they adopt. As such, the analysis evidenced that the relationship between museums and the photographed person is infinitely more complex than suggested by the binary rhetoric commonly used in art press debates, in which those sympathetic to art use the concept of 'moral panic' to dismiss ethical concerns.

Ethical paralysis

A third strand in the findings found that a number of curators took an alternative tack that sidestepped both the pressures to self-censor and the ethical concerns of exhibiting the photographs by relying on an aesthetic rationale and/or the widely recognised place of the artist within the art historical canon. This approach was more often an unconscious rather than conscious one, taken by default rather than as an intentional strategy of evasion, and was a phenomenon that I, rather than my informants, identified. A case study on the exhibition *Hellen van Meene* at the The Hague Museum of Photography (The Netherlands) indicated that this approach can represent a desire to advocate and defend the view that photographs of children expressing a bodily awareness are a valid and important counterargument to sexualised or overly-simplified public narratives on childhood. However, the findings called into question the effectiveness of this curatorial approach, by arguing that a focus on the ways in which photographs operate as part of the art historical canon risks alienating visitors and, by emphasising the object-subject relationship between artist and maker, diminishing the voice of the sitter despite the collaborative ways in which artists work.

No matter how the curators in my study handled the issues, however, taken together their stories reveal an environment of ethical paralysis within the institution, which has, to date, remained behind a veil of silence. A reluctance to probe the ethical terrain of artistic practice meant that curators overwhelmingly relied on their personal relationships with photographers to avoid openly discussing informed consent and the power dynamics of collaboration with artists or amongst colleagues. One of the most important strands in the findings indicated that the tendency to sidestep ethics, whether it was through self-censorship or a detached, aesthetically-informed curatorial strategy, did not necessarily reflect the personal ethical compass of those participating in the research. Rather, the avoidance of difficult questions emanated from a fear that probing the artist's ethical terrain could be perceived as in competition with the curatorial obligation towards those represented by the museum.

Throughout this thesis, I have promoted a practitioner-driven ethics discourse. This new way of thinking about museum ethics resonates with the discourse-based ethic

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advocated by the Museum Association and Janet Marstine's scholarly work (2011; 2016). The discourse-based approach unearthed how those working in museums are, introspectively, actively and empathetically thinking about the museum's relationship to the young sitter. I found that, once they began articulating their considerations, the practitioners I spoke with drew on relational values – a sense of interconnectedness as parents, friends or family members – to express a profound duty of care towards the photographed young person. Although the research revealed that acting on these considerations by going back to the sitter is not always possible, it persuasively demonstrated that most practitioners already feel a strong sense of accountability towards children participating in photographs – something that has received little attention in the current civic discourse on the topic so far.

New curatorial approaches

In moving forward, there are clear, practical findings that can reconcile the relational and situational ethics articulated by practitioners with their institutional obligations towards the artist. A precious few curators were already actively thinking about the changing meaning of the photographs they exhibited and demonstrated the value of inwards- (amongst colleagues and artists) and outwards- (towards media and potential audiences) facing transparency in the curatorial process. By openly addressing photographs as sites of collaboration, these curators were able to gain a better understanding of the power dynamic between sitter and artist and create exhibitions that represented the act of photography as a collaboration, in which the sitter shares an active contribution. Even if this meant omitting selected artworks, these strategies firmly established the value of mediating social sensitivities for museums, artists, viewers and the photographed person.

Together, the case studies highlighted that children themselves have insightful and worthwhile perspectives on the terms at which they are represented in museums. Although the focus of the research was not on eliciting children's perspectives on photographs of children, this reoccurring theme proved both remarkable and powerful. The curatorial strategies adopted by the case study exhibition *The Energy of Youth* at the North Carolina Museum of Art (US) persuasively demonstrated the value of foregrounding children's own voices in creating a socially responsible and

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ethically-informed museum, one in which children's voices are given credence and practitioners' strong sense of care towards the photographed person is translated into curatorial practice that asserts the moral agency of museums. Experimental in nature, the museum's participatory project with a young child forms a promising way forward, highlighted certain ethical challenges when collaborating with children, but equally establishing that topics perceived as 'difficult' or 'sensitive' by adults are not necessarily off-limits to children. In fact, the young boy involved in *The Energy of Youth's* online interpretation offered an urgent and astute alternative interpretation to adult views of what it means to be a child. Consequently, I argued that museums can contribute to children's lives more meaningfully by combating the sentiment that children are inherently vulnerable through their narratives and empowering children through participatory work to exercise, shape and give meaning to the set of rights they have been granted through the CRC.

Contributions

The key contribution of this work is in making visible, enabling and encouraging a cross-disciplinary and sector-wide conversation on one of the most difficult ethical dilemmas art museums encounter today. This contribution is in part methodological: by prioritising the expertise, experiences and values of museum practitioners who curate photographs of children regularly, rather than seeking out solutions in more prescriptive policy or protocol- based measures only, the research has demonstrated that a discourse-based approach towards ethics offers immense potential for the sector to effectively confront the shifting social expectations placed on museums. The nuanced discussion about the roles and responsibilities of curators that the findings collectively produce build on the agenda for museums to, in the spirit of the New Museology, democratise (Ross 2004), to become more socially responsible (Sandell 2002, 2007, 2012; Silverman 2010) and embrace transparency to engender public trust (Marstine 2011, 2016).

Being exploratory in nature, and thus aimed at unravelling, understanding and discovering patterns in the thing under study (Stebbins 2001), the thesis does not provide all the answers or solutions to the ethical challenges emerging from its findings. However, it puts forward a number of practical contributions that shift the

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focus of the existing discourse on curating photographs of children from the limitations posed by social sensitivities to the opportunities and significances that these circumstances offer museums to become more active in the lives of children as representational subjects, audiences and contributors.

Firstly, the thesis has equipped the museum sector with an empowering language to help foster productive debate. Informed by a meaningful intellectual framework in which scholarly and reflective discussion can take place, as well as the values expressed by members of the museum community themselves, it introduces terms that promote a view of children as active social agents and renounces those that alienate sections of the public or affirm negative stereotypes about children, such as sentiments like 'moral panic' or 'childhood innocence'. Not only do these suggestions enable more open and unrestrained ethical dialogue to take place, they also equip museums with the tools to become more effective and equitable in the messages they communicate. This is important because how we speak and write about children contributes to the ways in which their rights are exercised and denied (Saunders and Goddard 2001).

Through the comfort developed by language, the thesis contributed to developing a more sophisticated idea of the way children's contributions, rights and autonomy are governed in relation to the sitter's consent and the role curators might play in respecting that consent. What it means to be ethically accountable was one of the major questions that practitioners participating in the study struggled with and one that, due to the phenomenon of institutional paralysis evidenced in the thesis, has so far remained largely unaddressed. Integrating the values of care that practitioners are already drawing on with museum ethics discourse across the sector, which may or may not involve protocols as my findings suggest, is both an ethical imperative and a timely project. In a 2018 response to allegations of abuse against artists, the feminist collective Guerrilla Girls produced satirical museum labels to accompany the works of tainted artists. In the process, one of the collective's labels denounced how persistently "the art world tolerates abuse because it believes art is above it all" (Pes 2018). This thesis goes some way in rethinking the roles museums unwittingly play

in these processes by revealing the complexities and layers of curating photographs of children in a controlled and conscientious way.

A further contribution made by the thesis is in identifying experimental practice that may silhouette the types of responses museums could follow when in these circumstances. The case study at The North Carolina Museum of Art persuasively demonstrates that the meanings imbued in or catalysed by contemporary attitudes towards childhood are neither inscribed in the object nor unchangeable – an idea that has been reiterated in museum studies time and again (Dudley 2010; Graves-Brown 2000). Much like the argument put forward by Monica Eileen Patterson, I have argued that museums can be places where:

> The powerful and fraught category of "childhood" can be publicly unpacked and leveraged by and for children, affording them a place in national debates not only as the subject of more serious discussion, but as sovereign participants in the conversations themselves.
>
> (Patterson 2016: 101)

Curating difficult knowledge with children is certainly unknown and tricky new territory for museums but might help us challenge the preconceptions in adult thinking about what it means to be a child, just as it might give children more control over the ways in which their rights and representations are conceptualised.
In doing all these things, the thesis combats self-censorship in a way that contrasts the sentiment advocated by Valerie Reardon, a commentator featured in a 1996 edition of *Art Monthly.* Reardon held that photography's inherently voyeuristic qualities necessitate the prohibition of children's participation in photographs with the potential to render them vulnerable. She promotes "the concept of self-censorship motivated by the irrational, intuitive sense of moral constraint, which I believe each of us to possess" (Reardon 1996: 45, see also Frascina and Harris 1996a, 1996b).

This research advocates what might be seen as the opposite of an 'irrational' censor: a dialogical and informed approach that embraces transparency and productive disagreement by drawing on the ethical compass of museum practitioners to assert

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the moral responsibility of museums. By moving beyond a specific few high-profile cases in which museums became the centre of short bursts of controversy over photographs of children, and attending to the 'silences' instead, the research exposed a persistent pattern of self-censorship within the UK museum sector. Not least does it add to and give weight to bodies of research that have warned against creative self-restraint over the last two decades (Atkins and Mintcheva 2006; Mintcheva 2012; Index on Censorship 2015; Higonnet 2009).

Limitations

The paradox of enquiring into subjects stifled by censorship is that, for researchers to overcome barriers of access and minimise researcher risk, imposing certain restraints is often inevitable. As the introduction stated, this research certainly encountered such complexities, predominantly in finding participants willing and able to provide transparency about the limitations, constraints and pressures underlying their practice and in limiting my own research into photographs of children – a topic that could potentially result in a problematic online search history – to academic search engines. Because such challenges in the research design can affect the overall outcomes of the research, it is important to consider their impact.

Whilst searching museum collection databases as opposed to general online search engines made it more labour-intense to access the photographs under research, the protocols through which I controlled my online search activities proved of little significant impact since I relied mostly on participant interviewees and academic or press articles to locate cases. Identifying and encouraging participants to contribute, on the other hand, proved somewhat more challenging. The method I relied on, starting with a few key interviewees who I then asked to put me in touch with other, equally confident and experienced curators, directors and other museum staff, proved successful in generating a substantial number of interviews, but also had certain drawbacks. 'Snowball' sampling, as Jennifer Mason (2002: 142) has aptly termed it, can produce a relatively like-minded pool of research participants. The danger in this method is that participants might know each other and often share similar experiences, viewpoints and social backgrounds, both of which can have certain implications on the variety of perspectives the research may be seen to

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represent. This effect was somewhat unavoidable in the first place, as the research generated data from curators specialised in contemporary photography: a relatively small groups of professionals who very often share characteristics like their social, educational and ethnic background.

Equally, this method somewhat limited the extent to which the thesis could fully map censorship: each of the silent cases emerging from the research are the perspective of single individuals, whilst the case studies alone are not fit for generalisations. I sought to overcome these limitations by broadening the research beyond the confines of UK museums and art galleries. This strategy diversified the selection of participants and introduced perspectives that could speak to the case studies and satellite cases but were located 'outside' the main group of participants. Especially helpful proved the involvement of curators like Charlotte Cotton and Qiana Mestrich, who each have strong ties or experience with curating in the UK but are based in the United States. Both spoke to the geopolitical and cultural differences they had encountered, for example in relation to a lack of diversity represented in UK exhibitions on childhood. Such perspectives significantly informed the analysis of the findings, even if the data generated from their specific interviews was not always overtly present in the previous chapters.

The same can be said for the involvement of interviewees participating under the condition of confidentiality: although they were able to provide a level of honesty and veracity that was not possible for participants affiliated with specific artists and institutions, anonymity prevented me from asking certain questions. Being alert to details that might compromise confidentiality meant certain secondary avenues could not be explored in-depth, for instance, pertaining to emerging commonalities when different institutions negotiated the same artists or the overarching patterns in thinking about ethics, which can be, for instance, related to personal or gender-specific experience. Nonetheless, confidentiality equally enabled the thesis to "speak truth to power" whilst veiling the identity of participants while writing up (Castagno 2012: 385). The value of their accounts was further compounded by the relative lack of existing data on the ways in which curators negotiate the ethics of curating images

of children, which meant that the high levels of disclosure by anonymous participants played vital roles at key points in the thesis chapters.

In other words, most of the limitations or constraints posed by the sensitivity of the research topic were either mitigated by thinking critically about ways in which data is situated in the specific experiences of interviewees or were accounted for as simply outweighing the benefits of doing the research within the set parameters. Dealt with pragmatically, the small restrictions and compromises that ensured my own researcher safety and that of my interviewees had a much greater enabling than restricting power. Furthermore, in actively negotiating the boundaries of the research design, it was possible to gain a better understanding of the legal and ethical pressures imposed on those I interviewed, thus not only surmounting said limitations but also directly engaging with the thesis aim to uncover how museum practice is affected by censorship.

One final implication to consider is that the kind of knowledge produced by interpretivist researchers is inextricably bound up within the context and time during which the research takes place. Here, emphasis was intentionally placed on fully understanding the complexities of the topic within the UK landscape and less so on the individual context of the two case studies abroad because the scope of doctoral research was too limited to immerse myself equally thoroughly in the legal systems and social histories that shape local museum practice in The Netherlands and the US. Because the case studies functioned as sites at which to examine *specific* curatorial practices rather than *overarching* cross-sectoral patterns, it was felt that a general literature review was enough to gain a sensitivity to the context of the research in these settings. Although this study identified some parallels between museum practice and the social sensitivities in each of these countries, a much larger and in-depth study would be necessary to make more conclusive connections and assertions on self-censorship in Western museums.

Directions for Further Research

It is possible now to gesture to future possibilities for research based on the limits of this work. There are many strands left to explore: the abundance of data generated

by the study offers new paths of enquiry into ethics and curating, the politics of representation and children's participation in museums. This section explores how some of these threads might be given more attention in the future.

Substantially more academic research into self-censorship and censorship could be enormously advantageous for the cultural sector in the UK, as well as beyond. This thesis has only begun to lift the veil on how (self-)censorship operates in countries like the UK, the US and the Netherlands, and the suggestions it has made show that the barriers encountered and, subsequently, the coping mechanisms developed by practitioners, are much more intricate than what is commonly expected from countries considered 'free'. An astute analogy to describe the subtlety of censorship in these circumstances, proposed by Salman Rushdie (2012), imagines freedom as air. Flowing from a giant set of faucets that are gradually turned off by an imaginary entity, "the time comes when we find that we are breathing more heavily, perhaps even gasping for air". Although the challenges of art practice under authoritarian regimes are decidedly different, my research makes a good case about moving beyond thinking about 'us' and 'them': exploring the common ground between museum practitioners worldwide – both the illusive pressures described by Rushdie and the creative solutions unearthed in this thesis – would produce new insights in museum practices just as much as it would provide valuable learning opportunities about democracy.

A condition for such research to take place is the production of an academic discourse, one that collates the strategies and methodologies employed by scholars researching the illegal, the unethical and the censored. Without such robust knowledge-sharing, as the introduction of this thesis stated, 'difficult' research topics often go unaddressed and, as such, uncontested (Palys and Lowman 2010).

Equally, this research has only provided a start to a much larger discourse on curatorial ethics in the 21st-century museum, signposting somewhat of an impending crossroads for museums. The generated data through this study reflects the distinct socio-political moment of 2015-2017. Importantly, this was shortly before the MeToo and Time's Up movements rapidly emerged on the world stage in 2018 to challenge

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museums on some of the very questions this thesis has brought forward. Although the distinct application of qualitative research is generally seen as a limitation, the findings have taken on even greater relevance under these recent circumstances. Recent controversies, such as an online petition against the Metropolitan Museum of Art's display of *Thérèse Dreaming* (1938) – a painting of a young girl by somewhat controversial but by his models widely supported painter Balthus – have brought into focus that the heightened sensitivity towards child protection is not a distinctly photographic challenge or one that depends on the sitter's consent only. Rather, the expectations placed on museums to be equitable and exemplary public institutions extend to all curatorial practice involving the image of the child. This case demonstrated how institutional morality is negotiated by all those invested in the museum's actions: visitors, museum staff, freedom of speech activists, child protection critics and, not in the least, artists. Although institutions like the Metropolitan have shown that it is possible to face criticism with both resilience and consideration, considerably more research into how museums might respond more structurally and, thus, impactfully would enable institutions to act as forums for ethical dialogue.

An entirely different question to that of representational practice emerges when the artistic practices under discussion exploit the blurry demarcation between art and abuse. During the last year or so, several museums found themselves at the centre of protests against displays of work by photographers accused of treating models in ethically questionable ways, leading critics to point out the art world's complicity in endorsing and raising the profile of such artists. While some of the debates may have skirted nuance and deliberation, substantiated claims against photographers depicting their sitter in highly sexualised and potentially vulnerable ways, such as photographer Nobuyashi Araki, certainly strengthen the case for an ethics discourse that empowers practitioners to interrogate the ethical provenance of photographs in ways that are empathetic but nonetheless thorough. The perpetual emotional bullying and exploitative working relationships Araki was accused of fostering might pose ambiguous territory, but it is not necessarily outside the capacity of art institutions to promote the use of contractual agreements, consent forms and fair

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compensation to respect sitters posing for highly sexualised photographs. A blanket defence of art is no longer good enough.

Advancing on this point, it would be compelling to know more about children's experiences of modelling for contemporary photography to complement, challenge and nuance the concerns that medical professionals have expressed so far (Zurbriggen, Pearce and Frey 2003; Isaacs & Isaacs 2010). How do former sitters reflect? Did the photograph and the life it took on make them feel vulnerable or empowered? Has the way they would give consent evolved? Only longitudinal research could provide such thought-provoking insights into this, as of yet, entirely unmapped arena.

Not unlike this thesis has attempted, the next step is for museums to evaluate how they might take on more meaningful roles in discussions about inequality and sexual abuse. The desire to become more actively involved in these discussions was expressed by artist Betsy Schneider, who participated in my study, and has been echoed recently by activist and artist Michelle Hartney, who created guerrilla labels that she quietly hung in the Metropolitan Museum of Art in New York. One label asks: "censoring artists is out of the question, but what is the responsibility of the art institution to educate viewers and turn the presentation of an artist's work into a teachable moment?" (Kenney 2018). The simple answer is not to get involved out of fear for public backlash and rely on tried and tested art historical narratives. The far messier and unknown but potentially astute option would involve confronting and addressing the problem of sexual abuse in a more direct manner, which would require museums to look at their objects through a new and perhaps uncomfortable lens. This is an option that embraces risk but, potentially, can have impact beyond the confines of the art world.

Thus, a novel research project would be to investigate the effects of the very few exhibitions that have attempted to acknowledge the increasingly prominent societal awareness of sexual abuse and gender inequality. In an immediate but well-considered response, the Museum of Sex did so by incorporating the testimonies of Araki's accusers in a 2018 retrospective on the photographer (Steinhauer 2018). And

even more promising steps have been made by Ditchling Museum of Art and Craft, which redressed the abhorrent histories of artist Eric Gill through objects from the museum's collection to acknowledge the sexual abuse of his daughters and, through an artist commission, reflect upon the girls' agency and voice. The planning of the project involved consultations with peers in the arts community and child sexual abuse support charities – an approach that engendered widespread support and testified to the value of shared knowledge production.

Different to *Eric Gill: The Body* (2017), though equally powerful was a Dutch exhibition titled *Back from School* (2000). This small-scale but socially engaged exhibition took place in response to the Belgium child sexual abuse case around offender Marc Dutroux. Fifteen contemporary artists interrogated the relationship between the Dutroux case and the conflicting views on childhood cultivated by the idea of childhood innocence. Included were artworks that took on a drastically new meaning as part of the exhibition's premise: photographs of adolescent girls by Inez van Lamsweerde, adult-sized doll's clothes by fashion designer Martin Margiele and a video of a young woman making a cartwheel that exposes her underwear by Marijke van Warmerdam (Wolfson 2007). Can museums be sites of reflection for a topic most communities are still struggling to come to terms with?

My research has also thrown up questions for further research by demonstrating the inspiring possibilities of engaging children in exhibitions that give meaning to the social world – to which they too contribute. Museums can certainly play a role in addressing the conflicting views on childhood of our times but thinking *about* children should by no means be limited to the realms of adulthood, typically child-friendly museums or educational departments. For this reason, one research question that deserves attention is "what might curating challenging or difficult ideas look like when involving children and young people themselves?" And what impact might museums have beyond simply involving children, might they, for instance, help children develop a sense of ethical and critical thinking? Although some tricky challenges can be anticipated as part of such projects (which too require more research), a small group of pioneering researchers have advocated the potentialities of child- inclusive curatorial approaches and confirmed what I alluded to as part of this project too, that

children have powerful things to say as audiences, sitters and, most of all, creators. To this end, such paths of enquiry have the potential to solidify a new discipline in museum studies: a child-focused museology that is invested in shaping, furthering and transforming children's rights *for* and *with* children in museums.

From the outset, the research embarked on the premise that museums *can* advocate a view of children as active social agents, who are able to shape their own representation if given the opportunity to do so. In a short but poignant exhibition label, one of the two case study institutions participating in this research states that "photographs [of young people] also ask us to think critically about how a society might value, learn from, and support its youngest members". The contention that museums have the capacity to facilitate all these things is the crux of this thesis.

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