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Who "Owns" a Cultural Treasure?

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PLAYING DARTS WITH A REMBRANDT: PUBLIC AND PRIVATE RIGHTS IN CULTURAL TREASURES. By *Joseph L. Sax*. Ann Arbor: The University of Michigan Press. 1999. Pp. xiv, 245. $32.50.

INTRODUCTION

Because of the thoughtfulness of its arguments, the range and depth of its presentation of specific cases, and the fairness with which it reveals, thinks through, and allows some validity to opposing points of view, *Playing Darts with a Rembrandt* is a valuable contribution to understanding which parties have, and should have, rights in key objects that comprise our collective heritage. That I am not persuaded by some of the specific arguments in the book in no way reduces my admiration for what it accomplishes.

In the lucid, direct style that characterizes the book, Joseph L. Sax[1] opens with:

> This is a book about a very odd matter: Many of the greatest artifacts of our civilization can be owned by anyone who has the money to buy them, or the luck to find them, and their owners can then treat the objects however their fancy or their eccentricity dictates. [p. 1]

After presenting a quick overview of the topic, he makes his own position clear:

> The thesis of this book is quite straightforward. It is simply this: There are many owned objects in which a larger community has a legitimate stake because they embody ideas, or scientific and historic information, of importance. For the most part it is neither practical nor appropriate that these things be publicly owned. It is, for example, highly desirable that private individuals collect art according to their own tastes and have the enjoyment of it. The conjunction of legitimate private and public interests, however, suggest [sic] that ordinary, unqualified notions of ownership are not satisfactory for such objects. I propose that several qualifications are generally appropriate: a bar on destruction and on denial of access, and at least a presumption against grants of exclusive access to particular individuals (such as authorized biographers or favored re-

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1. Professor of Law, University of California at Berkeley.

> searchers). Of course, no such general prescription can resolve the numerous and fascinating variant situations that arise: Must the heir of a famous writer make her love letters public? How long should material — admittedly of historic interest — be embargoed in library collections? Should libraries distinguish between scholars and journalists in granting access? Is an archaeologist who wants exclusive rights to a site different from an authorized biographer who wants exclusive control of his subject's papers? Should anyone be allowed to destroy a great artist's work? The artist himself? The artist's heirs or executors? A patron, who is displeased with a commissioned work? [pp. 9-10]

In making his case, Sax divides his book into three parts. The first, *The Fine Arts* (pp. 11-78), begins with a detailed account of the celebrated 1930s controversy about Diego Rivera's mural, commissioned by the Rockefeller family for the RCA building at Rockefeller Center in New York. Sax follows with a discussion of artists' "moral rights" and public rights, focusing on the California Art Preservation Act (pp. 21-34); the rights of portrait sitters and of the artists themselves, and of their heirs and executors (pp. 35-47); duties in the protection of notable architecture (pp. 48-59); and collectors and their duties to the public (pp. 60-78). In this part, as in the following two, the book has the great virtue of providing sufficient details of the many specific historical situations noted so that the reader has enough evidence not only to see Sax's point but also potentially to reach different conclusions about the proper disposition of property in similar cases in the future.

In Part Two, *Paper Trails* (pp. 79-150), Sax provides individual chapters that explore the rights of access to historically significant written materials, including discussion of the history of the treatment of ownership of presidential papers. Further, Sax provides accounts of the varying provisions laid down by Supreme Court justices (Black, Brandeis, Frankfurter, Holmes, Brennan, and Thurgood Marshall) for access to their own papers, including their judgments about degrees of confidentiality needed to preserve the appropriate functioning of the Court. Sax concludes this part with chapters that highlight the different access rules for library and museum collections and that elaborate on the range of relationships between heirs, biographers, and scholars. As illustrations of such relationships, he discusses the handling of the letters of Warren Harding, James Joyce, and Matthew Arnold, and the papers of Benjamin Banneker and Martin Luther King Jr., and he considers authorized biographies and economic benefits to heirs.

The third part, *Skins and Bones* (pp. 151-96), tackles the scholarly conventions in archaeology, anthropology, and papyrology for first access to ancient manuscripts and archaeological objects and sites. An entire chapter is devoted to "An Academic Scandal Par Excellence: The Dead Sea Scrolls" (pp. 153-64) followed by a discussion of the rationale for such conventions and the argued social costs of their appli-

cation. The part ends with a discussion of rights in archaeological treasures, illustrated chiefly by the cases of the famous *Tyrannosaurus rex* "Sue" and the wall paintings in the Chauvet Cave in southern France.

I. SAX'S MAIN CONTENTIONS

There are difficulties with some of Sax's main arguments. Could we ban destruction of cultural objects as a practical, enforceable matter? Would that stop anyone who was determined? And how would society enforce this — would the "culture police" come to your home with a warrant periodically to check on you? Or would your envious neighbor report that you have been burning suspicious things in your back yard? Would you have to register the object? Post bond on it?

We do not need such a ban on destruction. How sensible would it be to create a law banning what Sax himself concedes is the unusual occurrence of destruction as "simply an act of proprietary caprice" (p. 16) — the very "playing darts with a Rembrandt" of the title? Indeed, all the incentives — the high price paid for the object, the prestige of being its owner, the rarity or uniqueness of the object, its aesthetic or intellectual beauty, its value in enhancing one's career — are on the side of preservation in most cases.[2] And where owners wish to destroy because they hate the message of the object, they are now deterred more strongly than at any time in the past by the threat to their reputation posed by such an act. (Public disapproval of such an act is both more intense, due to evolving attitudes about cultural objects, and more instantaneously widespread, due to television and the Internet, than ever before.)

Society also cannot effectively ban an owner's ability to deny access to the object. Some things are not reachable by the law. Objects from cars to art are, and will continue to be, stolen to order by unscrupulous buyers, and the more unique, and therefore conspicuous, the object, the more likely the contractor of the theft will be to hide it away entirely.[3] To illustrate, a stolen Mercedes may be publicly drivable if taken far enough away from the point of theft because there are many legal outlets for the sale of identical cars that provide disguise. A stolen Rembrandt, however, is unique and its individuality is well known to many art experts worldwide; with growing telecommunications technology, it is increasingly difficult to show such a rare painting without ultimate detection.

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2. For example, Steve Wynn, multi-millionaire owner of several Las Vegas casinos, suddenly became much better known when he started buying the works of "name" artists for his for-profit museum at his new casino, Bellagio.

3. The theft of a Cézanne from Oxford's Ashmolean Museum on January 1 of this year appears to be just one of the more recent in a long line of such cases. *See* Sarah Lyall, *Art World Nightmare: Made-to-Order Theft*, N.Y. TIMES, Feb. 3, 2000, at E1.

Even if we did make it unlawful for an owner to deny access to others, what would the sanctions be? Fines would likely pose no problem for those wealthy enough to acquire the objects. And in cases where the objects were inherited intellectual property (such as letters) and not purchased objects, would we, as a society, be comfortable attaching fines to heirs for trying to protect their family's reputation? Jail time with murderers and rapists hardly seems appropriate for this offense. And would the threat of "country club" jail deter? Confiscation? Do we really want the justice system to become an appraiser and collector of our cultural property, and would American museums and libraries have comfortable relations with the donors on whom they depend for more than 80% of their collections if they became repositories for such confiscations?

Even if we could resolve all of these questions, who would decide which objects are "worthy" of such protection? And how would we turn into law the judgment questions archivists and curators face all the time — which objects "must" be saved, and for whom (scholars, the public, etc.)? And for how long? Most objects do not have timeless, universal value, and standards change over time.

Yet Sax is right that there is a problem here, and he is most convincing about its reality when he describes particular kinds of cases and the different contexts and conventions for dealing with different kinds of objects.

A. *Sax and the Destruction of Fine Arts*

In his section on the fine arts, for example, Sax uses the example of the destruction of the Rivera mural by its patron, the Rockefeller family, to argue that "today it seems obvious that our collective interest in perpetuating art should trump an owner's sensibilities" (p. 18).

He acknowledges, however, that in the case of someone who has commissioned a work of art, "there is the added risk that the artist's unwanted message will not only be disseminated, but will be associated with the patron," and this shows "that in some instances owners can have interests that go beyond mere proprietorship" (p. 17).

Indeed, I would argue that a patron seems a different kind of owner, different even from other "first owners," in that s/he gives some indication of what s/he wants for the money, while all other kinds of owners decide to purchase on the basis of a finished product. A patron, especially in architecture, may be as much an artistic collaborator as a buyer. Sax effectively qualifies his own argument by writing, "[w]e are fortunate that the statues of Stalin demolished all over Eastern Europe in recent years were aesthetic mediocrities" (p. 17), implying that perhaps it is only the "best" art that deserves special protections.

Sax, however, finds a solution to this particular problem by positing that it would have been best if, as was suggested by the *New York Times*,[4] Rivera had been invited to take his fresco away. That is just what would have been the remedy, Sax notes, had a current law — the California Art Preservation Act — applied in this case. To Sax, and to me, this seems a reasonable compromise between the rights of the patron and the artist. And again, he sides with a reasonable compromise when he discusses art in public spaces. He approves of the decision of the city of Carlsbad, California to give a 78-month trial period to some public space art that was very widely opposed by Carlsbad citizens, with the citizens voting about two-to-one near the end of that period to remove the art (pp. 29-32).

Sax's arguments are less persuasive when he discusses portraits in the following chapter (pp. 35-47). In fairness, he takes on a particularly difficult case — a gift portrait of Winston Churchill. Portraits of major historical figures are unlike portraits of the rest of us in that they are presumed to be historical as well as aesthetic objects. Picasso's aesthetic intentions trump our need to see a representational view of the sitter in his portraits of his mistresses, but when we look at a portrait of George Washington, created with the intention of recording a likeness of a historical figure, we expect not only aesthetic quality but also some verisimilitude. In this case, Parliament commissioned Graham Sutherland, an important portraitist, to paint a portrait of Churchill as a gift to him on his birthday. By all accounts, it was unflattering, as it certainly appears to be in the book's illustration. Churchill accepted it graciously but hated it. Apparently it was hidden for a time at one of his houses and Mrs. Churchill destroyed it before Churchill's death (p. 37).

Sax seems sure that the portrait should not have been destroyed, citing a number of experts who thought it was "good, or very good art" (p. 38). He does, however, mention other people who did not like it, and notes that everyone agreed that it was unflattering (p. 37). I, too, would have favored another course than destruction — the Churchills could have given it back to the artist with a disclaimer indicating their reasons for finding it an inadequate likeness, after a token period to show respect to Parliament. As an alternative, they could, as Sax suggests, have held the picture and prevented it from being shown during Churchill's lifetime or even that generation.

While I would not have favored destruction, I think Sax dismisses the arguments for destruction by the work's subject too lightly, particularly since he favors giving unlimited rights to the artist him/herself to destroy any of his/her own works s/he chooses (pp. 42-43). A relevant question here is whether the object or the reputation is the key

4. P. 20 (quoting, Editorial, N.Y. TIMES, Feb. 18, 1934, at E4).

good here. If the aesthetics of the object are paramount, what right does even its creator have to destroy it as "unworthy?" If reputation is paramount, does the reputation of the artist mean everything and the reputation of the historical figure mean nothing? Sax seems to want the reputation of the artist to trump that of all others. Is that to society's benefit? And in the Churchill case, the portrait was a gift, and the intention of the patron was to please the recipient. Sax is concerned about loss to the "historical record," the loss of "the painter's insight on a great man to be compared with the many flattering and still extant portraits that presumably satisfied Sir Winston's ego" (p. 40), but was the portrait insightful? Was this portrait necessarily insightful because Churchill hated it, and other renditions falsely "flattering" just because he, as the subject, did not object?

B. *Architecture*

To my knowledge, architectural creations are the only art objects that are inhabited as well as admired, expected to look good but also not leak. There are exceptions to this in architecture, such as purely ceremonial works like the Vietnam Veterans Memorial. But even there, the art object has a defined social purpose — an agreed-upon function — that must be accommodated along with the architect's and client's aesthetic desires. Architecture is thus an art form with continuity back to earlier times, when most if not all art forms — paintings, masks, poetry, plays, dance, song — had social (often religious) as well as aesthetic functions, as they still do in many tribal societies.[5]

Since that is the case, in this art form, there continues to be the assumption that there will be a negotiation between architect and client from which the object emerges. In addition, architecture is the only art form, except perhaps for sculpture, that encloses instead of being enclosed; thus it is inherently "in the face" of the public. As a result, there is also a tradition of, and more allowance for, public constraints on its creation for reasons of safety and space usage as well as aesthetics.

Sax is well aware that buildings "are almost always employed as part of everyday life" (p. 48) and, for the reasons noted above, he is on more solid ground in this area than in some others when he argues for social intervention in at least some architectural decisions. In discussing cases of modification of aesthetically significant buildings — including that of the Salk Institute, and the Guggenheim, Whitney and Kimball museums — he suggests various options for exerting public control, including a permitting process or allowing construction to proceed after a period unless the city takes action. He argues —

5. *See* 1 ARNOLD HAUSER, THE SOCIAL HISTORY OF ART 1-55ff (1951).

rightly, I think — that in these cases, "[w]hatever the ultimate choice about a regulatory regime, some arrangement that permits the professional and affected public communities to be heard, and to convey to proprietors the importance to the community of the work they own, seems appropriate" (p. 53).

C. *Private Collectors and Surrounding Concerns*

In discussing private collectors, Sax concisely makes the case for the social value of private collecting: "[A] primary value of the collector is the very presence of individual and eccentric, often advanced, tastes that would never be reflected in (indeed is [sic] all too often rejected by) official canons of selection and propriety" (p. 60). While acknowledging the many petty motives that may influence collectors, he nonetheless strongly, and I think rightly, defends such resulting collections' public value. He is concerned, however, about restriction of access, so much so that while "[v]oluntary arrangements for access are, of course, preferable. . . . Where no such incentives suffice, consideration should be given to a system of obligatory, expense-compensated loans to public institutions" (p. 66). He also quickly and fairly notes that this idea has "had vociferous critics who claimed that any such responsibilities would unduly discourage collectors" (p. 66). I think the critics are exactly on target here. I can hardly think of anything that would more quickly encourage collectors to buy anonymously and otherwise seek to conceal their ownership. Sax goes on to lay out a proposed regime for such forced loans, with sweeteners for the "donors" including no expenses to be borne by the owner, a panel of experts to decide which objects are to be subject to forced loans, no more than one loan in a given period, and use of such forced loans only as a last resort. But that ignores many practical difficulties. How would the "experts" pick one museum over another as the proper place to display such a temporarily confiscated object? And what museum would seek the "benefits" of such a forced loan? None would likely request such forcing, and none would agree to be the destination, since to do so would be to dry up virtually all voluntary loans *and*, more importantly, all gifts of objects to that museum from that point forward.

And listing this as a "last resort" does not reduce the problems. What kind of a friendly conversation could a collector have with a museum about a voluntary loan when s/he knows that if the museum does not like a potentially willing lender's terms for the loan, or an unwilling owner's resistance to parting with the object at a given time, for a given period, to that particular museum, the museum can ultimately force a loan?

In addition, what about cases where the objects' fragility would put them at physical threat in a forced loan? There are also reasonable

concerns about an unsuitable venue — inadequate security, climate control, etc. That is why museums typically have careful rules about the conditions that must be met by the receiving institution before they will agree to loan.

Even if we could resolve all of the above problems, there is an additional question to consider: Doesn't the possibility of such compulsion make us as queasy as the idea of sealing things up in a vault?

Finally, such compulsion would run counter to one of the core activities that make American museums possible at all. American museums could not operate without a huge amount of volunteer support. Many have more volunteers than paid staff, and those volunteers often provide very basic services, from cleaning the floors to staffing the boards that direct the museum's future. American museums also get more than 80% of their collections from gifts, and very many exhibits have at least one privately owned loaned object on display. That is why museums would likely be in the forefront of those who would oppose such forced loans.

As Sax continues his discussion, he cites many collectors throughout history who viewed their collecting as stewardship for a larger public. He concludes that the "stewardship tradition is obviously powerful and deeply rooted, and impressively it grows out of self-imposed restraint, not as a duty imposed by law or even the strictures of public opinion. Should we leave it at that?" (p. 72). Using as his example the unusual and arbitrary access rules of Dr. Albert Barnes to his famous Barnes Collection in Philadelphia, Sax holds that we should not leave it at that. The irony here is that, as Sax notes, the collection did ultimately become open to the public, and even under Dr. Barnes' arbitrary rules, many people did get the opportunity to view the collection. Should we seek compulsion to deal with only a few cases, especially when we know that even in those cases, public access is ultimately achieved?

D. *Documentary Evidence*

In *Paper Trails*, his second part, Sax examines documentary evidence. As with fine arts, he notes his preference for voluntary access rather than legislative mandates (p. 90), but his frustration with less than perfect access is again evident in his discussion of changing American views on who has rights over Presidential papers. His discussion of different Supreme Court justices' decisions regarding how their own papers should be handled is particularly nuanced, as he recognizes and sympathizes with restrictions on access in cases where contemporaries are alive and "privacy concerns are at their greatest" (p. 109). He notes, however, the costs of delays in making important information available, and thus reasonably suggests an embargo of some material "from everyone for an appropriate period, and open all

the rest," so that not just an approved biographer has access to all (p. 109). But should the *law* mandate access to everyone?

As he discusses access to library and museum collections, he rightly observes that it is the standard policy of most museums and libraries to make objects as accessible as possible, consistent with prudent attention to their protection (p. 118). He goes on to note, however, that both libraries and museums may have restrictions on access to certain collections, including limitations imposed by donors. He calls for "uniform standards, institutional commitment to enforcement, and reasonable periods of time, with reasonableness tied in some way to the span of lifetimes contemporary with the events and documents in question" (p. 128). This seems a fair and reasonable goal, although a difficult one to attain in practice, for several reasons.

First of all, museums and libraries are in the business of both acquiring and making publicly accessible the material remains of our cultural and natural heritage. The collecting is not an end in itself but a means to increase public understanding. Therefore, accessibility for that purpose is the ultimate goal. But if a uniform requirement of accessibility within X years causes a donor of papers or other artifacts to decide to keep or destroy those materials, then the collecting that feeds the accessibility is undermined. Museum and libraries thus may need to retain some flexibility in their rules on when they will make materials accessible in order for *any* institution to convince prospective donors to part with the materials in the first place.

Secondly, both the museum and the library communities have many different subdivisions with necessarily different rules and traditions. For example, natural science museums are not like art museums in many respects, and research libraries are not necessarily like public libraries. Thus, even if it were advisable to have uniform rules in this area, it might well be impossible to create them.

Sax is a little less fair when dealing with family papers of celebrated individuals which are now held by heirs. While acknowledging generally that privacy is a "legitimate concern," (p. 134), he is quick to assert the "public's right to know" about virtually every detail of such a figure's private life. I, however, do not think we yet have a social consensus on how much of people's lives — even those of celebrities — is public property. Indeed, our interest in gossip about the famous is not an innocent pleasure for most of us — it is a somewhat guilty one, for we know that we would not want our own lives so publicly exposed. We find ways to tell ourselves that there are justifiable reasons for us to know, including that the celebrities knew that such greater exposure was a price of their celebrity, but are we completely easy about this? And do the heirs have no rights in this matter? To his credit, Sax cites one of them:

> [A] person's interest in his good name does not die with him. On the contrary, along with his name it is passed on to his descendents. The

> provision I find most short-sighted is that which protects only *living* persons from the publication of papers which might be used to embarrass, damage, injure or harass them.[6]

This is not to say that I would differ with Sax on the general principle that destruction of such papers may well do damage to the historical record. I am simply inclined to give more weight to questions of rights of privacy, and thus the length of time that access might be restricted, than I think he is.

E. *Artifacts and Archaeology*

Perhaps his most fascinating part is his last, *Skins and Bones*, where he deals with access to ancient manuscripts, fossils, and archaeological sites. After his recounting of the story of unreasonable lack of access to the Dead Sea Scrolls, there can be little doubt that this was just what he has entitled it: "An Academic Scandal Par Excellence." But the story leads him to a sympathetic discussion of "publication rights," a consensus on certain kinds of restriction of access to materials that is apparently common in archaeology, anthropology, and papyrology. As he does in many other places in this book, Sax, to his great credit, attempts to understand and confront the logic behind such restrictions even when they oppose his main thesis of maximum access. Here he notes that in these disciplines, there do appear to be some special circumstances that might justify some restrictions, such as providing an incentive to discover a site or manuscript material, physical difficulties in sharing the site or fragile materials, and the need for certain kinds of time-consuming preliminary reconstructive work that only needs to be done once (pp. 172-73). With these and the other circumstances he notes in mind, he concludes that in such cases, "a brief period of exclusivity may be the best practical solution" (p. 174).

In his concluding discussion of antiquities, where he focuses on the discovery of the *Tyrannosaurus Rex* "Sue" and the ancient wall paintings in the Chauvet Cave, he suggests American application of a suggestion by an English expert, in which the

> finder (or landowner) would have good title, but that title could only be secured by reporting the find, and lodging the item (or, in the appropriate case, securing a site), for a specified period, with a designated authority such as a regional museum .... The object would then either be returned to the finder with a certificate of good title ... or it would be acquired, and compensation paid. [p. 179]

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6. P. 140 (emphasis in original). Here, Sax is quoting Regina C. McGranery *in* ACCESS TO THE PAPERS OF RECENT PUBLIC FIGURES: THE NEW HARMONY CONFERENCE 55 (Alonzo L. Hamby & Edward Weldon eds., 1977).

While the criminal sanctions in the proposal seem unworkable to me, and there would be many practical difficulties in the application of such a procedure (getting the political will for the legislation in the first place, museums being overwhelmed by requests to store objects, getting reliable assessments of value, costs of all of the above, etc.), this is an idea worth more thought. We have not had much success in the past ten years in resolving the genuine and growing problem of looting of fossils on Federal lands, not to mention haphazard and decontextualized withdrawal of fossils (for which there is a growing commercial market) from privately-owned lands. Sax's discussion of the Antiquities Act of 1906[7] and the Archaeological Protection Resources Act (ARPA),[8] as well as comparable laws in other countries, provides very helpful background information here. He rightly notes that the limitation of the protections in both the Antiquities Act and ARPA to human-made artifacts, and then only ones on Federal or Indian lands, leaves large loopholes. At the same time, there has been a long history of cooperation and even crossover between amateurs interested in fossil collecting and professional paleontologists. In addition, it has been argued that where fossil remains are exposed on the earth's surface, it may sometimes make more sense for properly trained amateurs to excavate them if the alternative is for the fossils to deteriorate from weather exposure. Thus, given the current situation of active amateur collecting and gaps in legal protections, some natural history museums (chiefly in regions such as the mountain West where there are many fossils) have provided formal training in paleontology to interested amateurs and have developed close cooperation between those trained and the museum's professional paleontologists.

II. OBSERVATIONS AND POSSIBLE SUGGESTIONS

Overall, Sax makes a strong case that there is an access problem with at least some privately-owned cultural treasures, a weaker case about the need for protection from unintended damage, and almost no case that there is much actual "playing darts with a Rembrandt."[9] Sax again and again seems inclined to try voluntary solutions first but is also willing to rapidly move to compulsory schemes if perfect access is not achieved. I think we should spend more time thinking about additional voluntary solutions at this point and less on speculating about compulsory ones. One possibility that comes to mind is to build on the long tradition of stewardship among collectors that Sax documents (pp. 60-78). What might be useful here would be to translate that

7. 16 U.S.C. § 433 (1994).

8. 16 U.S.C. § 470(e) (1994).

9. That is, capricious as opposed to reasoned destruction (as in the special case of heirs destroying damaging family love letters).

vague ethos into a code of ethics for collectors, paralleling those created by museum professionals, attorneys, doctors and other professionals.[10] Such a collectors' code might come from existing groups that already contain large numbers of collectors who donate to museums or other cultural institutions, such as The Museum Trustees Association, or from existing organizations of collectors in specific areas, such as the International Book Collectors Association, the National Association of Watch and Clock Collectors, and the American Numismatic Association. Perhaps a new association of collectors, consisting of individuals who collect across many fields, could arise, providing a place where collectors might learn from each other and subscribe to the same ethical code. To be shunned by an important reference group is no small thing, and if there were clearer ethical standards for collectors, the untarnished recognition of their status and their taste by their peer collectors might be an additional incentive for responsible behavior.

There is another growing reason why we may want to be a bit hesitant to reach for compulsory approaches before we have exhausted voluntary means. America is currently the preeminent nation in the use of the Internet and is likely to stay that way for some time. I think that it is no accident that Americans also have a growing consensus of concern about invasions of privacy increasingly made possible by the new communications technologies. As marketers, private detectives, computer hackers and others gain more and more surreptitious access to the details of our private lives, are we not at least a little more concerned to maintain private areas in our lives? As we become more conscious of how journalistic and scholarly reputations are made, including through attacks on "conventional" authority — political figures, historical figures, scientific and artistic figures, and fellow scholars and journalists — by any accessible means, are we not more skeptical than our parents were about absolute standards like "the public's right to know?" Are we not more inclined to ask first what public purpose (not including our natural interest in gossip) is served and how that public purpose should be balanced against this right of everyone, including celebrities, to a bit of uninvaded life?

CONCLUSION

Although I disagree with Professor Sax on several key points, I recommend *Playing Darts with a Rembrandt* highly to anyone who has

10. For example, the American Association of Museums' *Code of Ethics for Museums* has had a demonstrably powerful impact on both the substance of the code of ethics of particular museums and on the practices within U.S. museums generally. *See* AMERICAN ASSOCIATION OF MUSEUMS, CODE OF ETHICS FOR MUSEUMS (2000), the most recent edition of the *Code*.

an interest in the handling of important cultural treasures. It is clearly written, full of information about key instances and relevant laws, and sensitive to unique considerations with different kinds of cultural treasures. It provides not a single approach but many possible approaches to the multitude of problems it describes. Finally, it has a tone of modesty, making no claims of providing a final answer to the array of provocative questions it raises and explores so well.