When the Unthinkable Happens: Fault Lines and Horizon Lines at the Rose Art Museum

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The Foster Gallery wing at the Rose Art Museum, dedicated to Lois Foster and created by the esteemed architect Graham Gund, welcomed a full house on the evening of 29 September 2001. The exhibition on the walls, *Defining a Generation, 1961-2001*, curated by the then-director Joe Ketner, honored the most recent works by the iconic Pop and Minimalist artists originally collected for the museum by the Rose’s first director Sam Hunter. Despite the happiness of the occasion and the glorious art, however, the mood of the assembled company on that late September evening was subdued, the result of an uneasy balance between the opportunity for celebration and continuing shock over the attacks that had just befallen the nation. The museum seemed a site of solace and hope in the midst of the uncertainty of what might follow.

A small detail recalls the motifs of resilience that dominated in the aftermath of tragedy: it is the process that stonemasons in New England use to build walls. These traditional markers of definition between the landscape and property are long-lasting, and often miraculous in the ways the stones fit together without cement. A wall had to be finished before the new wing with its entrance and courtyard terrace could be celebrated. Watching the workers arrive on the morning of September 12 to take up their work again, and all the days after to the end of that month, was a powerful reminder of perseverance. Remembering the construction of that stone wall opens the collective memory of the newly-enlarged Rose Art Museum, of the sense of commitment of purpose both from the students, faculty, patrons and university officials as
well as the architect, builders and workers who prevailed and finished the job. The laborers steadily assembled the shards and stones, chipping them just so to make the wall strong, and these small acts paralleled the purposeful energies at the Rose re-opening and celebration of its 40th anniversary.

All that seemed forgotten and cast aside in a time of financial panic eight years later. On January 26, 2009, just days after the inauguration of President Barack Obama in Washington, the Brandeis Board of Trustees met in special session and voted to close the Rose Art Museum. The resolution read in full:

*That the university administration is authorized to take the necessary steps to transition the University’s Rose Art Museum to a teaching center and exhibition gallery. These steps shall include, to the extent appropriate, review by the Office of the Attorney General of the Commonwealth of Massachusetts and court approval, followed by an orderly sale or other disposition of works from the University’s collection. The proceeds shall be used to help address the University’s needs and preserve the University’s assets during this period of economic challenge.*

There was no prior consultation with the faculty, the museum’s governing Board of Overseers, or the director of the Rose Art Museum. There was also no meeting ahead of the Board vote to discuss matters with Mrs Foster, whose husband Henry Foster had passed away in October 2008, after decades of service to
Figure 1: Steve Miller. ATM (Art Trumps Money). Banner over entrance to the Rose Art Museum with the following Brandeis students: Brian Friedberg, Liz McDonough, Pennie Taylor, Katie Hargrave, Thomas Ahn, Beccah Ulm, Emily Leifer, Kathleen Reis, Aimy Tsao. Rose Art Museum, acc. 2009.1. Photo: Thomas Ahn.
the Board of Brandeis University. Upon the announcement of the Board vote in hastily called meetings that afternoon, where the dismissal of director Michael Rush from his position was also announced, a press release went out to the Brandeis community from President Jehuda Reinharz.

The storm broke the following morning, 27 January 2009. Beginning with the *Boston Globe* front page headline, *Ailing Brandeis will shut museum, sell treasured art,* the emails, telephone calls and cries of protest tumbled incoherently over one another in ways that recalled a death in the family. The *Globe* sub-headline, *No other choice, says president,* demonstrated how the decision in this momentous vote was conveyed to the public. The Brandeis Board of Trustees asserted its fiduciary responsibility for the entire university and their right, once the museum was closed, to begin “orderly sale and disposition of works from the University’s collection.” The students felt betrayed and stricken that their voices had not been heard – the next day they held an open-mike vigil at the Rose, and papered the front entrance of the museum with protest signs that sounded the tenor of the debate. These addressed the ethics of the decision, questioned the survival of liberal arts without the arts, and posted dollar signs alongside the most famous artists in the collection. The artist Steve Miller ultimately created with the student protesters an ATM sign, now in the collection of the Rose Art Museum: *Art Trumps Money* (Figure 1).

Terms of the necessity to sell the collection were placed in stark alternatives: the university itself was at risk, students would not receive financial aid, and professors would be let go
if the art were not sold. The Board of Trustees was presented with a very short time to evaluate whether the art and museum must be sacrificed; however once the decision was made it was presented as self-evident and inescapable. Christie’s auction house had spent a week on campus in 2007 valuing the collection and the overall number bruited about to the administration and the Board was $350 million. This sum was incorrectly reported in a year when the art market reached historic high sales, when in fact the detailed accounting rendered by Christie’s to the Rose Museum was far lower.4

As Michael Rush, forced to resign as Foster Director of the Rose, was quoted in the Boston Globe on the morning of 27 January: “There’s always a risk with that,” referencing the Christie’s evaluation. As the Globe reported “[this was intended] to show the administration the importance of the permanent collection and to encourage it to move forward on an expansion.” 5

The photograph illustrating the front page Ailing Brandeis... story was of a Rose installation from the Invisible Rays exhibition of 2008, highlighting Surrealist works in the permanent collection. The photograph’s caption focused on a key concept that suggests the fault lines in the institutional history leading up to the Board’s decision. It stated (Figure 2): “The Brandeis president called the Rose Art Museum a largely hidden jewel.” 6

Taking the metaphor of the hidden jewel, we can probe the underlying assumptions and past financial aspirations that were prelude to the crisis at the Rose Art Museum. This
entails looking at a past pattern of deaccessioning without a stated policy, with no consensus building with faculty, donors and other involved stakeholders. The Rose Art Museum had articulated a Collections Management Policy in 2000, under the directorship of Joe Ketner, and included detailed regulations, with adherence to the professional guidelines set by the Association of Art Museum Directors (AAMD). Yet, at the time of the Board’s 26 January 2009 resolution, it seems that the university concluded that closing the Rose as it had been would free it from an obligation to abide by the deaccessioning standards adopted in the 2000 policy and give it unfettered control over the art. But few professionals and specialists in the art world saw the actions as separate. In a press release of 2 February 2009, the AAMD stated:

The deaccessioning conversation [at the January conference] not only touched on the recent proposed sales involving
Brandeis University’s Rose Art Museum and the National Academy Museum, but also centered on a membership-wide reaffirmation of the vital importance of art collections at the heart of a museum’s service to its community and to the general public.7

Today, in 2012, the horizon line promises an entirely new day for the Rose. It must be emphasized that the current new Brandeis administration, led by President Fred Lawrence, resolved the litigation brought against the university in June 2011 in a settlement signed by the museum donors and former members of the Board of Overseers who had sued to protect the Rose collection. Nothing has been sold from the Rose Art Museum as a result of the crisis, and there is no plan to sell any of its work. In July 2012, the new Foster Director, Christopher Bedford, was appointed to lead the museum.

Oversight structures in place in 2009, however, provided scant relief in the teeth of the decision to close the Rose. Membership in the American Association of Museums (AAM), of which the Rose is a part, is only the start toward best practices in museum management today in America. Both the AAM’s director, Ford Bell, and the AAMD have expressed concern as to how policy and oversight can best be exercised, and the latter specifically addresses the challenge of proper procedure in smaller and, especially, in university and college museums.8

The avalanche of negative reaction and public outcry that followed the Brandeis Bombshell, as the Wall Street Journal headline
termed it, is now part of American museum history. The debate continues about who owns art, how works of art should be held in the public trust, and who that public is. Certainly the students, faculty, Board of Overseers and the art community of the Boston area thought that they were all stakeholders. James Panero has called for an examination of the original purpose and policies for recuperating museums in the recent article *What’s a Museum?* There he highlights that “headline-making cases of deaccession are only the most extreme perversions of America’s museum ideal.” His view is that we must return to first principles apparent in the early histories of American and British art museums. Notably in the founding history of the Metropolitan Museum of Art, or in the extraordinary efforts to shelter the collections of the National Gallery in London during World War II, one finds a belief in the power of the museum as locus of civic or national identity. In universities, there are dedicated reasons for the inculcation of educational values, and an emphasis on critical thinking and analysis through the study of art – all ignored in the Great Recession of 2009.

Parallel to the consideration of the origins of civic museums, it is essential to remember *Why do universities have museums?* as Kim Rorschach (then director of the Nasher Museum at Duke University, and now director of the Seattle Art Museum) succinctly posed the issue in a 2004 lecture. The tradition of establishing collections for students’ laboratory and hands-on inspection dates back to the foundation of Oxford University’s Ashmolean Museum in the late 17th century in England. The Ashmolean is in fact the first public
museum opened anywhere, begun as a collection of botanical specimens, fossils, statuary, and eventually paintings. The motivation to create museums of art for institutions of higher learning was continued in the United States as early as 1831 when Yale University established its art museum and accepted paintings from the John Trumbull collection.

Of special interest for the university that bears his name, Justice Louis Brandeis made his opinion known on this topic. Writing to his niece in Louisville, Kentucky who was in 1924 involved with the founding of the University of Kentucky, he advised:

First: The beginning of a departmental library... Obviously, the earlier civilizations cannot be understood without full appreciation of their contributions to the fine arts... Thus, books on ancient arts and archaeology are primal needs of instructors who seek to awaken in students an interest in the achievements of a great past and to feed the hope for a greater future...

Second: The beginning of an art collection. Living among things of beauty is a help toward culture and the life worthwhile. But the function of a university in respect to the fine arts is not limited to promoting understanding and appreciation. It should strive to awaken the slumbering creative instinct, to encourage its exercise and development, to stimulate production...

At Brandeis University it was essential to found a university with all resources available, and the generosity of donors and
sponsors from that early history is still remarkable to document. Making and performing art at Brandeis was held high, and the early days saw Leonard Bernstein on campus teaching and performing his early compositions, including the premiere of his opera *Trouble in Tahiti* for the first commencement in 1952. The capacity for creation in the wake of World War II was considered a privilege by the founders of the university.

Nonetheless, with generous gifts came unforeseen consequences, particularly when there was little help in properly managing and documenting the early donations, and the campus had few buildings to house administration, faculty and students, let alone a growing art collection.

The fault lines which underlay the 2009 crisis may be considered now that the storm has been weathered:

3. Education matters: integration of the educational mission of the art collection within the University.
5. Under-use of the permanent collection; lack of funding for comprehensive research.

Early gifts and generous donors
Beginning with the university’s founding in 1948, and first acquisitions of art in 1952, there came rapid transformations
that accelerated with the Poses Institute of Fine Arts established in 1960, the hiring of Sam Hunter as its first director, and the opening of the historic Rose Art Museum building in 1961.

The first president of Brandeis, Abram Sachar, leader of the extraordinary post-war generation buoyed by enormous energy to found a new American non-sectarian university rooted in Jewish philanthropy, was famous for his ability to articulate the vision. In A Host at Last, Sachar’s memoir published in 1976, there is ample evidence of loyalty from the early donors and enthusiasm generated by his fund-raising.13 His remarkable sense of vision led to gifts made to the nascent university by all means possible. Sachar saw to it that the creating and performing of art would take precedence in the new school, and the establishment of departments in music, theater and fine arts just 61 years ago developed the School of Creative Arts in 1951. The founding group of businessmen who gathered to create a new university out of the ashes of World War II and the Holocaust were committed to a university without quotas, to a learning environment where people of all ethnic and religious backgrounds would be welcome. Meanwhile, during the period before the ground was broken for the Rose Art Museum in 1960, the young university with ambitious dreams received donations of an increasing number of works of art, and there were few places as yet for display and exhibition.

The Wildenstein Gallery hosted a 1962 exhibition in New York that later traveled to the Waltham campus for the benefit of an art scholarship fund, at which were exhibited masterpieces from Vincent van Gogh and Paul Gauguin, with
works of the early 20th century by Marcel Duchamp and Juan Gris. The catalogue reveals the extraordinary range of masterpieces of the late 19th century still in the hands of private collectors. The frontispiece to the catalogue illustrates in color the lively Arles painting by Van Gogh, *Tarascon Diligence* (1888), owned by the Henry Pearlman Foundation. A few of the exhibited works were already in the Rose collection, such as *Vase aux Fleurs* by Georges Rouault (1935) and *Still Life* by André Dunoyer de Segonzac (1924), and importantly Fernand Léger’s *La Femme Bleue* (1929), now frequently exhibited and published in the 2009 Rose Art Museum collection catalogue. The 2011-12 installation of selections from the permanent collection in the Foster Wing, Collecting Stories curated by Dabney Hailey, documents the multiple ways in which gifts arrived at the
young university starting in 1952 to honor its first graduating class, from the Gris (Le Siphon, 1913) and Marsden Hartley (Musical Theme, 1912-13) to the Léger. That history continued up to 2008.

The donor gifts of works of art that soon came to the Rose in the 1960s were an outpouring of extraordinary generosity from private collections, and certain treasures in the Rose remain today as a continuing legacy of that donor support. The Rose family preferred Old Master paintings, as one learned from the Committee for the Future of the Rose report, and these were on view alongside the Surrealist painting Alba (1953) by Roberto Matta in the original Harrison and Abramovitz building (Figure 3). From the 2009 Rose Art Museum Collection catalogue, Director Michael Rush speaks of the more than 300 gifts received before there was a museum.

At the same time, it is apparent that certain gifts, especially those given in the early days, were donated to be translated into liquid assets, as four Monets given between 1968-1975 indicate. The examples discussed here are used to represent the evolution of a more general policy to sell older art, just as the Old Master works visible in the 1961 photo, such as the Bernardo Strozzi Judith, gradually were sold over time.

The Spingolds donated two Claude Monets to Brandeis, Mme. Camille Monet avec Bouquet des Violets, (Rose accession 1968.43) and La Route à Vetheuil, “réservé sous usufruit”, or “subject to usufruct,” along with a Picasso early landscape, specifying that the works of art were considered property to be used for any “fruits” or financial needs as were deemed
necessary by the recipients. Sachar speaks warmly of the Spingolds, who visited campus in 1957 and were deeply impressed by the immediate need for a new theatre building to replace the Ullman Amphitheatre, initially built for outdoor summer theater, and not well adapted for teaching in the New England climate. The Spingolds had made their careers in advertising and later in Hollywood. Nate Spingold was vice president of Columbia Pictures in the 1950s, while building a remarkable art collection, and the usufruct of these Monets was the eventual Spingold Theater building. Sachar described their homes in New York and Palm Beach as “virtual art galleries... rated among the best in the country.”

Both Monet paintings were auctioned at Parke-Bernet in a sale called Ten Highly Important Impressionist Paintings subtitled Property of Brandeis University from the Nate B and Frances Spingold Collection and a Private Collector, held in October 1968. A third painting by Picasso, Paysage de Gosol, was in the same 1968 consignment. Correspondence in the Spingold files indicates that a letter from one of the Estate representatives clarified in a quote, directed to a representative at Parke-Bernet, what she stated the art world should know:

_The three paintings from the Spingold collection were given to Brandeis University with the explicit instructions from the donor that they not be included in the permanent collection at Brandeis but be offered for sale at auction by the Parke-Bernet Galleries.”_
The portrait of *Camille with Violets*, though exhibited in the Third Impressionist exhibition of 1877 and known as the last living portrait Monet painted of his first wife, has been rarely exhibited and only recently reproduced in the book *Monet and his Muse: Camille Monet in the Artist’s Life* (2010).²⁰

A 1976 catalogue of works from the Estate of Nate and Frances Spingold represents a second auction of work from their collection held in London at Sotheby’s, after the death of Mrs Spingold earlier that same year at the age of 95. From this sale, certain works such as a small group of Edgar Degas bronzes were listed as Property of Brandeis University, whereas the world class Pierre-August Renoir *La Promenade* now at the Getty Museum (signed and dated at lower left *Renoir 70*) and a Paul Cézanne, *Les Baigneurs*, a small oil sketch (13 x 18 inches), on view in the 1960 exhibition of the Spingold collection at the Metropolitan Museum of Art, were both listed as property of the Spingold Estate.²¹ There were other works in the 1976 London auction held by the Spingolds and later accessioned in the Rose collection, one by Henri de Toulouse-Lautrec (*Vieillard de Ceyleran*, Rose Acc 1979.4), and a winter landscape signed Gustave Courbet (*Arbres sous la Neige*, Rose Acc. 1979.3). Of the 22 lots at auction in London, the Courbet and the Toulouse-Lautrec were buy-ins, that is, they failed to meet the reserve price.²²

This London 1976 auction represented the beginning of a slippery slope in the way the Rose Art Museum held art in trust, and assisted the larger university to realize benefits from holding works of art. The mixing of ownership details
to be noted in the catalogue, between the Rose and the Spingold Estate, is a worrisome fault line of an earlier unclear documentation.

Another example of the later deaccessioning of a significant painting from the Rose Art Museum was the gift of a Monet painting now called Woodgatherers at the Edge of the Forest (Rose Accession no. 1968.17). In this case, there was no resulting censure. This is a superb early example from the first *plein air* paintings by Monet, now in the Museum of Fine Arts, Boston. (Figure 4). The sale of the Monet painting entitled *Porteuses des Bois, près de Fontainebleau*, in the Wildenstein *Catalogue Raisonné* of 1974 is the same work, sold to the Museum of Fine Arts, Boston in 1974, where it is listed as a gift to Brandeis from the Harold Kaplan collection.23 As the sale was privately arranged, there is no further public documentation although the provenance details are available on the Museum of Fine Arts’ collections website. It is clear from the Rose Art Museum archives that a lively debate occurred between the president and director William Seitz, himself a distinguished Monet scholar, over the rights of the donor to change his mind about the proposed sale of the Monet painting.24 However a new director arrived at the Rose in 1974, and a request for the painting’s appraisal was submitted to the Art Dealers Association of America. There was no oversight at the time from an organization such as AAMD, and the proceeds from the Monet, once illustrated in the 1961 edition of John Rewald’s canonical *History of Impressionism*, went to fund a Chair in the Sciences dedicated to molecular biology.25
The last of these “Monet cases” is that of the Sprayregen gift of an 1884 painting by Monet, *Bords de la Seine près de Vernon* (Banks of the Seine at Vernon), signed at the lower left (Rose acc. 1959.36). This vibrantly colored painting was displayed on the Rose Art Museum’s walls in 1975-76. It was cleaned in 1976 so that director Carl Belz called the effect “truly brilliant.”

Mrs Sprayregen chose to donate her Monet landscape to the Rose, but to retain possession of the work until her husband’s death. She stipulated with the gift that she would maintain “unrestricted right to its possession, use and enjoyment” during the lifetime of her husband. Therefore, legal ambiguity exists on both sides of this donation, but it appears that Mrs Sprayregen enjoyed the “usufruct,” the benefit of enjoying the beauty of the Monet, but this would not extend to the Rose, where it was placed on view only in 1975-76.
By that time, it was considered as one of the older gifts given without restriction. The stringent economics of those difficult times when the Arab oil embargo forced energy prices to new highs, necessarily kept the university budgets under a strict control. A senior administrator shared grave doubts about the Monet in question at this time, and expressed discontent with the “floating overhang of art works which we periodically talk about as liquid assets but which are, in fact, not.”  

The painting went to auction and was sold through Sotheby Parke Bernet on May 11, 1977.

The 1991 deaccessioning of fourteen 19th century works

The deaccessioning by the university occurred in the fall of 1991 as a severe recession gripped the economy and prices for art in the auction market suffered a comparable decline. The fine arts department faculty learned the news by reading in the morning Boston Globe that fourteen paintings, mainly European and all painted before 1900, had been removed from the Rose to Christie’s auction house in New York, with the “goal... to make the Rose independent of the financially troubled university.” Elsewhere the Rose Art Museum director and overseers said the “14 paintings... are not considered central to the museum’s mission as a center of 20th century art.”

An October article in the New York Times related that the AAMD had released a press release criticizing the university, while David Rosen, the university vice-president for public relations, countered that the proceeds “will go into an endowment to be used for future acquisitions, conservation
and the educational role of the museum in the university.”  

Further in the same article, Rosen appeared to undercut his first assertion, admitting that “departments that do not generate sufficient funds to support their programs have been asked to find ways to make themselves self-sufficient.” He ended by citing the prior deaccessions, saying the events of 1991 were “not unprecedented,” and referenced the works sold out of the collection in 1976 and 1979. 

A very different structural fault line emerges – what sort of processes were in place when there was no consensus to decide “When to deaccession?” and “Who owns these works of art?” 

The Rose case is proof positive that when procedure of consensus is not followed, the erosion of a collection can become a slowly unwinding fate. As faculty members demonstrably concerned by the decision taken by the president and Board of Trustees in 1991, the fine arts faculty took immediate steps to seek communication with the Rose, and to propose internships and more opportunities for coordination of programs. But these actions paled in the face of ample evidence of the reflexive reaction in hard times over several decades and recessionary periods – and that was the increased pressure to deaccession works of art. In 1990-91, it is true that other severe actions were taken, such as freezing faculty and staff salaries, and there was a new president, Samuel O. Thier, brought to lead the University in 1991, as Evelyn Handler, president from 1983-1990, stepped down. Even as late as 1999, in an essay on campus architecture honoring the university’s fiftieth anniversary, the Rose Art Museum’s architecture is
described as “a small temple or treasury whose luminous interior might shelter a hoard of precious objects.” 36

There were in fact material links between the Spingold sale in London of 1976 and the 1991 sale conducted by Christie’s in New York, and the memories of rich early gifts had not faded. As noted above, the 1976 London sale had resulted in two works failing to reach the reserve price. One work remaining was the so-called Courbet, Arbres dans la Neige (Forest Scene in Winter, Rose accession 1979.4). Questioned by the auction house just one month before the upcoming auction, the Musée Courbet conservator downgraded the painting, calling it “défavorable”. 37

This gift of the Spingold estate, sold to the Rose Charitable Trust in 1979, remains in the museum. The second languishing work in the vault from the 1976 sale was the Toulouse-Lautrec oil, Vieillard de Céleyran (Rose accession 1979.3), stamped with his monogram and dated 1882. This moving portrait of a crusty fellow was purchased together with the Courbet for the Rose collection with funds from the Rose Charitable Trust in the wake of its return from the London auction in 1976. Despite the notation of both paintings for the permanent collection with no possibility of deaccession, the Toulouse-Lautrec was nonetheless added to the group of paintings auctioned at Christie’s in November 1991. 38

The rest of the work sent to New York had truly been “hidden jewels” rarely available for study, classtime visits, or research. The Edouard Vuillard painting Le Chocolat had been on view briefly in the period 1979-80, but was then removed on extended loan to a certain prominent executive office in
Boston (Figure 5), and a Renoir painting, *L’Alphabet* (1897), donated by the Mortimer Hays family and so coveted for its dollar value, was sadly a victim of inattention while at the Rose, and its lack of exhibition or publication meant it never emerged in exhibition or class study to gain an impact.

In reaction to the 1991 deaccessioning of these works, the AAMD led a vocal press campaign against the university and the Rose’s decision. Therefore the AAMD censured the museum from lending its works to other museums and from exhibiting any loan shows. This was in retrospect a signal marker, because it was the first time the deaccessioning practices of the university museum came under sustained national scrutiny. And it was also at this juncture that the voice for museum ethics and proper methods of deaccessioning art first became an issue of
significance to be balanced with other institutional concerns.

In fact, due to the careful negotiation of President Samuel Thier who arrived on campus in fall of 1991, the Mortimer Hays scholarships for graduate students in music and theater now exist, while the Mortimer Hays Travelling Fellowships and the acquisition fund of the same name at the Rose support students and the purchase of new works of art. This was all made possible by Thier’s negotiation with the Hays family. Similarly President Thier’s dialogue with the AAMD, and attention to oversight regulations that had led to the censure of the Rose, now set the Rose on a new path.39

Thus the debate over the cost of holding art was thought under control, with a new vision for the financial management of the Rose. The museum’s new financial basis would enable it to become independent of the university budget, and this was the time to strengthen membership in the Board of Overseers. The growth of the Rose Art Museum during the late 1990s and early 2000s as two new directors came in, Joe Ketner in fall 1998, followed by Michael Rush in 2005, pursued the many challenges and empowered the Board of Overseers. The Rose acquisition fund was also increased by “correct” deaccessioning procedures in the period 2005-2007 which culminated with the sale of the Childe Hassam Sunset at Sea, in retrospect, a test case of continuing institutional intent to sell work of the late Impressionist style.40 Despite this, and many successful exhibitions, by the time of the 2009 crisis, the Future of the Rose committee reported that the Rose budget equaled less than 0.5% of the university budget (taking into
account the university’s subsidy of the costs of the building, heating, electricity, and maintenance).  

The 1991 deaccessioning left a double-edged reverberation which resulted in the miscalculations of 2009. The public stain of selling works at auction seemed quite necessary to avoid. On the other hand, there remained the jealous regard toward the treasures, now in such a manner that the 20th century core collection with amazing strength in the American art of the 1960s – works that primarily came from the 1962 Gevirtz-Mnuchin Purchase Fund of $50,000 – the very identity of the progressive museum of modern and contemporary art became the target. It was the first Rose director, Sam Hunter, who had known all the latest, most creative New York artists and was able to buy work from their studios for no more than $5000 per work in late 1962.  

This remarkable narrative unfortunately also shone a bright light on the very high total appraisal for the 21 Gevirtz-Mnuchin paintings, based on the 2007 estimate. There were many in the university community who held the view that mere objects should be sold for the benefit they could realize in terms of student opportunities, whether grants or aid, as well as jobs saved and continued support of academic programs. The major problem with the policies put in place after the 1991 auction, i.e., using deaccessioning to focus and refine the collections, while using the same funds to shore up the financial independence of the Rose as separate from the university budget, was that these rationales held no water when it came to the financial crisis of 2009. Now the argument that the financial yield from deaccessioning
would “preserve the University’s assets during this period of economic challenge” led the university leaders to cut the core, and indeed to get at that core: to close the museum entirely. But by doing so, they raised a fraught discussion over how and why the endowment of the university should be regarded as necessarily different from the assets held in works of art, not to mention their guardianship of works held in public trust, once bound by donor agreements. All this unleashed a storm of intense adverse publicity, which threatened to erode the common coin of the trust and ethics universities must uphold.

What emerges from these events is a key point to be debated, worthy of ongoing conversation, namely how and when the university or college museum becomes fully integrated into the history and cultural experience of a given college or university as it strengthens the curriculum and education of its students. In February 2009, Holland Cotter wrote a piece entitled Why University Museums Matter:

> University museums are unlike other museums. They are not intended to be powerhouse displays of masterworks, though some have their share of these. They are, before all else, teaching instruments intended for hands-on use by students and scholars.⁴²

Education matters
The fault line here was one of perception regarding education at the Rose. The stated administrative position that the Rose fell outside the academic mission of the University was
difficult to understand, and became a divisive justification during the 2009 troubles. There were two faculty responses, and committees, that were convened to survey the “relevant stakeholders” in the winter of 2009. The first Rose report, co-authored by three faculty members chosen by the Faculty Senate on the basis of a full faculty vote on 29 January 2009, strongly recommended that the decision to close the Rose be reversed.\(^4^4\) This account of quickly arranged interviews conducted over the first three weeks of the crisis engaged with the many neglected stakeholders who cared deeply about the Rose, and with administrators who sought to shed light on the dire conditions at hand. The first Rose report led to the creation of the deliberative, broader constituency of the Committee for the Future of the Rose. Their report was issued on 17 September 2009.\(^4^5\) The Future of the Rose report had two basic recommendations: first, that “the Rose Art Museum remain the Rose Art Museum” and, second, that “the University take steps to better integrate the Rose Art Museum into the broader educational mission of the University.”\(^4^6\)

By the time the recommendations were issued, litigation brought by the family representatives of the former donors had been filed against the university on July 27, 2009 in the Middlesex Superior Court.\(^4^7\) Once the litigation had been instituted, the Future of the Rose committee remained silent with respect to the statement on deaccessioning that they had been prepared to make.

One of the many protests that occurred at the Rose during the spring of 2009 was an April 6th event when notable
Brandeis alumni came back to campus. Titled *Education Matters in the Museum*, the event brought speakers who came to bear witness to the spark, the Rose Art Museum, that ignited their early careers, including a nationally famous curator, museum professionals, a professor and a graduate student in one of the top schools, all there volunteering to help as they could. Gary Tinterow, then Engelhard Curator at the Metropolitan Museum of Art in New York, and recently appointed Director of the Museum of Fine Arts, Houston, and Kim Rorschach, elected in May 2012 as the new President of the AAMD, and in July 2012 as the Issley Ball Nordstrom Director of the Seattle Art Museum, both returned to campus on a dismal, rainy spring day to make the point that the museum is the ideal site of learning for those interested and impassioned to learn from art and prepare for careers in the arts. Both Tinterow and Rorschach, as well as Professor Reva Wolf of SUNY New Paltz, spoke warmly of their mentorship at the Rose by director Carl Belz. Adam Weinberg, director of the Whitney Museum of American Art, sent a statement to be read aloud about the genesis of his career at the Rose.

Such encounters for past, current and future students are the promise of the unique education that works of art can illuminate, and are the reason the collection was donated. Generous early donors such as Edgar Kaufmann Jr. who gave the early Juan Gris painting *Le Siphon*, or the Auerbach brothers, who gave the defining Willem de Kooning and Robert Motherwell paintings, placed their gifts of art in an environment for the training of future generations and hopes
for “the life worthwhile.”

The powerful strengths of any university museum as an artistic and cultural value-added asset to the community must be emphasized. The director and staff must attend to the high visibility of programs and direct involvement with the students and then the larger community. In fact, there is no better place to address interdisciplinary subjects than in the museum, as much new research indicates, and the experiential learning component so prized in contemporary pedagogical practice is easily pursued when working with art.48 In resuming a fully staffed museum, the university offers students a chance to work with art objects, do research on special projects, or lead docent tours of the exhibitions, a program already put in place in 2011-12 by director of academic programs Dabney Hailey. Faculty can illuminate the focused study on under-researched works of art, or engage in planning future exhibitions.

In a time of crisis, the university culture must prioritize its art museum as part of the quality experience many students gain from direct study of works of art. Again as Holland Cotter observed: “...view the art in your care as something that doesn’t belong to you. Like any legacy it belongs to the future.” 49 Perhaps because it is so obvious to those who treasure works of art and learn from them continuously, this basic premise often goes unstated. A museum is nothing but a bare shell without its collection of works of art, and its reputation is linked to the stewardship and quality of that collection. And because a museum is, in fact, an integral part of the university, the university’s own reputation hinges to a great extent on how
a museum collection is treated. Just so, a university has no reason for being without its students.

Who is in charge?
The oversight of a university museum often places it outside the academic center of the university, and a powerful museum board primarily interested in art world ambitions and acquisitions may potentially drive the mission apart from needs of the primary campus. The director may have an endowed chair, but does not enjoy the benefits of tenure. The core units of a university are divided between the academic and the administrative. In the case of Brandeis, as at many colleges and universities, the art history or fine arts department is under the Dean of Arts and Sciences, who is clearly charged with curriculum and the interests of the academy. The university art museum, on the other hand, is overseen by a provost, and at other institutions may report to another top administrative officer. This distinction potentially separates the interlinked mission of teaching faculty and the museum’s educational functions. In a research university the size of Brandeis, the museum and teaching of the fine arts are in fact closely symbiotic, and indeed there can be a rich cross-fertilization of the programs in both academy and for the museum.

But it is no less true for civic than for university museums today that they may answer to different bodies of authority. As James Woods, former director of the Getty Trust, writing as director of the Art Institute of Chicago in 2001, noted in

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The Authorities of the American Museum, the museum’s trustees may oversee the collections, whereas the buildings and ground upon which they are built belong to the city or state and thus harken to a different authority.⁵⁰ In the case at Brandeis University, the Board of Trustees holds the ultimate fiduciary responsibility for the university budget, but ultimately they could not close the Rose as an art museum. The Trustees were bound by the university’s signed contractual agreement and the wills of the Rose donors, Edward and Bertha, co-signed by them and President Abram Sachar stating that the Rose Art Museum “be maintained in perpetuity and as the only art museum at Brandeis, and that Brandeis’s permanent collection of art will be housed and exhibited in the Rose Art Museum.”⁵¹

Under-use of the permanent collection
A last fault line that preceded the crisis was the perceived lack of audience for the Rose Art exhibitions or programs. Reinharz’s first comments to the Globe argued that the “jewel” did not have “great foot traffic,” and further touched on the simmering issue that, “[from] the great work we have, we are just not able to exhibit.”⁵² It is quite true that the main thrust of Rose exhibitions veered toward a Kunsthalle function for years, while the permanent collection remained stored away in the vault. Yet, the Rose’s particular history is memorably linked to important debut exhibits of major new talents – from Philip Guston (1966)⁵³ to that of Roxy Paine (2005) and Dana Schutz (2006). Moreover, historical exhibitions of Helen Frankenthaler’s early work in Frankenthaler: the 1950s...
or the *Surrealism of Matta: The First Decade*, both curated by Carl Belz, and *More than Minimalism* (1996), curated by Susan Stoops, serve as notable examples of scholarly definition of the recent contemporary. These exhibitions also inspired the addition of the artists’ work to the permanent collection, and such continued until 2008 to enrich the unique modern and contemporary focus developed at the Rose.

The focus on the *Kunsthalle*, without adequate balance in showing the permanent collection, began to change in the last decade with the aspirations of recent directors. However, there has never been a strong research component or dedicated curator of the permanent collection in the Rose’s staffing. There simply have not been enough funds, and this is a tremendous lack when the conservation and curation of such a stellar permanent collection is in question. It must be treasured, studied and treated as central to educational pursuits, both for potential exhibitions and used for the education and assistance of students, just as laboratories assist scientists.

Recent exhibitions curated exclusively from the permanent collection began in the 2001-05 period with the grant from the Luce Foundation that brought notable contemporary scholars to Brandeis to teach and curate an exhibition, such as Neil Printz, Trevor Fairbrother, David Anfam and Katy Siegel. Subsequently there were thematic exhibitions curated by director Michael Rush such as *Invisible Rays: The Surrealism Legacy*, (2008). Even as the events were unfolding that would deliver a reverberating shock to museums and galleries across the country, there opened to the public on 15 January 2009 yet
another thematic look at works from the permanent collection entitled *Saints and Sinners*, curated by Laura Hoptman of the New Museum (New York) in the historic Rose building. Since the crisis was at full throttle in 2009, it was ironic that the Rose was in a kind of perfect balance with the *Saints* exhibition showing alongside the solo retrospective of the *Hans Hofmann in 1950* show, the extraordinary outpouring of an artist of the Abstract Expressionist generation at age 70, full of creative discovery as he entered his eighth decade. There was much to learn in these art exhibitions about the human condition and creativity.

The Rose Art Museum celebrated its first 50 years with a gala opening on 26 October 2011, and most of the original
Pop and Minimal works bought directly from artists’ studios in 1962-63 were on view in Art at the Origins: The Early 1960s (Figure 6). In September 2012, Christopher Bedford, formerly chief curator of exhibitions at Ohio State University’s Wexner Center for the Arts, arrived at Brandeis to open the autumn season as the new Henry and Lois Foster Director of the Rose.

Lest we forget the crisis and unending debates of 2009, one might ponder its painful lessons by taking a stroll down the path to the door of the Foster Wing alongside the stone wall built in September 2001. Crises have been rife in the history of 19th to 21st century market economies, and individuals may sell works of art in a time of austerity. But art held in the public trust is a different matter. Learning from art and its visual culture may lead to the opening onto other worlds, whether it reflects cultural or social history, religion, the spiritual, assertions of ethnic or marginal positions and causes for political action. That stone wall is a simple form that defines boundaries and horizons, not made by a famous artist, but wedged together with patient craftsmanship of many hands. A single structure may not yet follow the line of the horizon, but it holds the earth in that spot, and bears a reminder of what one does in a time of crisis.
NOTES

1. Board of Trustees, Meeting of 26 January 2009, Meeting minutes of draft resolution voted.


3. Steve Miller, *ATM sign*, Rose Art Museum. Miller spoke on the night of a rally emphasizing the intellectual capital in the University museum, February 2009, and he focused on the Hans Hofmann exhibition then on view in the Foster Gallery.

4. The report is filed with the Rose Art Museum, and director of museum operations Roy W. Dawes states that the actual Christie’s estimate was far less, closer to $286.5 million. In any case, the market values estimated in 2007 are not predictive of future prices. It is also noteworthy that with a collection of 8000 objects, the Christie’s team had no ability to study attributions of certain works to famous artist names. For example, if certain attributions to works by well-known artists (Courbet, Turner, Eva Gonzales or de Chirico for example) had been questioned or submitted to full study, the work of art has a very different market evaluation.


8. President of the American Association of Museums, Ford Bell, spoke in a plenary session to the AAMG (Association of Academic Museums and Galleries) at the 2008 meeting during the AAM conference, at the University of Colorado Boulder, at which the author was in attendance, and gave a separate paper. He outlined his concerns about the tiny percentage of American academic museums who qualified to join the AAM, and spoke of new initiatives to create museum best practices standards that would not overwhelm their
budgets or capacity.


Signed and dated lower left: Claude Monet 1878.


The four entries on the Monets sold out of the Rose Collection from 1968-77 vary from the Spingold ‘usufruct’ gifts to the donations specified by Kaplan and Sprayregen.

18 Sachar, p 162.

19 Rose Art Museum Archives. Spingold Collection files.


24 Rose Art Museum Object Files, 1968.17. Accession files of the Museum of Fine Arts,

25 Rose Art Museum Object Files, 1968.17. The Monet was purchased for the
MFA Boston from the Henry H. and Zoe Oliver Sherman Fund, 1974.

Accession no. 1974.325. The full provenance of the Monet Woodgatherers is
on the website of the Museum of Fine Arts, Collections/ Department of Europe.

from the Sprayregen collection, Bords de la Seine à Jeufosse, does not list the
Rose Art Museum collection, and gives the date of sale as “New York,
Sotheby Parke Bernet 11 mai 1977 no. 26”.

27 Rose Art Museum Object Files, no 1959.36. The same information for the
former Rose painting which has the accession number 1959.36, titled
Bords de la Seine à Vernon, was sold at Sotheby’s Parke Bernet on May 11, 1977,
lot 26.

28 Rose Art Museum Object Files, no 1959.36. The Sprayregen gift letter says
“unrestricted right to its possession, use and enjoyment for the rest of the life of
my husband, Morris Sprayregen, on whose death the University will have
unrestricted possession (in addition to unrestricted ownership) of this
painting without any payment therefor.”

29 Rose Art Museum Object Files, no 1959.36.

30 Ibid.

31 Nancy Stapen, “Rose Museum to auction 14 paintings,” The Boston Globe,


33 William H Honan, “Brandeis Plan to Sell Art is Criticized,” New York Times,

34 Rose Art Museum Object Files, no 1959.36.

35 Rose Art Museum, correspondence and Overseers minutes, March 1990 -

37 Letter from the conservator, Musee Courbet, to the vice-president of 19th century paintings at Christie’s, dated 3 October 1991. Rose Art Museum Objects file, 1979.3. The Courbet painting together with the Toulouse-Lautrec were the two buy-ins from the 1976 Spingold auction, and were acquired for the Permanent Collection in one purchase by the Edward and Bertha C Rose Charitable Trust in 1979 for $40,000.

38 Impressionist and Modern Painting and sculpture (Part I). Christie’s, Tuesday November 5, 1991 (immediately following the sale of Important Modern Paintings from The Tremaine Collection). The front page of the catalogue notes: “The sale should be referred to as ROSE-7350.”


40 Geoff Edgers, “Seeking new home for a local treasure,” *Boston Globe*, November 7, 2007, F1. Michael Rush supervised the procedure and reported that the proposed sale had been subject to review by “administration, Rose trustees, representatives from the family that donated the picture, and the American Association of Museum Directors.”


44 Report of the Rose Committee. Faculty committee appointed by vote of the
Faculty Senate January 2009: Professors Nancy Scott, Fine Arts; Jerry Samet, Philosophy; Eric Hill, Theater Arts. Submitted February 16, 2009.


46 Ibid.

47 Meryl Rose, et al. vs. Brandeis University, et al. Suffolk Family and Probate Court, Civil Action no. 90-E-0152. The former donors and members of the Board of Overseers who brought the lawsuit to preserve the Rose collection, Meryl Rose on behalf of the Rose family, Jonathan Lee, Lois Foster and Gerald Fineberg signed the Settlement Agreement announced on 30 June 2011.


51 Last will of Edward Rose, filed December 12, 1974, Goulston and Storrs, Boston #491018, Exhibit A in Complaint for Declaratory Judgment Concerning the Rose Art Museum.

52 Edgers, page A7. The Committee for the Future of the Rose report, p 20, also addressed the point of ‘foot traffic’: “We caution the administration and community-at-large not to attempt to measure the success of the Rose purely in terms of the size of its audience. … The quality and depth of experience that countless people have had at the Rose is also a measure of its success.”

53 Seitz, William Chapin. Philip Guston, a Selective Retrospective Exhibition, 1945-1965. The Poses Institute of Fine Arts, Rose Art Museum, Brandeis University,


