

Bill 112: the Ontario Tory government and the McMichael Art Gallery

Our correspondent
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The McMichael Canadian Art Collection Amendment Act (Bill 112), passed in November 2000 by the Ontario Tories, hands substantial control over the provincial McMichael Art Gallery back to its wealthy founder, Robert McMichael. McMichael has made no secret of his intention to see that the gallery discards many of its 6,000 works of art.

The Harris Tories came to office under the watchword of “non-intervention”. With Bill 112, however, they have only too precisely indicated their willingness to intervene in the curatorial practice of an art gallery. Effectively, it is an intervention into matters of artistic taste, and a violation of the widely accepted arms-length principle for government involvement in arts funding.

This is not the first time that controversy and legal wrangling has surrounded the gallery since the McMichaels donated the location (their property in Kleinburg, Ontario, just north of Toronto) and their collection to the province in 1965. At that time, the gallery contained 193 works of the Group of Seven. Its mandate specified that the gallery should contain works of the Group of Seven, as well as other works deemed to have contributed to “Canadian” art and culture.

Over time, the collection acquired works from a broad selection of Canadian artists, including those who employed various types of abstraction, and the art of aboriginal peoples. Robert McMichael was forced to resign as director in 1982, at the end of a legal battle over the gallery's curatorial decisions. Almost two decades of further legal battles ensued. In 1998, McMichael took the province of Ontario, along with the gallery's board of directors, to court. He lost. The Supreme Court rejected his appeal.

Bill 112 effectively reverses this decision. It makes both Robert McMichael and his wife, Signe

McMichael, trustees for life of the gallery's board, with the capacity to appoint their own temporary or permanent replacements when and as they see fit. It also makes them both, or their chosen replacements, members of the gallery's art advisory committee, which decides what art the gallery acquires, disposes of and displays at any given point in time.

It is expected that the gallery will soon begin to relinquish possession of works of art deemed “inappropriate” to its mandate. According to an article in the March 14 *National Post*, Robert McMichael indicated, from his summer home in Florida, that the outgoing art “would amount to as much as 2,000 works.” McMichael has repeatedly expressed particular dislike for the sculpture “Babylon” which adorns the gallery's entrance.

Naturally, the prospect of a mass “de-acquisition” of artworks has caused concern among artists and curators. If the art deemed unworthy of the McMichael Art Gallery were sold on the commercial market, for instance, it would decrease the price received by Canadian artists for their work. In response, McMichael has insisted that the works are more likely to end up in other public art venues.

That notwithstanding, Cheryl Smith, representing the Ontario Association of Art Galleries, voiced the following concern to the *National Post*: “It sends a message that the work by artist X is not of the quality or value that's appropriate to be held in an important collection of Canadian art work.... It has potentially a very detrimental impact on the artist, dealers and individual collectors of the artist's work.”

Much of the art in the McMichael gallery was donated by individuals other than the McMichaels, or bought with money donated by individuals other than the McMichaels. In the parliamentary debates about

Bill 112, the Tories emphasized that the bill would return proper respect to the McMichaels' original donation, disregarding its effect on the many other donations. In the words of John McAvity of the Canadian Museums Association: "This sends a very unfortunate message back to the donors: 'You gave this to us but we don't want it, thank you.'"

The aspect of the bill most deserving of concern, however, is its explicit attack on the arms-length model of arts funding. In this model, governments provide funding to bodies who administer the arts funding by soliciting the opinion of panels of people who are knowledgeable in the medium of art in question. Speaking to the *National Post*, Richard Darroch, public affairs officer of the Canadian Museums Association, opposed the Tories' violation of the arms-length principle: "We recognize the government's obligation to solve [management and financial] problems in a Crown corporation. But we don't see the connection between that duty and a bill that strikes at the collection's mandate.... It's inappropriate for any government to dictate curatorial practices to a cultural institution."

The pretext used to justify violation of the arms-length principle was provided by the fact that the McMichael gallery was experiencing severe financial trouble—a \$700,000 deficit. The perennial Achilles' Heel of arms-length arts bodies thus rears its ugly head: the ability of the government to pull on the purse strings.

False populism

The Tories and their supporters have donned the mantle of populism, presenting Bill 112 as the return of art "to the people," and as a defense of the poor beleaguered Group of Seven collection against a vast ocean of less "Canadian" art. In fact, the tragedy of the Group of Seven is that the reception of their art has long been hampered by Canadian nationalism.

They are known principally for paintings of Canada's rougher terrain, first of all, for paintings of the Canadian shield. The decision to paint the Canadian shield had a nationalistic slant available to it from the very beginning—the shield was the terrain through which the railroad had to run in order to build the country and beat the United States to the West. Later, the artists also painted the Arctic and the Rockies.

The Group of Seven painted these subjects in a post-

impressionist style, employing flattened, silhouetted shapes that could easily be taken as symbols. It was a style that did not suffer in reproduction, and this fact may have contributed to the success of the group. The style emerged from modernist roots, which is to say, from an aesthetic whereby art was appreciated as an autonomous artifact by a "disinterested" spectator.

In *Modern Painting in Canada*, Terry Fenton suggests that the Group of Seven "ended up maintaining that its art owed nothing to 'Europe' and disparaging the beliefs, if not always the art, of those whose work did. Its failure to resolve this conflict placed some of its artists in a position where they felt compelled to speak out against subsequent modernist developments in Canada" (p. 14).

The Tories' false populism serves several functions. On the one hand, the appeal to the Group of Seven as a nation-forming moment of mythic significance carries electoral favour from certain quarters. On the other hand, Bill 112, as an attempt to deny the population access to the advanced products of artistic labour, sets a precedent for similar attempts in the future.

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