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AGRICULTURAL ACTIVITY RUN BY OPEN-AIR MUSEUMS IN POLAND

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Open-air museums in Poland

The history of Polish open-air museology reaches the first decade of the 20th century: in 1906 Izydor and Teodora Gulkowski opened the Kashubian Museum at Wdzydze; it was at the time an innovatory centre for preservation of folk buildings in Poland.¹ For almost 120 years since then museology as such has evolved alongside the spirit of the time. Not only did it get its own legal regulations, namely the Act of 21 November 1997 on Museums,² but also the attitude of museum curators to managing museums as institutions has changed. Contemporary museums are becoming multi-instrumental institutions of culture, science, education, entertainment, and economy.³ Also open-air museums follow these trends in modern museology: interactive boards permitting 3D presentations and fictionalized stories of the past, or mobile applications making the visit to the museum more attractive are merely some of the forms of the use of modern technologies in museology.⁴ Museums are thus such places where 'the old' borders on the 'new' in order to teach about the history and tradition of a given region in a modern way.

The mission of open-air museums is to present folk culture of a region and also to display historic facilities. This means that they can be both regional museums⁵ as well as ethnographic museums,⁶ with the assumption that one does not exclude the other. It also has to be borne in mind that open-air museums are not a homogenous group, and that numerous many-volume monographs on their variety could be created. Their ownership structure, character, and range of the amassed collections cause that there are no two identical museums, despite the fact that the scope of their collections resulting from their charter and object of

their activity might be identical. The fact that each museum is unique is testified not only by their collections, but also the organizational form, management policy, and educational offer. This causes that each of the above factors can constitute the basis of the museum classification. According to A. Stasiak, open-air museums can be divided into open-air museums *sensu largo* and archaeological reserves.⁷ However, for the purpose of the present study a detailed analysis related to the classification of open-air museums will be omitted.

The number of open-air museums in Poland is hard to estimate; the assumption is made that there operate 52 open-air museums,⁸ they are associated in the Association of Curators of Open-Air Museums in Poland. Using the data of the Ministry of Culture, National Heritage and Sport⁹, it can be stated that currently there operate 925 museums in Poland (342 local-government museums, 37 state museums, 13 Church museums, and 532 private museums, namely museums not having legal personality).¹⁰ However, the museum list does not contain information on its branches, thus the open-air museums which are branches of larger museums have not been distinguished. Therefore, the ascertainment of the open-air museums' number exclusively on the grounds of the analysis of the Ministry's *Museum List* is practically impossible.

The specificity of open-air museums and their variety, as well as the conclusions of the Academic Seminar titled 'Organizational and Legal Conditioning of Open-Air Museums Operating in Poland. Current Status, Proposed Changes' accompanying the celebration of the 55th jubilee of the Kluki Museum of the Slovinian Village and the ten years of the Museum of Pomeranian Folk Culture at Swołowo, branches of the Museum of Middle Pomerania

Table 1. Organisational structure of open-air museums in Poland

MUSEUM	ORGANISER	NUMBER OF EMPLOYEES
Museum of the Opole Village in Opole	Voivodeship	21–50
Folk Culture Museum in Osiek on the Noteć River, branch of the District Museum in Piła	Voivodeship	21–50
Museum of the Mazovian Countryside in Sierpc	Voivodeship	51–100
Museum in Łowicz (Maurzyce Open-Air Museum and Mini-open-air Museum at the Museum in Łowicz)	County	21–50
Museum of the Kielce Village in Kielce	Voivodeship	Over 100
National Museum of Agriculture and Food Industry in Szreniawa	Voivodeship	Over 100
Nowy Sącz Ethnographic Park, branch of the District Museum in Nowy Sącz	Voivodeship	21–50
Podlasie Museum of Folk Culture in Wasilków	Voivodeship	21–50
Rev. Krzysztof Kluka Museum of Agriculture in Ciechanowiec	Voivodeship	51–100
Lublin Village Museum in Lublin	Voivodeship	51–100
Museum of Pomeranian Folk Culture at Swołowo, branch of the Middle Pomerania Museum in Słupsk	Voivodeship	Up to 20

Source: Author's own study based on her own survey

Table 2. Agricultural activity of open-air museums

MUSEUM NAME	AGRICULTURAL ACTIVITY
Museum of the Opole Village in Opole	No
Folk Culture Museum in Osiek on the Noteć River, branch of the District Museum in Piła	No
Museum of the Masovian Countryside in Sierpc	Yes
Museum in Łowicz (Maurzyce Open-Air Museum and Mini-open-air Museum at the Museum in Łowicz)	No
Museum of the Kielce Village in Kielce	Yes
National Museum of Agriculture and Food Industry in Szreniawa	Yes
Nowy Sącz Ethnographic Park, branch of the District Museum in Nowy Sącz	No
Podlasie Museum of Folk Culture in Wasilków	No
Rev. Krzysztof Kluka Museum of Agriculture in Ciechanowiec	Yes
Lublin Village Museum in Lublin	Yes
Museum of Pomeranian Folk Culture at Swołowo, branch of the Middle Pomerania Museum in Słupsk	Yes

Source: Author's own study based on her own survey

Table 3. Museum status with respect to agricultural law

MUSEUM	MUSEUM'S STATUS WITH RESPECT TO AGRICULTURAL LAW
Museum of the Opole Village in Opole	Estate located in the area planned for other spatial development than agricultural
Folk Culture Museum in Osiek on the Noteć River, branch of the District Museum in Piła	The Museum has the perpetual usufruct right to the land
Museum of the Masovian Countryside in Sierpc	Farmer
Museum in Łowicz (Maurzyce Open-Air Museum and Mini-open-air Museum at the Museum in Łowicz)	Local-government institutions
Museum of the Kielce Village in Kielce	Farm owner
National Museum of Agriculture and Food Industry in Szreniawa	Farm owner
Nowy Sącz Ethnographic Park, branch of the District Museum in Nowy Sącz	The Museum owns the land but does not exercise agricultural activity
Podlasie Museum of Folk Culture in Wasilków	No information available
Rev. Krzysztof Kluka Museum of Agriculture in Ciechanowiec	Farmer
Lublin Village Museum in Lublin	Farm owner
Museum of Pomeranian Folk Culture at Swółowo, branch of the Middle Pomerania Museum in Słupsk	Farm owner

Source: Author's own study based on her own survey

in Słupsk,¹¹ gave rise to conducting an online survey related to carrying agricultural activity by open-air museums.

In February 2021, members of the Association of Curators of Open-Air Museums in Poland¹² received a questionnaire of a survey with the request to take part in the interview.¹³ The survey was participated by 11 local-government museums (see Table 1), ten of which have voivodeship local governments as organisers and one whose organiser is a county local government. The museums taking part in the survey employ respectively: up to 20 employees (one museum); in majority between 21 to 50 employees (five museums); between 51 and 100 employees (three museums); and over 100 employees (two museums).

In view of the above it has to be assumed that a typical respondent was a voivodeship cultural institution employing between 21 and 50 individuals.

Agricultural activity at museums

If we want to define agricultural activity, it is impossible to find its universal legal definition, since the majority of acts contain their own autonomous definition of agricultural activity. In harmony with Art. 6.3 of the Act of 20 December 1990 on the Social Security Scheme for Farmers¹⁴ agricultural activity means activity in plant or animal production, including garden and fruit plant growing, beekeeping, and fish-breeding. Meanwhile, the Act of 15 November 1983 on Agricultural Tax¹⁵ in Art. 2.2 states that the following is regarded as agricultural activity: *plant and animal production, including the production of seed, nursery stock, breeding and reproductive, production of vegetables, ornamental plants, cultivated mushrooms, fruit growing, breeding and*

production of breeding animals, birds and insects, livestock production of industrial farm type, as well as fish farming and breeding.

The information obtained from the open-air museums (see Table 2) shows that six of the respondents of the representative museum group exercise agricultural activity, while five do not. Interestingly, the fact that this activity is conducted is confirmed by the very fact of its undertaking. There is no need for its confirmation by any appropriate organ of public administration of any declarative character confirming the actual factual and legal status.

The fact of exercising agricultural activity by open-air museums requires identification of the museum's status with respect to the Agricultural Law (see Table 3). The museums' responses were not standardized: four museums declared that they owned a holding in the understanding of the Agricultural Law, while two of them confirmed their farmer's status.¹⁶ What is more, one museum owns land (not specifying whether it is farmland or arable land), however it does not run a farm. Another museum has a perpetual usufruct right to its land, while in the case of one of the museums the local development plan does not foresee use of land as farmland.¹⁷ Furthermore, one of the museums defined its status with respect to the Act of 25 October 1991 on Organising and Running Cultural Activity as a cultural institution, without any reference made to exercising agricultural activity.

Agricultural tax is the main tax agriculture has to pay,¹⁸ constituting one of the essential sources of revenue for rural counties, although farmers, depending on their status, can also be payers of PIT or CIT, and even excise. In line with Art. 1 of the Act on Agricultural Tax (AAT), subject to agricultural tax is land classified in the register of land

Table 4. Size of farms run as museums

MUSEUM	MUSEUM SURFACE WHICH IS A FARM IN HECTARES
Museum of the Opole Village in Opole	0
Folk Culture Museum in Osiek on the Noteć River, branch of the District Museum in Piła	Corn, root crops, ca 1 hectare
Museum of the Masovian Countryside in Sierpc	30 hectares
Museum in Łowicz (Maurzyce Open-Air Museum and Mini-open-air Museum at the Museum in Łowicz)	0
Museum of the Kielce Village in Kielce	7.71 hectares
National Museum of Agriculture and Food Industry in Szreniawa	10.5 hectares
Nowy Sącz Ethnographic Park, branch of the District Museum in Nowy Sącz	0
Podlasie Museum of Folk Culture in Wasilków	0
Rev. Krzysztof Kluka Museum of Agriculture in Ciechanowiec	3.7 hectares
Lublin Village Museum in Lublin	4.63 hectares
Museum of Pomeranian Folk Culture at Swołowo, branch of the Middle Pomerania Museum in Słupsk	5 hectares

Source: Author's own study based on her own survey

and buildings as farmland, except for the land allocated to other than agricultural economic activity. Thus AAT specifies that the land on which the tax is levied is that for which tax is assessed in compliance with the principles specified in Section 2 of AAT.

From the information provided by the open-air museums (see Table 4) it is clear that in seven museums the land managed by the museum has been classified as farmland, while four of them do not have farmland.

The open-air museums have been also asked to provide information on whether they are agricultural tax payers or not (see Table 5). In compliance with Art.3.1 of AAT, the payers of agricultural tax are physical persons, legal persons, organizational units, including companies of no legal personality, who are:

- landowners;
- independent landowners;
- perpetual usufructuaries of land;
- owners of the land belonging to the Treasury of State or local-government units: provided the ownership is the effect of a contract concluded with its owner, the National Support Centre for Agriculture, or another legal title;
- owners of the land belonging to the Treasury of State or a local-government unit with no legal title, with the exception of land forming part of the Resources of the Agricultural Property of the State Treasury or managed by the State Forests.

The open-air museums unanimously declared that they were not payers of agricultural tax, although the Rev. Krzysztof Kluka Museum of Agriculture in Ciechanowiec stated that they enjoyed the agricultural tax exemption *owing to poor category of the farmland used*. In line with

the provisions of Art. 12.1.1 of AAT, the exemption from agricultural tax applies to categories V, VI, and VII, wooded and bushy land on farmland. Which, however, does not imply that they are not obliged to pay agricultural tax (this responsibility may, e.g., be expressed in the obligation to submit declaration for agricultural tax in compliance with the provisions of Art. 6.8 of AAT).

The share of agricultural activity revenue varies in the open-air museums' total revenue (see Table 6). The highest share of 3% was declared by the Museum of the Masovian Countryside in Sierpc; at the Rev. Krzysztof Kluka Museum of Agriculture in Ciechanowiec this revenue does not exceed 1 % of the total revenue; in the case of the Museum of the Kielce Village in Kielce this figure stands at 0.1%. The National Museum of Agriculture and Food Industry in Szreniawa and the Museum of Pomeranian Folk Culture at Swołowo did not quote a percentage share of the revenue generated by agricultural activity in the total Museums' revenue. The first of the two gave an estimate of income generated by the sale of their produce, standing at ca 20,000.00 PLN, pointing to the fact that it had received a grant from the Agency for Restructuring and Modernisation of Agriculture (ARiMR) at PLN 15,000.00. The latter Museum explained that its revenue generated by the agricultural activity was paid to the shared budget of the Middle Pomerania Museum in Słupsk, since the Swołowo Open-Air Museum did not have its autonomous budget, but the Museum did not quote its relevant figure.

Based on the collected research materials it can be said that apart from the revenue generated from an optional business activity, two museums also generate revenue from agricultural activity, namely the Museum of the Masovian Countryside in Sierpc and the Museum of Pomeranian Folk

Table 5. Museums as agricultural tax payers

MUSEUM	STATUS OF THE AGRICULTURAL TAX PAYER
Museum of the Opole Village in Opole	No
Folk Culture Museum in Osiek on the Noteć River, branch of the District Museum in Piła	No
Museum of the Masovian Countryside in Sierpc	No
Museum in Łowicz (Maurzyce Open-Air Museum and Mini-open-air Museum at the Museum in Łowicz)	No
Museum of the Kielce Village in Kielce	No
National Museum of Agriculture and Food Industry in Szreniawa	No
Nowy Sącz Ethnographic Park, branch of the District Museum in Nowy Sącz	No
Podlasie Museum of Folk Culture in Wasilków	No
Rev. Krzysztof Kluka Museum of Agriculture in Ciechanowiec	The Museum is the agricultural tax payer, however enjoying exemption owing to the poor category of land used as farmland
Lublin Village Museum in Lublin	No
Museum of Pomeranian Folk Culture at Swołowo, branch of the Middle Pomerania Museum in Słupsk	No

Source: Author's own study based on her own survey

Culture at Swołowo. Additionally, three museums generate additional revenue exclusively from running their agricultural activity.

An interesting aspect was to verify how the museums managed their produce and animal products. In accordance with the assumed study hypothesis, the open-air museums allocate all their produce (e.g., corn, fruit, vegetables) and animal products (e.g., milk, cheese, and wool) to satisfying their own needs, namely as feed for the livestock or for the needs of shows they put up. The thesis was partially verified positively, in the sense that only some museums allocate the above benefits to satisfy their own needs (see Table 7). The below museums declared that they had produce and animal products which they used themselves: the Museum of the Opole Village in Opole and the Folk Culture Museum in Osiek on the Noteć River, branch of the District Museum in Piła.

What is more, half of the museums running agricultural activity sell the surplus of their produce, and only one sells its livestock.

Agricultural activity versus economic activity

The question of running an optional economic activity by a museum as distinct from agricultural activity has been a subject of a substantial number of legal analyses.¹⁹ In the light of the currently valid legal regulations it is admissible for a museums to independently run a profit-making activity as agricultural activity, as well as non-agricultural economic activity. The choice of one of these forms does not hinder exercising the other.

In compliance with Art. 9 of the Act on Museums, museums can conduct additional business operations for the purpose of financing their statutory activities. Therefore, it was an important research issue to check which open-air museums apart from agricultural activity conducted additional business activity (see Table 8).

From the information obtained from the museum curators it results that seven museums conduct business activity; amounting to 50% of the surveyed organisations, this figure confirms the conclusion resulting from the NIMOZ Report: *Museum Statistics* related to the statistical figures in 2018 according to which over half of the museums in Poland conducted then optional business activity.²⁰ When confronting the gained information with the data related to running agricultural activity by open-air museums, we can observe that two museums exercise exclusively agricultural activity (e.g., Museum of the Masovian Countryside in Sierpc and Museum of Pomeranian Folk Culture at Swołowo), three museums run only non-agricultural economic activity (e.g., Museum of the Opole Village in Opole; Museum in Łowicz (Maurzyce Open-Air Museum and Mini-open-air Museum at the Museum in Łowicz); District Museum in Nowy Sącz), while two museums exercise neither non-agricultural economic activity nor agricultural activity (e.g., Folk Culture Museum in Osiek on the Noteć River, Podlasie Museum of Folk Culture in Wasilków).

In total, the whole of the so-far findings show that there is no homogenous model of winning additional revenue by open-air museums, therefore it is not correlated with running agricultural activity by a given museum, since there are museums which do not conduct such activity.

Table 6. Share of income from agricultural activity in total proceeds of open-air museums

MUSEUM	REVENUES GENERATED BY AGRICULTURAL ACTIVITY
Museum of the Opole Village in Opole	0
Folk Culture Museum in Osiek on the Noteć River, branch of the District Museum in Piła	0
Museum of the Masovian Countryside in Sierpc	3%
Museum in Łowicz (Maurzyce Open-Air Museum and Mini-open-air Museum at the Museum in Łowicz)	0
Museum of the Kielce Village in Kielce	0.10%
National Museum of Agriculture and Food Industry in Szreniawa	Produce sale at ca PLN 20.000, ARiMR grant of PLN 15.000
Nowy Sącz Ethnographic Park, branch of the District Museum in Nowy Sącz	0
Podlasie Museum of Folk Culture in Wasilków	0
Rev. Krzysztof Kluka Museum of Agriculture in Ciechanowiec	Below 1%
Lublin Village Museum in Lublin	0
Museum of Pomeranian Folk Culture at Swołowo, branch of the Middle Pomerania Museum in Słupsk	Revenue transferred to the shared budget of the parent Museum in Słupsk

Source: Author's own study based on her own survey

Animals at open-air museums

Open-air museums are often home to farm animals, which inhabiting the open-air museums exert an extremely important educational function. They also form part of the display of the landscape of a village, fields, and meadows, and museum interiors, particularly stables, barns, henhouses. Thus a working horse is a frequent sight at open-air museums (e.g., ploughing, harrowing, working on corn or root crop harvesting, or on transportation), and so are grazing sheep and cows; also hens in pens can be observed. The purpose of such actions is the preservation of the cultural landscape of the old countryside, for it not to be disturbed by the circulation of today's cars or agricultural machines working.

In Polish legislation the Act on Breeding and Reproduction of Farm Animals of 29 June 2007 defines 'farm animals' in Art. 2.1 as:²¹ equids (i.e., horses and donkeys), cattle (i.e., domestic cattle and buffaloes), Cervidae (e.g. red deer, sika deer, and European fallow deer kept on farms for meat and hide if bred or from closed breeding, as specified in hunting law regulations or breeding animals or keeping animals for farming purposes), poultry,²² pigs, sheep, goats, honey bees, fur animals, namely red foxes, arctic foxes, American minks, European polecats, racoon dogs, nutrias, chinchillas, rabbits kept for producing raw material for fur, meat, and textile industries. Thus in legal provisions farm animals are all those generally bred on farms for material or transportation purposes.

One of the elements of the conducted survey was checking which farm animals lived at open-air museums (see Table 9). The museum curators pointed mainly to the long-standing village inhabitants such as sheep (seven museums), goats

and horses (six museums respectively), and poultry (four museums). Additionally, one museum declared they were home to 20 birds of prey. We find out from the responses that no farm animals can be found in two museums only.

In view of the above, we have to share the validity of the thesis that in principle farm animals are general inhabitants of open-air museums, although there are museums which do not breed them.

The basic legal act regulating the operation of museums is the Act on Museums; it does not, however, contain any details related to open-air museums, and particularly to breeding animals at museums. Therefore, museum curators are obliged to comply with generally valid regulations dealing with animal health protection and organisation of their breeding. Of particular importance in this respect are the above mentioned: Act on Breeding and Reproduction of Farm Animals and the Act on Animal Health Protection and Fighting against Infectious Animal Diseases, as well as the Animal Protection Act (thereafter APA) regulating animal rights and responsibilities of their owners. In compliance with Art. 1.1 of the latter Act, the human being should respect, protect and provide care to the animal which requires humane treatment (Art. 5 of APA). Although in matters not regulated in APA the legislator points to regulations dealing with things, the legislator emphasizes that animals are not things (Art. 5, APA). Such a legal construction confirms that animals are live creatures with senses, and cruelty to animals is forbidden (Art. 6.1.a, APA).

Therefore, the animal's owner has numerous responsibilities. One of them being ensuring it appropriate living standards with appropriate veterinary care; the complying

Table 7. Managing animal products and produce by open-air museums

MUSEUM	MANAGING PRODUCE AND ANIMAL PRODUCTS
Museum of the Opole Village in Opole	The small vegetable and fruit harvest from the Museum didactic gardens is used for feeding the livestock; a smaller section of it is used for displays and completing the Museum exhibition; wool obtained from the sheep is used for demonstrations (carding, weaving, etc.)
Folk Culture Museum in Osiek on the Noteć River, branch of the District Museum in Piła	Produce for the livestock (feed)
Museum of the Masovian Countryside in Sierpc	Surplus sold
Museum in Łowicz (Maurzyce Open-Air Museum and Mini-open-air Museum at the Museum in Łowicz)	No information available
Museum of the Kielce Village in Kielce	For Museum's own use
National Museum of Agriculture and Food Industry in Szreniawa	For Museum's own use, limited volume sold outside the Museum
Nowy Sącz Ethnographic Park, branch of the District Museum in Nowy Sącz	No information available
Podlasie Museum of Folk Culture in Wasilków	No information available
Rev. Krzysztof Kluka Museum of Agriculture in Ciechanowiec	The produce and animal products cater to Museum's own needs, e.g., in the kitchen or occasionally on Museum stalls during events
Lublin Village Museum in Lublin	Daily feeding of the animals
Museum of Pomeranian Folk Culture at Swołowo, branch of the Middle Pomerania Museum in Słupsk	Livestock sold

Source: Author's own study based on her own survey

with the APA regulations is monitored by the Veterinary Inspectorate, as stipulated in Art. 34.a.1 of APA.

From the information obtained from the museum curators (see Table 10) one can see that the open-air museums preferably outsource veterinary services to veterinary clinics (most often in public procurement processes). Interestingly, only in two museums veterinary care of animals inhabiting the museum is provided by a museum employee, of which in one museum care of the animals is the main scope of the employee's responsibilities; the employee is a graduate from a veterinary technical college, while the museum in question only has sheep and goats.

An acute problem affecting open-air museums is the infamous leaving of abandoned farm animals at the museums (see Table 11). Animal owners who no longer wish to look after their animals treat open-air museums as a kind of a 'life window' for animals. Such an attitude of animal owners causes numerous legal problems; they will not, however, be thoroughly analysed for the purpose of the present study.

The survey showed that the problems arising from having abandoned animals left at the open-air museums was only the case at three of the institutions. The owners left mainly goats, though at one museum also rabbits. The fact of abandoning goats is quite surprising. Goats' life expectancy amounts to 12–15 years,²³ while their OLX market

price reaches PLN 2.500 at most; however, many goat owners declare that they would give their animal to a new owner for free.²⁴ Therefore no rationality seems to be supporting this fact.

Importantly, abandoning an animal is defined as a criminal offence, subject to penalty. In harmony with Art.35.1 of APA, the perpetrator who torments the animal, and especially abandons it, may face up to 3 years of imprisonment, while a person doing it with particular cruelty may face imprisonment from 3 months to 5 years (Art. 35.2, APA). If a goat is abandoned at the museum, finding the perpetrator may be impossible, unless he/she personally brings the animal declaring they do not wish to have it any more, or the local community identifies the perpetrator.

The analysis of the research material has demonstrated how complex and multi-faceted the questions of open-air museums running agricultural activity are. The public visit permanent exhibitions there, they participate in events held by the museums, e.g. harvest festivals, Shrovetide, egg painting, or other outdoor educational events. When showing the beauty of culture and tradition, frequently forgotten, museum curators often encounter organisational and legal problems (see Diagram 1). The majority of them relate to taking care of the animals inhabiting the open-air museum.

Table 8. Running economic activity by open-air museums

MUSEUM	CONDUCTING BUSINESS OPERATIONS
Museum of the Opole Village in Opole	Yes
Folk Culture Museum in Osiek on the Noteć River, branch of the District Museum in Piła	No
Museum of the Masovian Countryside in Sierpc	No
Museum in Łowicz (Maurzyce Open-Air Museum and Mini-open-air Museum at the Museum in Łowicz)	Yes
Museum of the Kielce Village in Kielce	Yes
National Museum of Agriculture and Food Industry in Szreniawa	Yes
Nowy Sącz Ethnographic Park, branch of the District Museum in Nowy Sącz	Yes
Podlasie Museum of Folk Culture in Wasilków	No
Rev. Krzysztof Kluka Museum of Agriculture in Ciechanowiec	Yes
Lublin Village Museum in Lublin	Yes
Museum of Pomeranian Folk Culture at Swołowo, branch of the Middle Pomerania Museum in Słupsk	No

Source: Author's own study based on her own survey

Table 9. Animals at open-air museums

MUSEUM	ANIMALS INHABITING OPEN-AIR MUSEUMS
Museum of the Opole Village in Opole	sheep (3), goats (3)
Folk Culture Museum in Osiek on the Noteć River, branch of the District Museum in Piła	sheep (3–5), goat (1), horses (2), poultry (hens, turkeys, ducks), dog (1), cats (5–8)
Museum of the Masovian Countryside in Sierpc	horses (12), cows (2), goats (6), sheep (10), hens (80), ducks (20), turkeys (10), geese (10), guineafowls (10), rabbits (12), pigeons (30)
Museum in Łowicz (Maurzyce Open-Air Museum and Mini-open-air Museum at the Museum in Łowicz)	No animals
Museum of the Kielce Village in Kielce	horses (2), cattle (3), goats (6), sheep (4)
National Museum of Agriculture and Food Industry in Szreniawa	cattle (6), horses (9), rabbits (11), sheep (9), pheasants (3), turkey (1), hens (50), guineafowls (4), ducks (4), geese (2), pigeons (70)
Nowy Sącz Ethnographic Park, branch of the District Museum in Nowy Sącz	No animals
Podlasie Museum of Folk Culture in Wasilków	birds of prey (20): peregrine falcons, saker falcons, eagle owl, raven, windhover, barn owl, hawk
Rev. Krzysztof Kluka Museum of Agriculture in Ciechanowiec	sheep (13), goats (8), donkeys (2), horse (1), rabbits (7), hens (8), peafowls (8), turkeys (2)
Lublin Village Museum in Lublin	horses (6)
Museum of Pomeranian Folk Culture at Swołowo, branch of the Middle Pomerania Museum in Słupsk	sheep (3), goats (3)

Source: Author's own study based on her own survey

Table 10. Veterinary care of the animals inhabiting open-air museums

MUSEUM	VETERINARY CARE OF ANIMALS
Museum of the Opole Village in Opole	Care is provided by the Museum employee hired for gardening who makes sure the animals have an appropriate living standard, feeding and hygienic conditions; health prevention and treatment is provided by an outside vet contracted for each case; sheep shearing is also outsourced
Folk Culture Museum in Osiek on the Noteć River, branch of the District Museum in Piła	The animals have veterinary care (outsourced service)
Museum of the Masovian Countryside in Sierpc	Contract with a veterinary clinic
Museum in Łowicz (Maurzyce Open-Air Museum and Mini-open-air Museum at the Museum in Łowicz)	No animals at the Museum
Museum of the Kielce Village in Kielce	Vet selected in a public procurement process
National Museum of Agriculture and Food Industry in Szreniawa	Care provided by a hired vet
Nowy Sącz Ethnographic Park, branch of the District Museum in Nowy Sącz	No animals at the Museum
Podlasie Museum of Folk Culture in Wasilków	No information available
Rev. Krzysztof Kluka Museum of Agriculture in Ciechanowiec	Veterinary care provided by local vets' commissioned services as the need arises
Lublin Village Museum in Lublin	No information available
Museum of Pomeranian Folk Culture at Swołowo, branch of the Middle Pomerania Museum in Słupsk	Museum employee: graduate from a veterinary technical college

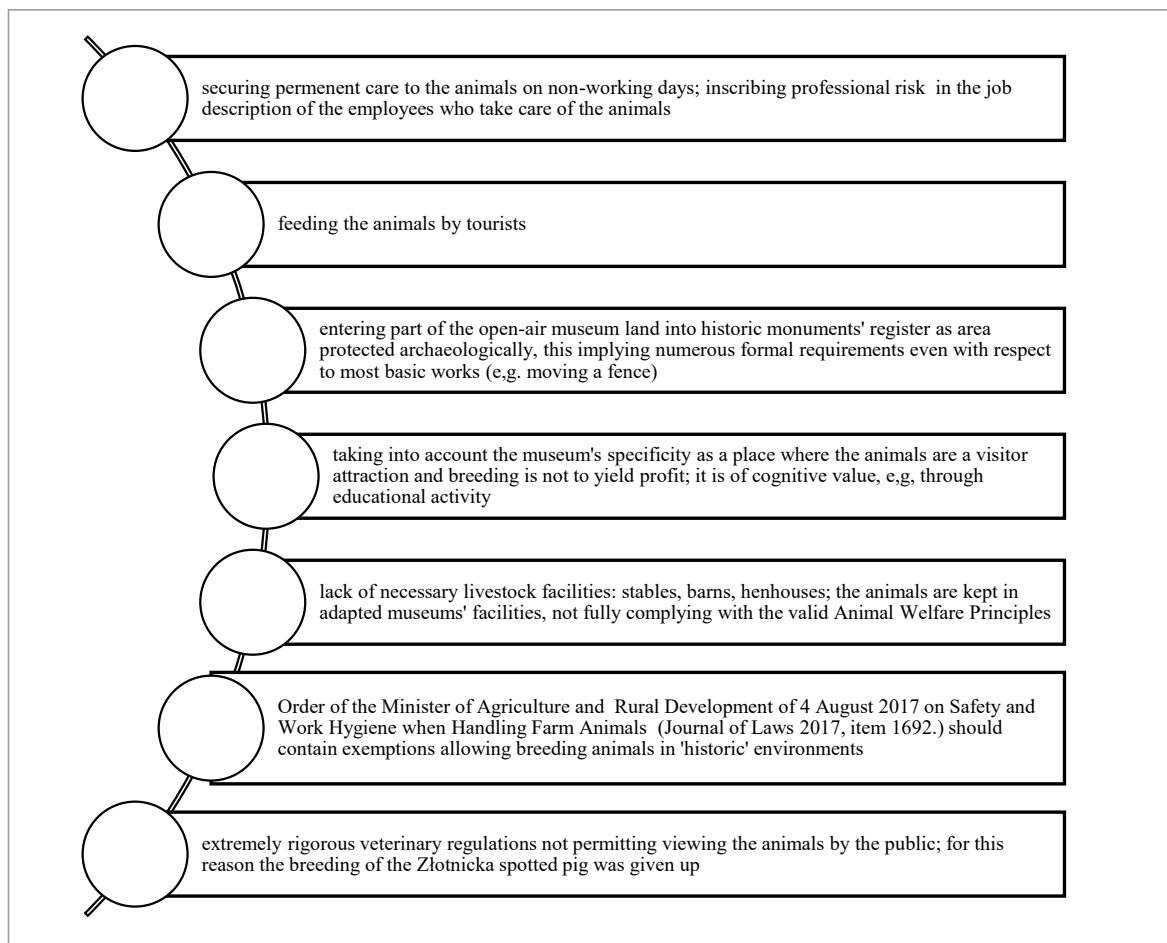
Source: Author's own study based on her own survey

Table 11. Abandoning animals at open-air museums

MUSEUM	ANIMALS LEFT AT THE MUSEUM
Museum of the Opole Village in Opole	No such case reported
Folk Culture Museum in Osiek on the Noteć River, branch of the District Museum in Piła	No such case reported
Museum of the Masovian Countryside in Sierpc	A goat
Museum in Łowicz (Maurzyce Open-Air Museum and Mini-open-air Museum at the Museum in Łowicz)	No such case reported
Museum of the Kielce Village in Kielce	No such case reported
National Museum of Agriculture and Food Industry in Szreniawa	Goats, rabbits
Nowy Sącz Ethnographic Park, branch of the District Museum in Nowy Sącz	No such case reported
Podlasie Museum of Folk Culture in Wasilków	No such case reported
Rev. Krzysztof Kluka Museum of Agriculture in Ciechanowiec	No such case reported
Lublin Village Museum in Lublin	No such case reported
Museum of Pomeranian Folk Culture at Swołowo, branch of the Middle Pomerania Museum in Słupsk	Goats

Source: Author's own study based on her own survey

Diagram 1. Organisational and legal problems of open-air museums



Source: Author's own study based on her own survey

In the museum curators' view, the care taken of the animals is made difficult not only by museum visitors, who often feed them on substances harmful to them, but also by the Polish legislation which does not cater to the specificity of open-air museology, limiting itself to some enigmatic provisions in the Act on Museums. Furthermore, it has to be specified that the Act on Museums is not the only legislation piece applicable to open-air museums. By giving employment to people, a museum becomes an employer obliged to abide by the provisions of labour law; when concluding civil contracts, to abide by civil law; when managing a historic facility, it has to comply with regulations related to heritage protection, and when breeding animals, with agricultural law.

Bearing the above in mind, let us conclude that

museum curators are confused amidst the multiplicity and complexity of legal regulations they are obliged to follow. If legal regulations are to be effective, they should be easily comprehensible. A rational legislator should thus consider how to make open-air museums' operations more effective by creating such legal regulations that are readily applicable by museum curators.

To sum up the whole of the so-far collected research material it has to be concluded that legal aspects of the open-air museums' activity have been so-far unjustly marginalized by the doctrine of the heritage protection law. The questions undeniably form an interdisciplinary, complex, and challenging corpus deserving a broader study climaxing in a publication which could act as a beacon to museum curators wandering amidst the sea of legal regulations.

Abstract: The discussed issue relates to one of the legal aspects of the operations of open-air museums, namely them running agricultural activity. The specificity of this group of museums and their character make them not only museums in the understanding of the Act on

Museums of 21 November 1996, but also farms to which regulations of broadly conceived agricultural law apply. What is more, the animals raised at museums require regular veterinary care, and its provision should be secured by the institutions' directors. These are all questions that

do not stem directly from the Act on Museums, hence, among others, numerous problems faced by museum curators.

The paper is accompanied by tables and diagrams containing the results of a survey conducted by the Author

among curators from open-air museums meant to display the legal challenges they have to face on a daily basis in their works. The paper constitutes a pioneer study of these problems, since they have not as yet been analysed in Polish literature.

Keywords: open-air museums, agricultural activity, animals in open-air museums, agricultural law.

Endnotes

- ¹ R. Tubaja, J. Święch, *Nazewnictwo muzeów na wolnym powietrzu w Polsce. Między poprawnością naukową a świadomością potoczną* [Names for Open-air Museums in Poland. Between Academic Correctness and Colloquial Awareness], 'Rocznik Muzeum Wsi Mazowieckiej w Sierpcu' 2012, No. 3, p. 11; see S. Brzostowski, *Z dziejów parków etnograficznych (skansenów) w Polsce* [History of Ethnographic Parks (Open-air Museums) in Poland], in: *Muzea skansenowskie w Polsce* [Open-air Museums in Poland], Poznań 1972, pp. 45-64; F. Midura, *Muzealnictwo skansenowskie w Polsce (stan obecny i perspektywy rozwoju)* [Open-air Museology in Poland (Current State and Development Prospects)], in: *Muzea skansenowskie w Polsce* [Open-air Museums in Poland], Poznań 1979, pp. 28-48.
- ² Journal of Laws of 2020, item 902.
- ³ D. Folga-Januszewska, *Muzeum: Fenomeny i problemy* [Museum: Phenomena and Problems], Kraków 2015, p. 51. More on museum economics see M. Murzyn-Kupisz, *Instytucje muzealne z perspektywy ekonomii kultury* [Museum Institutions Seen from the Perspective of Cultural Economics], Kraków 2016, pp. 23-42.
- ⁴ More on the topic see E. Kasperska, *Nowoczesne metody docierania do odbiorcy na przykładzie oferty muzeów skansenowskich* [Modern Methods of Reaching the Public on the Example of Open-air Museums' Offer], 'Handel Wewnętrzny' 2014, No. 6(353), pp. 49-61.
- ⁵ Adopting S. Waltoś's definition, regional museums are those museums whose activity programme and profile talk about the region, while their idea is flexible versus the above-signalled multiplicity of the concept of regional divisions in Poland and in Europe, see S. Waltoś, *Muzea regionalne w świetle prawa* [Regional Museums in the Light of the Law], in: *Muzeum regionalne. Jaka przyszłość? Ogólnopolska konferencja muzeów regionalnych* [Regional Museums. What Is Their Future? Polish Conference of Regional Museums], Pułtusk 14-15 September 2010, R. Lolo, A. Sołtan, M. Sołtysiak, A. Tomaszewski (ed.), Pułtusk 2010, pp. 65-72.
- ⁶ For the purpose of the present article it has been assumed after J.K. Makulski that an ethnographic museum is an institution founded to *collect old and contemporary ethnographic sources, their appropriate keeping, studying, and popularizing knowledge of the objects of its research by securing the general public access to an authentic source of knowledge that an ethnographic source (exhibit) is*; J.K. Makulski, *Zarys koncepcji współczesnego muzeum etnograficznego* [Outline of the Concept of Contemporary Ethnographic Museum], 'Muzealnictwo' 1983, Nos. 26/27, pp. 8-11.
- ⁷ See more A. Stasiak, *Muzea na wolnym powietrzu w Polsce i możliwości ich wykorzystania dla celów turystycznych* [Open-air Museums in Poland and Their Potential for Tourism], 'Turyzm' 1996, Vol. 6, fasc. 2, p. 69 ff.
- ⁸ So e.g., D. Kunecki, *Raport o muzeach etnograficznych i skansenach* [Report on Ethnographic and Open-air Museums], Kolberg 2014, <https://www.nck.pl/upload/attachments/317193/Raport%20o%20muzeach%20etnograficznych%20i%20skansenach.pdf> [Accessed: 31 March 2021].
- ⁹ Next – MKDNiS.
- ¹⁰ Source, <https://bip.mkidn.gov.pl/pages/rejstry-ewidencje-archiwa-wykazy/rejstry-muzeow.php> [Accessed: 31 March 2021].
- ¹¹ See more Ż. Gwardzińska, *Jubileusz muzeów w Klukach i Swołowie oraz Seminarium Naukowe „Organizacyjno-prawne uwarunkowania w funkcjonowaniu muzeów na wolnym powietrzu w Polsce. Stan obecny – propozycje zmian 5-7 czerwca 2018 roku* [Jubilee of the Kluki and Swołowo Museums and the Seminar 'Organisational and Legal Conditioning of Open-Air Museums Operating in Poland. Current Status, Proposed Changes' 5-7 June 2018], 'Santander Art and Culture Law Review' 2018, No. 1(4), pp. 247-250.
- ¹² At this point it should be observed that Polish open-air museums are associated in an Association of Open-Air Museums in Poland, that is why the questionnaire was distributed among its members.
- ¹³ The museum curators' responses have been presented in tables. When no response was given to a question, 'No information available' was marked.
- ¹⁴ Journal of Laws of 2021, Item 266.
- ¹⁵ Journal of Laws of 2020, Item 333.
- ¹⁶ In compliance with Art. 2.a. of the Council Regulation establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers and amending Regulations (EEC) No. 2019/93, (EC) No. 1452/2001, (EC) No. 1453/2001, (EC) No. 1454/2001, (EC) 1868/94, (EC) No. 1251/1999, (EC) No. 1254/1999, (EC) No. 1673/2000, (EEC) No. 2358/71 and (EC) No. 2529/2001 (Journal of Laws L 270 of 3 February 2003) a 'farmer' means a natural or legal person, or a group of natural or legal persons, whatever legal status is granted to the group and its members by national law, whose holding is situated within Community territory, as referred to in Article 299 of the Treaty, and who exercises an agricultural activity.
- ¹⁷ At this point it has to be noted that farmland is defined in land register as one of the land categories (Art. 2.1 Act of 3 February 1995 on the Protection of Agricultural and Forest Land, Journal of Laws 2017, Item 1161, and of 2020, Item 471). Importantly, a local spatial development may determine the allocation of a give land to e.g., agricultural activity.
- ¹⁸ J. Bieluk, *Obciążenia podatkowe rolnictwa* [Taxation of Agriculture], in: *Prawo rolne* [Agricultural Law], A. Stelmachowski (ed.), Warszawa 2009, p. 441.
- ¹⁹ See Ż. Gwardzińska, *Sposoby prawne zakończenia działalności muzeum* [Legal Means for Winding Down a Museum], 'Santander Art and Culture Law Review' 2019, No. 1(5), pp. 97-116; see also M. Drela, *Działalność gospodarcza instytucji kultury* [Economic Activity of Cultural Institutions], in: *Kultura w praktyce. Zagadnienia prawne* [Culture in Practice. Legal Issues], Vol. 2, *Wokół problematyki prawnej zabytków i rynku sztuki* [On the Legal Issues of Historic Monuments and Art Market], A. Jagielska-Burduk, W. Szafranski (ed.), Wydawnictwo Poznańskiego Towarzystwa Przyjaciół Nauk, Poznań 2013, pp. 170-171; D. Ostrowska, *Prowadzenie i organizowanie działalności kulturalnej* [Running and Organising Cultural Activity], in: J. Hołda, Z. Hołda, D. Ostrowska, *Prawne podstawy działalności kulturalnej* [Legal Grounds for Cultural Activity], Zakamycze, Kraków 2005, p. 71.

- ²⁰ *Statystyka Muzeów. Muzea w 2018 roku* [Museum Statistics. Museums in 2018], Narodowy Instytut Muzealnictwa i Ochrony Zbiorów, Warszawa 2019, p. 31.
- ²¹ Journal of Laws of 2017, Item 2132. It has to be noted that the Act on Animal Health Protection and Fighting against Infectious Animal Diseases of 11 March 2004 (Journal of Laws of 2020, Item 1421) in Art. 2. 6 defines farm animals by reference to Art. 2.1 of the Animal Breeding Act. The same happens in the Animal Protection Act of 21 August 1997 (Journal of Laws of 2020, Item 638) in Art. 4. 18.
- ²² In compliance with Art. 2.2 of the Animal Breeding Act poultry means birds of the following species: hen, duck, Muscovy duck, goose, humpback goose, turkey, Japanese quail, guinea fowl, and ostrich kept in farm conditions.
- ²³ A. Ostrowska, *Koza – ile żyje to zwierzę w przeciętnym gospodarstwie rolnym?* [A Goat: How Long Does the Animal Live at an Average Farm?], <https://swiatrolnika.info/ile-zyje-koza> [Accessed: 13 April 2021].
- ²⁴ See https://www.olx.pl/rolnictwo/gielda-zwierzat/q-koza/?search%5Border%5D=filter_float_price%3Adesc [Accessed: 13 April 2021].

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