Problems with Provenance

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To many archivists, documenting provenance means identifying who created a body of records which is being described. Traditionally this has been done by nominating a single person or corporation as records creator. Changing administrative patterns and recordkeeping practices make it increasingly difficult and inappropriate for ideas about provenance to be limited by the need to establish identical boundaries between records creator and records created. The provenance of records is established by showing a relationship to (rather than an identity with) their context. Once free of the self-imposed obligation to make records and provenance statements co-extensive, archivists can explore new and valuable ways of enriching provenance statements by documenting many relationships between records and a multiplicity of contextual ideas.

ARCHIVISTS IDENTIFY TWO KINDS of records creators: human and corporate. Records creation is fundamental to archival descriptive theory. In this and a companion article on functions, I ask how adequately do:

- archivists define the human and corporate agencies of records creation?
- their ideas about records creation serve their needs when documenting recordkeeping?

A definition constructed exclusively in terms of the records creation process itself is common. Thus, the ICA's descriptive standard emphasises the affinity between the records creator and the records created:

Corporate body. An organisation or group of persons that is identified by a particular name and that acts, or may act, as an entity.

Fonds. The whole of the documents, regardless of form or medium, organically created and/or accumulated and used by a particular person, family, or corporate body in the course of that creator's activities.

Provenance. The organization or individual that created, accumulated and/or maintained and used documents in the conduct of personal or corporate activity.²

Although 'corporate body' is here defined independently of records creation, it only serves as counterpoint to 'person' in defining the 'fonds'. Once that is achieved a familiar circular process of definition occurs:

Question: Who created this fonds?

Answer : The records creator (provenance) created this *fonds*.

Question: Who is the records creator (provenance)?

Answer : The creator of this *fonds* is the records creator (provenance).

With natural persons, we assume no difficulty. ICA does not even bother defining 'individual'. When describing personal papers, archivists do not combine natural persons (or sub-divide them). They may be unclear about identification—whether it is one person or two, whether or not two names apply to one individual—but they are comfortable with the idea of independent person-hood.

With personal papers, establishing the creator adds value because, even in archival descriptive practice, persons are understood to have identity apart from their records. Only a hardline recordkeeper insists on defining *homo sapiens* as a 'records creating mammal', but something very like this occurs when we deal with corporate records:

It is the thesis of this study that the idea of "creatorship" is most central to the concept of the fonds. . . Individuals and institutions produce records naturally in the course of undertaking their normal functions and activities. Whether they actually originate the records, receive the records, or share and manipulate information that is in or could become records, they create an aggregate of documentary material, in whatever form or medium, that reflects their juridical status. The resulting "natural" or "organic" aggregation of records is called a fonds.³

Identifying records created with records creator is fundamental when records are the sole object of description. Traditionally, any separation between the *fonds* and the records creator confuses the provenance statement. Australian practice,⁴ which has long separated them for the purpose of showing two or more records creators in succession, might (though it has not) have separated them definitionally also. Growing numbers of archivists are perceiving advantages in separating them, but I hope to show this is not enough if ideas about provenance are still bound up in a single entity.

One of the things charged against the Australian system has been an alleged confusion of the provenance statement, but this has been based on a misconception about Australian views, which have focused in a very traditional way on the single agent of creation. Both traditions define corporation as a 'records creating organisation'. This is tautological and adds no value to the description of records.

To say 'this is personal correspondence of the First Duke of Wellington' adds value because of all the contextual information which attaches to the name. To say 'these are the records of the creator of these records' says virtually nothing. Value is added only because archivists insinuate into their description of provenance information about the records creating agent. A description of Wellington's correspondence will contain much data about the Duke, and a description of 'these records' will contain much information about 'the creator of these records'.

Archivists' rules ensure that a single records entity coincides with the creative action of a single person or corporation because they have not teased out the different strands which make up ideas of provenance. Australians have challenged this by insisting it is desirable and legitimate to show multiple creators **successively**, but we too have said there can only be one records creating agent at any given time.

A natural person, in his or her 'private' capacity, is conceptually separated from any potentially conflicting capacity as an official or agent within a

corporate or family grouping. All sorts of stratagems and devices (where there is not just downright confusion) preserve the primacy of the single records creator:

- A distinction is made between personal and official records. Records from a Minister's office can be shown as his or her personal archives, archives of the prime ministerial office, or as archives of the portfolio.
- A rule of convenience keeps the identity between records and creator intact. To keep official estrays with personal papers, we stress the importance of preserving evidence of last practical use. To restore them, we stress the importance of maintaining the records creator's intention that they be part of the system where they originated.
- If the records of two or more persons are inextricably mixed, we go up one level and identify them as 'family papers'.

This idea has one great advantage. Archivists have established a unified, coherent, standardised perception of what provenance means and sustained it over a long period of time. They needed, above all, to defend their methods against the threat of confusing records maker with authors or subjects of correspondence and, more significantly, against those who would disturb records according to such information-based ideas. Multiple provenance weakens the basis for defending archives against rearrangement.

This justifiable defence of provenance has led to an unduly narrow and increasingly inappropriate view. The First Duke of Wellington (viewed purely as records creator and ignoring, for the moment, any distinction between the natural and official person) provides a rich and complex provenance—some aspects of his long and varied career are given in **Figure One**.

Whether archive groups or *fonds* corresponding to these actually exist or not, I have no idea. Though it is central to my thesis that debate about the contours of middle level contextual entities of this kind is vital to the development of more sophisticated ideas about provenance, I will not become sidetracked into a discussion of the hypothetical examples I have chosen.

Figure One

	Arthur Wellesley's Activities as	are documented in the Archives of	
by 1769 -post 1852	1. a member of the Wellesley family	Wellesley Family - Mornington Branch Wellesley Family - Wellington Branch	
1790-1794 etc. etc.	2. a member of Parliament	Parliament - House of Commons Parliament - Constituencies Parliament - Committees Parliament - House of Lords	
1803-1805	3. Political & Military agent in Deccan and S. Mahratta states	Government of India - Political Records Government of India - Military Records	
1807-1809	4. Chief Secretary for Ireland	Govt of Ireland - Executive Records	
1809-1814	5. Commander of Allied Forces in Iberian Peninsula.	 Allied Military Forces - Peninsula Portugese M/F - Peninsula British M/F - Peninsula Spanish M/F - Peninsula (from 1812) 	
1814	6. Ambassador to France	British Diplomatic Service	
1815	7. British Plenipotentiary - Congress of Vienna	British Diplomatic Service	
1815-1818	8. Commander of British- Netherlands Forces in Flanders & C-in-C Allied Army of Occupation	Allied Military Forces - Flanders (1815) British M/F - Flanders (1815) Netherlands M/F - Flanders (1815) Allied Army of Occupation (1815-1818)	
1828-1829	9. Prime Minister	Govt of Britain - Cabinet Records Govt of Britain - P.M.'s Records Govt of Britain - Prime Minister's Office	
1829-1852	10. Warden of the Cinque Ports	Cinque Ports	
1834-1835	11. Foreign Secretary	Govt of Britain - Cabinet Records Govt of Britain - For. Sec.'s Records Govt of Britain - Foreign Office	
1841-1846	12. Minister without Portfolio	Govt of Britain - Cabinet Records Govt of Britain - Misc. Ministerial Records	
1769-1852	13. himself	Arthur Wellesley, 1st Duke of Wellington	

In this article I am also limiting myself to ideas about provenance at one level only—viz. aggregations of records (series, recordkeeping systems, *fonds* etc.). This is how archivists traditionally think of provenance. Recordkeeping activities (each involving ideas about provenance) are undertaken at many levels—raising a document, for example, within a transaction the record of which may be incorporated **into** a series, system, *fonds* etc. Margaret Hedstrom has indicated the variety of levels at which provenance may be needed in designing and administering electronic systems.⁵

It will not always be appropriate to nominate as 'creator' of a record (or of the documents which make it up) the corporation or person responsible for creating the records into which it (including the documents which make it up) is aggregated—an example being the activity of records creating individuals or divisions within a corporation. Problems with 'multi-layered' provenance are beyond my scope and intent. If provenance cannot be shown using a single idea, it is clear that insight can be applied to dealing with multi-layered provenance.

Both the natural and official persons, Arthur Wellesley, First Duke of Wellington, occupy an important place in creation of different record groupings but, with the definite exception of his own 'private' papers, it is impossible to regard him as sole records creator in most cases. At best, traditional theory can only be sustained by:

- dividing him into subsets representing his various official posts or functions (hats)—Arthur Wellesley (Prime Minister, 1828–1830) might be regarded as different from Arthur Wellesley (British and Allied Commander, 1815), or
- submerging him altogether in relation to official records and regarding him purely as an operative within the administrative or military units in which he functioned.

This cannot be right. To say 'these are the records of the British Prime Minister, who was then the Duke of Wellington' is to say more than 'these are the records of the British Prime Minister in 1829'. Most Prime Ministers (especially this Prime Minister) are not faceless functionaries; their personality and individual character are an important part of that knowledge about context which provenance provides.

Taken to its logical conclusion, this view annihilates distinctions between personal and official records: all records have both a corporate and a personal

provenance. However, a distinction should be made between the creator of Wellesley's own personal papers and the man whose activities are documented in the official records. Archival theory should allow for both these important facets of provenance to be demonstrated instead of focusing only on the question 'which single person or corporation created these records?'.

I am not arguing in favour of identifying Wellington as joint provenance of official records because he was a notable figure. As we explore facets of multiple provenance more deeply, the greatest danger to be avoided is any confusion between linkages showing provenance and others designed to retrieve on the basis of ideas like subject. Wellington's Prime Ministerial records would contain information about numerous notable figures who should not be included in the provenance statement. The argument is that knowledge of the personal identity of the records creator can be important when describing provenance.

In fact, no one disputes this. A separate *fonds* for British Prime Ministers would include an extensive account of the life-history and career of each incumbent Prime Minister. In the Australian system, any account of the Prime Ministership, developed independently of records descriptions, would dwell at length on the persons who held that office. When identifying a records creator, archivists fill pages with information about personality, activity, and function—yet they rarely give records-making itself any prominent part in their accounts.

Everyone knows Wellington played an important and varied role and, in consequence, created records in a variety of capacities which are likely to be scattered throughout numerous *fonds* of which he may or may not be shown as records creator. He is no less the creator of the Prime Minister's records in 1829 than he is of his own personal papers (though his role is clearly different in each case).

In short, archivists have inadequate ideas about provenance because:

- they cannot articulate the variety of different roles or relationships a corporation or person may have with the records creation process,
- they are bound by their theory to identify one and ignore the rest, and
- their definition is tautological.

Identifying the official records as the records of the Office of Prime Minister, archivists are compelled to say that they are not records of the individuals

who occupied that office. Some archivists will argue, rightly, that information concerning the office holders can be found in their contextual descriptions, that this information can be formatted into 'access points' (as if information retrieval were the sole or even primary purpose), and that the role of each individual in the records creation process in consequence, can be inferred—adding an implied identification of each incumbent as 'joint' creator. In the Australian system, this connection can be made by documenting a relation between the person and the office so that the 'joint' creation can be established systematically:

- Q. Who created the Prime Minister's records?
- Q. Who was agency 23 in 1829?

- A. The Prime Minister (agency 23).
- A. Arthur Wellesley (person 56).

On this view, Arthur Wellesley is conceptually divided. He is the 'sole' creator of his personal papers and 'joint' creator indirectly of his official records.⁶

The alternative view, more in tune with archivists' theoretical position, denies Wellington any role in the provenance of the 1829 Prime Minister's records. The records are those of the Prime Minister, who happens to have been Wellington but could have been Bugs Bunny. The identity of the Prime Minister (however interesting that might be) is irrelevant to its provenance—it is no more relevant than (one might say, as relevant as) the identity of the file clerk. This is not to promote ignorance of the identity of those involved, it is rather to say that this information (however important) must not be confused with the statement of who was responsible for making the records.

Can this single-minded view be sustained? I think not. Whatever view one takes of the personality of officials, family papers clearly result from joint records creation. Recourse might be had (unworthily) to artifice. If, for example, Wellington and his wife Kitty kept a shared correspondence, it might be argued that Arthur was the records creator because he filed his wife's correspondence with his own. In some circumstances, this might even be what actually happened. The alternative possibility—that two related persons maintained their correspondence as one—is just as likely. If pressed, the archivist identifies the family as the provenance:

...individual fonds are not always the records of a single creator empowered by a clearly defined set of functions and activities. Such non-corporate fonds may be family papers spanning several generations, the accumulations of a husband and wife or siblings jointly...⁷

This hardly removes the difficulty since the individuality of family members must still be recognised (unlike corporate entities which we can extinguish by merging or dividing them according to our perception of their independence as records creators). Even this device fails, however, when dealing with records of a collaboration between unrelated individuals—the partnership between Gilbert and Sullivan, for example.

The possibility of simultaneous multiple provenance must, at least where natural persons are involved, be conceded. The last resort of an archival mind at the end of its tether might be to identify joint personal creators as a single entity—'How do you do. I am Sir Arthur Sullivan. He is Mr Gilbert. They are Gilbert & Sullivan'.⁸

Australian practice (separating context from recordkeeping) has led to surprisingly little original thinking on the nature of provenance. Ideas about provenance have remained at almost precisely the same level of development as those of traditional theory. The principal Australian contribution lies in our systematic capacity for linking another 'creator' indirectly with records by establishing a contextual relationship with the 'true creator'—vicarious simultaneous multiple provenance (!).

This sluggishness is not altogether surprising given the circumstances in which Australian theory was launched. ¹⁰ Urging 'multiple provenance' archiving for successive creators was (for its time) innovation enough.

There was concern that the departure should be seen as coming within the boundaries of accepted archival principles. The primary purpose was to free documentation practices from limitations imposed by focusing on a single phase in the recordkeeping process. This allowed successive phases in the process to be shown by relationships with successive records creators.

This did not require any serious re-evaluation of existing notions (though the failure to undertake such a re-evaluation may, with benefit of hindsight, be regarded as a missed opportunity). At any rate, Australian descriptive practice, despite many apparent differences, has not developed any very distinctive ideas about the nature of provenance. There has been no serious challenge to the identity of records creator with records created. Multiple provenance more properly may be described as successive provenance. Simultaneous multiple provenance (two or more corporations or agencies responsible for creating records at the same time) has been outlawed here as vigorously as anywhere else.

Scott defined records creators in very traditional terms:

An agency is a part of an organization that has its own independent recordkeeping system . . . it may be at any level in the administrative hierarchy . . .

Agencies are free elements; they can, and do, move from organisation to organisation with little or no change. 11

intentionally mirroring his definition of 'person', described as an element to:

provide the necessary context for personal or family archives and for archives of an agency that may have been produced by a given person.

Persons are "free" elements, as they may pass from one family to another, females by marriage or adoption, males by adoption. 12

Scott's agencies (despite superficial differences) are indistinguishable from the definition of 'provenance' given twenty-five years later by the ICA (the identity of the agency and the *fonds* being an idea he repeated several times in his articles in the 1970s and 1980s). This is an indication, I believe, of how well traditional principles of provenance were understood and how anxious Scott and his superiors were to be seen as operating strictly within those principles.

Scott's own account of this decision says as much:

Administrative change has also had its effect on our approach to the level of definition of 'agency' or 'record group' (the problem being similar whichever concept is used); that is, using the words of M. Duchein, there has in general been a shift from the 'maximalist' position ('record group' as a whole ministry) to the 'minimalist' ('record group' as a smaller sub-ordinate office) . . . The relatively 'maximalist' Jenkinsonian definitions of 'Administration' and 'Archive Group' were first considered . . . as being co-extensive with a ministry or department of state, but by 1962 a decision had been made to establish 'separate Archive Groups (rather than Sub-Groups) for substantially independent offices within departments. . .

There is, of course, danger of moving too far in the 'minimalist' direction. As Duchein points out, 'one runs the risk of depriving the notion of 'fonds' of all real meaning'. It is in part for this reason that the Australian Archives . . . does not normally register as separate agencies the functional division, branches, or sections of an administrative entity; in doing so, we not only avoid the even greater instability of such internal divisions and sections, but also reflect the reality that such internal divisions do not, as a general rule, have separate general record-keeping systems of their own. . .

Changes of name to agencies can cause debate as to whether or not one should recognize a new name as implying a new agency . . . a change of name at the level of Commonwealth department of state (ministry) is recognized by the Australian Archives as resulting in a new agency, but minor variations in

agency titles at lower levels may not be so regarded, unless there is a substantial acompanying [sic] change in function.

In departing from record groups or agencies co-extensive with a ministry/department of state, the Australian Archives has consciously recorded the relationship of subordinate agencies [associated with the department]...

A new more precise definition of 'fonds' or 'agency' has also been needed to reflect this departure from the Jenkinsonian 'Administration' . . . In 1966, the decision was made by Dr. K. Penny and P. J. Scott to define 'agency' not so much by reference to its administrative status or administrative independence but principally by reference to its degree of *independent record-keeping* . . . In this, we followed comments by Muller, Feith and Fruin, on what constituted a separate 'fonds' . . .

There are, consequently, cases of administrative bodies, with distinct titles, even established by statute, which are not treated as separate agencies, when they do not have independent records but use the filing system of an agency with which they are closely linked...

In Canada, the criterion of independent record-keeping has now [1980] also been included in the definition of record group. . . 13

There is a figure of speech called metonymy, one example of which involves using the container for the thing contained—'The kettle boils'. James Thurber recounts how, when he was a child, he annoyed his teacher by discovering an inversion of this (using the thing contained for the container)—'Get away from me, or I'll hit you with the milk!' (this from a time when milk still came in bottles).¹⁴ Archivists may be said to be using metonymy or else inverting it in their thinking about provenance. Either they use the provenance (container) to define the boundaries and identity of the records (thing contained):

a fonds is an organic whole and ... any Administration, or one or more of its fonctionnaires, can create a fonds d'archives provided that these include résolutions or procés-verbaux; the inclusion of Archives of such a type making it autonome. Roughly speaking, we may take it that ... the qualities of a fonds d'archives depend on its including those which, when the administration which created it was active, constituted the final authority for executive action. For our purposes we may do better perhaps to represent this quality in terms of Administration rather than in terms of documents, the forms of which, as we shall see later, are not necessarily constant. Fonds we may render, for lack of a better translation, Archive Group, and define this as the Archives resulting from the work of an Administration which was an organic whole, complete in itself, capable of dealing independently, without any added or external authority, with every side of any business which could normally be presented to it. 15

or they use the records (thing contained) to define the provenance (container).

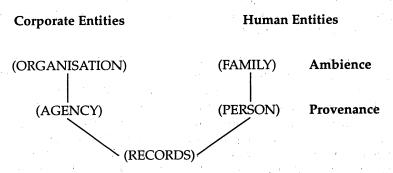
Archivists sought out an 'independent', 'organic' or 'autonomous' descriptive entity and assumed a one-to-one relationship:

...The records being described should represent a distinct and coherent whole, one that will illuminate, and not obscure, the context of activities out of which the records were created and maintained during their active life... Applying the first degree of respect des fonds (maintaining the whole of the records created and/or accumulated and used by a person or corporate body), requires the isolation and circumscription of the fonds creating body. The task is not an easy one given the enormity and complexity of the administrative environment in which records are typically generated. Where in the frequently bewildering hierarchy of records creators do we locate the fonds, the unbreakable whole?¹⁶

Either an autonomous records creator is assumed to exist on the evidence of an autonomous *fonds* (Scott) or the *fonds* is defined as an independent, organic whole because it emanates from a functionally autonomous provenance (Jenkinson). Define them in any other way and some records may be perceived to be the product of activity undertaken jointly by two or more persons and/or corporations.

Australian analysis of context today varies little from that given by Scott in 1966¹⁷ and reproduced here (with some enhancements) as **Figure Two**. This shows two levels of contextuality: provenance (easily recognisable to archivists everywhere) and 'higher' level groupings (which elsewhere 18 I have described as ambience). At each level (provenance and ambience), there are parallels for dealing with corporate and human entities (organisations are the equivalents of families and persons of agencies).

Figure Two



Very little work has actually been done on the human side of this model. Only in Australian Archives has any extensive work been undertaken and, even there, families are no longer described and relatively few persons documented. Had the human side been more fully developed, its groaning inadequacies would have become more quickly apparent.

The parallel between human and corporate entities is strained. In Scott, an ambient entity does not create records. An organisation groups records creators. By extension a family cannot create records either. Yet family papers are familiar to those documenting personal papers. It is plain that the model cannot accommodate both approaches.

Similarly, agency cannot exactly parallel person. An agency is a unit only to the extent it is conceived of as such. An agency may be composed of subagencies or be itself a sub-agency. Conceptually, we may move without difficulty from a 'maximalist' to a 'minimalist' view. Agencies are divisible portions of a divisible whole (just as a *fonds* can be divided into a *sub-fonds*, *sub-sub-fonds* etc.). The idea that agencies exactly parallel persons (who are manifestly indivisible in any relevant way¹⁹—the left elbow is never going to set up recordkeeping on its own) but that both are conceptually distinct from the organisational and familial structures of which they compose a part is clearly inadmissible.

An ambient entity should move around and through provenance—like functions. Scott forbad the use of organisations and families as records creators. It is clear, however, that he used agencies to show both provenance and ambience. A superior/subordinate relationship between agencies is indistinguishable from the relationship which subsists between agencies and organisations.²⁰ A superior agency does not operate as a records creator; it embraces or gathers together one or more other agencies (just like an organisation). Agency, as defined by Scott, is not used for provenance or ambience—it is used for both.

This is why it is unwise to define entities by the use to which they will be put. An agency is not a 'records creator'. It is a corporate entity which may be put to any one of several possible uses—including documentation of records creation. Neither it nor any other descriptive entity should be defined in terms of the descriptive purpose(s) for which it will be used because that information (information about context, provenance, and recordkeeping activity) is itself wrapped up in the relationship which is yet to be established. The use to which an entity will be put must not be assumed. It is the discovery of possible uses which is the very purpose of documentation. If we build assumptions about the thing we hope to discover into the conceptual tools we intend to use, those tools will be flawed. In a companion piece, I hope to demonstrate

that functions can be employed in crafting ambient relationships, but I would not wish to exclude the possibility of using them to show provenance also.

I believe the traditional and (in mistaken imitation) the Australian descriptive traditions have failed to document provenance well because they have not developed an appropriate theoretical basis for describing records creating entities or articulating the variety of records creating relationships. Both traditions, failing an independently meaningful concept, have fallen back on an essentially circular and meaningless definition which adds little value to the description.

Bearman and Lytle²¹ suggest this is because archivists have been influenced by 'classical organisation theory' which pictures corporations as simple, autonomous hierarchies. I suspect they attribute too much sophistication to the archival mind and that archivists, like almost everybody else, simply confused corporations with persons.

I am not sufficiently well versed in the history of institutions to say this confidently. I observe, however, that in the interval between Roman times and the nineteenth century European institutions were small, simple, official rather than corporate, and perceived in personal terms:²²

What distinguishes government from personal control is its unremitting character. To be governed is to be subjected to the regular pressure of an authority operating according to fixed rules. In the full sense of the word, it is arguable that nobody was governed before the later nineteenth century; it would certainly be foolish to maintain that either royal or princely government in the twelfth century operated according to fixed rules or without intermission or over all the inhabitants of a defined area. Nevertheless, the perception that this might be desirable was reborn.

What provoked it was in part the ecclesiastical reform movement. For the reformers' vision of a fully developed hierarchy, each man with his own sphere of competence . . . evoked a mixture of admiration and envy in those laymen, accustomed to deference, whose position in the ecclesiastical scheme was lower than they would have wished . . .

In returning to the old imagery of the prince as the bearer of the sword, the reformers had in fact triggered off an important set of associations. They recalled the Augustinian view of political authority as established not merely for defence against external enemies, but also for internal peace. . .

Princes were happy to exploit those elements in the intellectual ferment of the twelfth century renaissance, which exalted their position as executors of justice . . . The study of the classics, even when unfortified by specific reference to Roman law, was a potent weapon in strengthening princely jurisdiction at the expense of others . . . So behind and above the person of the prince, there formed again the abstract concept of the 'public person', the punisher of the

wrongs and injuries, the bearer of peace, the mighty distributor of justice and equity. . .

The intellectuals' contribution to the practice of government was, at least in the short term, less of a mixed blessing than their political and legal theorising. It lay in producing those written documents—charters, writs, letters, accounts—by which hitherto spasmodic personal contacts between princes and their officials and subjects could be regularized . . . The evolution of a rudimentary bureaucracy was, by 1180, the distinguishing feature of royal and princely administrators. . .

The most famous chapter in the *Policraticus* [by John of Salisbury] is that which sets forth the organic image of the commonwealth, the prince the head, the church the soul, the senate the heart, the soldiers the arms, the peasants the legs—a classical cliché brought up-to-date. The importance of this image in the history of western political thought has long been recognised; indeed it has been hailed as the rebirth of the concept of state in the Middle Ages. Its most striking feature is the importance attributed to princely officials: judges and provincial governors are the eyes, ears and tongue of the body politic; officials are the hands; and financial officers the stomach and intestines. By the middle of the twelfth century, John's French readers would have had no difficulty in making the necessary identifications: castellans and viscounts, *baillis* and *prévôts*, household officers, the clerks, knights, and chamberlains of princely courts abounded. Bureaucracy, long absent from the country, was making a rapid return... ²³

Perhaps, too, we have been influenced by library cataloguing practices—emphasising similarities between personal and corporate 'authors' and treating problems of corporate identity principally in terms of name change.

A generalisation comprehending the development of institutions across all the nations of Europe (including governmental, private, local, and ecclesiastical bodies) during one and a half millennia might give even me pause. I venture to suggest, however, that, for a sufficiently long period to be significant, two factors (at least) bolster the conceptual parallel between persons and government institutions:

- many European institutions were extensions of an office held by a person carrying out the duties of that office—the identity of the office (or department) derived from the functions of the office-holder whose activities it supported and little else; and
- the identity of the state itself was not clear—local loyalties, the absence
 of an abstract conception of nationhood, and the primacy of notions
 rooted in kingship and tribal peoples prevailed.

A medieval kingdom, for example, is better understood as a fluctuating geographical area (before that a tribal people) coming within the jurisdiction

of an official (the king)—not, as we might understand it, a territorially defined political entity engaging its citizens in a mutual bond of rights and obligations. A feudal hierarchy, though capable of sustaining complex overlapping jurisdictional responsibilities, was based on a personal allegiance to the sovereign. The 'state' hardly existed independently of the king. What we would think of as executive departments were, in fact, extensions of the offices held by the king's servants (his officials) with their associated attendants.

Ideas of corporate identity independent of natural person developed slowly.²⁸ The development of recordkeeping in close association with more complex corporate structures apparently makes a definition of corporations based on recordkeeping activity plausible,²⁹ but neither recordkeeping nor organisational complexity are things which are pursued for their own sake. Complex organisational structures were called forth only by strong social and cultural forces and the first stage (at least in the European experience) of developing complex government structures was a concentration of power into the hands of rulers and their officials and deputies.³⁰

It is only in the last two hundred years that government corporations as we have understood them until recently—large, compartmentalised, hierarchically structured bodies—developed. Even in what was once referred to as the 'early modern' period, successful corporate structures responsible for the execution of policy were patterned upon the assignment of functional responsibility to officials (the diffuse Habsburg monarchies, it could be argued, failed because their extent and diversity demanded a complexity and size of administrative organisation which the society of the time could not sustain).³¹ In the private sector (at any rate under British law) legal incorporation on any widespread scale dates from only the nineteenth century under statutory schemes for the limitation of liability.

As late as 1851, the infant colony of Victoria provides an example at the frontier of European civilisation where the administrative arrangement of departments (immediately following separation from New South Wales) was based entirely on the division of responsibilities amongst colonial officials, formerly the Governor's servants, which is conceptually indistinguishable from those at the court of the Anglo-Saxon kings. The first Victorian Ministry comprised:

- Chief Secretary (formerly Colonial Secretary or CEO of the colony)
- Attorney-General (law)
- Treasurer (finance)
- Commissioner of Public Works (works)

- Commissioner of Trade and Customs (immigration and customs)
- Surveyor-General (lands), and
 - Solicitor-General (justice).

The development of modern, complex, departmental structures coincided with the development of archival theory. But archival theory had regard to the documentary survival of an earlier age—an age in which the parallel between persons and offices was strong. Archival theory was perhaps beguiled into thinking that records creating corporations continued to be like records creating officials with a clear-cut autonomous identity and to embody conclusions about these perceived similarities into its practice.

Corporations have stopped behaving like officials for about two centuries. Archivists have gone on treating corporations which are now behaving in a clearly unhuman-like way as if nothing has happened. Patched up solutions aimed at overcoming these theoretical problems include the Australian way of dealing with boundary and identity changes, but we too have failed to recognise that organisational and recordkeeping boundaries are not always identical.

Both traditions have a definition of provenance which is almost bereft of specific meaning. We would do better to recognise that corporations and ideas about them are related to fluctuating social and cultural conditions which affect both the changing nature of corporations themselves and our changing perceptions of them. In our own era the behaviour of corporations is undergoing yet another shift.

As corporations become flatter and less compartmentalised, as workgroups replace traditional formal structures and networking breaks down the physical and work-process barriers between organisational units, the archivists' model will reflect reality less and less. It will be harder to maintain the fiction that corporate entities can be defined exclusively in terms of their activity as records creators. Yet it is upon this fiction—that there continue to be independent, homogeneous, records creating corporations from which there will emanate records constituting an identifiable, describable, independent 'whole'—that archivists' central idea (almost their only idea) about provenance rests.

Terry Cook has identified a Canadian example: a departmental series in which departmental-wide concerns are in one block of numbers while powerful sub-units (some of which pre-existed the department's formation) use discrete blocks of numbers. He continues:

There are also the issues of simultaneous creators and of records-creating patterns in modern bureaucracies that do not conform to traditional, hierarchical, organisational theory. Indeed, some critics assert that the assignment of such series of records to any **single**, larger, "creator" entity is simply impossible given the state of modern administration and modern records-keeping.³²

The concept of a single creator worked (more or less) when description focused on 'holdings' and on manual systems from agencies which were, by and large, housed separately, each with its own defined boundaries and separate responsibilities, each with a structured hierarchy and its own unlinked recordkeeping activities between which communications definitely passed—in an environment, in other words, of separate work units where the communications systems and recordkeeping systems were also separate.

Suppose the Government of Titipu comprises twenty-two departments, each with its own recordkeeping system—each maintaining adequate records of inwards and outwards communications. It decides to establish a wide area network (WAN) to link all twenty-two departments. Each department maintains records of its internal and external communications (resulting in two copies of each). Then it is modified to install a twenty-third recordkeeping system to capture all inter-agency communications (together with proof of despatch and receipt and appropriate linkages back into the departmental recordkeeping systems). Each agency now has to create records of intra-agency and external communications only.

There are now twenty-three recordkeeping systems. What is the provenance of the twenty-third system? There are only two choices. Either you allow that the records are being created jointly by all twenty-two departments or you must 'go one level up' and identify the Government of Titipu itself as the records creator. Circumstances might allow you to identify an independent agency which manages the twenty-third system or to pretend that one of the twenty-two has 'primary' responsibility, but this is no answer to the conceptual problem. Such a system, because there is only one 'copy' of each message (even though dispatch and receipt are independently verifiable), clearly results from joint creation.

Such developments will make inevitable a confrontation with a theory which forbids joint creation. We have encountered them already, but our theory blinded us to their implications. The monstrous lengths to which that theory drives those who uphold it is given by Scott:³³

An example would be the Commonwealth Electoral Office, Tasmania (CA 969), which also undertook functions on behalf of five other agencies. The agency title is given thus:

	(1)	Commonwealth Electoral Office, Tasmania	1903-1948
[A	Also] (2)	Public Works Branch, Tasmania	1903-1932
	(3)	Works Registrar, Works and Services Branch/	
		(by 1947) Department of Works and Housing	1932-1948
	(4)	Deputy Commissioner of Old-Age Pensions,	
		Invalid Pensions, Maternity Allowances and War	
		Pensions/(by 1920) Deputy Commissioner of	1
		Old-Age Pensions, Invalid Pensions and	
			by 1918-by 1943
	(5)	Deputy Public Service Inspector, Tasmania	1903-by 1936
	(6)	Public Service Inspector, Tasmania	by 1936-by 1948

Whatever this beast may be, it clearly is not the 'Commonwealth Electoral Office, Tasmania, also...'. What we have here is a single administrative entity exercising several functions simultaneously. One does not have to look far to find the model for this kind of administrative unit:

POOH. ... When all the great officers of State resigned in a body, because they were too proud to serve under an ex-tailor, did I not unhesitatingly accept all their posts at once?

PISH. And the salaries attached to them? You did.

POOH. It is consequently my degrading duty to serve this upstart as First Lord of the Treasury, Lord Chief Justice, Commander-in-Chief, Lord High Admiral, Master of the Buckhounds, Groom of the Backstairs, Archbishop of Titipu, and Lord Mayor, both acting and elect, all rolled into one. And at a salary! A Pooh-Bah paid for his services! I a salaried minion! But I do it! It revolts me, but I do it!³⁴

Although the administrative unit concerned has a single personality, this does not prevent the exercise of each responsibility independently:

NANK. But whom did you get that from?

KO. Oh, from Pooh-Bah. He's my Solicitor.

YUM. But he may be mistaken!

KO. So I thought; so I consulted the Attorney-General, the Lord Chief Justice, the Master of the Rolls, the Judge Ordinary, and the Lord Chancellor. They're all of the same opinion. Never knew such unanimity on a point of law in my life!³⁵

The convolutions in this Tasmanian example are clearly being driven by some other more powerful need—to delineate separate functional responsibilities as part of the provenance statement.³⁶ It will not be adequate to our purpose to try to say all we want about context using an administrative entity which

we identify as records creator. The muffled undertone you hear as you read over the tortured phrasing of that Tasmanian aberration is the moaning of trapped functions trying to get out. Ideas about function are too important to be subordinated as descriptors of records creating agents. Functions are not aspects of the life of a records creating agency. Agencies are episodes in the life of a function. Just as we learnt to dissociate data on provenance from data on recordkeeping, so we must learn to dissociate data on function from data on agencies/persons to express a variety of ideas.

An agency's functions include its mandate or assigned responsibilities and its recordkeeping activities. The fact that an agency could not just be a records creating entity was apparent to Scott:

In the best of all possible worlds, the agency which produces the records ('creating' or 'recording' agency) would also be the agency which transfers them to archival custody . . . However, with administrative changes becoming more frequent and complex, records created by one agency are increasingly transferred . . . by a successor agency or a number of successor agencies. . .

...This distinction between 'creating' and 'transferring' agency was introduced ... in 1953 by Mr. I. Maclean. . .

In a further review of our accessioning procedures . . . in 1965–1966, it was apparent that to the existing distinction between 'creating' and 'transferring' agencies we needed to add a third concept: that of 'controlling' agency . . . where a 'transferring' agency had itself either been abolished or its functions transferred to a successor . . . now responsible for the accessions in archival custody. . .

While all three concepts, 'creating', 'transferring' and 'controlling', have valid connotations and application to archival work, it remains our view that, for basic arrangement, description and reference, the 'creating' agency is preeminent. In this we reflect the views of Jenkinson who recommends classing archives 'under the Administration which actually created them'...³⁷

Whatever one thinks of the view that 'for basic arrangement, description and reference, the "creating" agency is pre-eminent', it is clear that by 1980 at least Australian descriptive theory had not yet reached the heart of the problem. Whether you formulate a virtual *fonds* upon the basis of creation, transfer, control, or any other recordkeeping activity is scarcely the issue. In fact, Australian Archives provided for a 'records controlled' *fonds* gathered together in 'Agency Manuals' (showing all series currently controlled). The *fonds* based on records creation was displayed in 'Agency Guides' (showing all series created regardless of when). A records-transferred *fonds* could be compiled from the 'Accession Register'.

The real conceptual difficulty is that 'agency' is being used to document recordkeeping activities other than creation. There is no guarantee that the

body which transfers or controls records which it did not create will itself fit the definition of agency (independent recordkeeping system). To follow Scott's logic, if records creation is documented by linking records to records creating bodies, then records transfer should be documented by using records transferring bodies and control by using records controlling bodies.

The better way is to redefine 'agency' so it is conceptually free of any single one of those recordkeeping ideas. Records creation is only one of the recordkeeping activities which agencies carry out. It is an important one (for some purposes, arguably, the 'pre-eminent' one) but you should not define them in terms of the activity which it is the purpose of your documentation to show. Agencies must be related to records in different ways to document each recordkeeping activity. It is the relationship (not the definition) that documents the activity.

Traditional provenance statements are only simple, convenient ways of packaging up a number of different ideas about context—just as we used to package up ideas about recordkeeping and provenance. When it became clear that ideas about recordkeeping and provenance are better treated separately (because they lead separate lives of their own apart from the period of shared association) we separated and re-assembled them according to the relationships our system establishes for the period of their association.

Ambience and provenance are not, in other words, characteristics of entities but of relationships between entities. The provenance of records is established by showing relationships to (rather than an identity with) their context. Provenance defines certain kinds of relationships between records and contextual entities. Ambience defines relationships between contextual entities. Thus, a function shows provenance when related to records and ambience when related to agencies. An agency shows ambience when related to a subordinate agency and provenance when related to records.

We need to unpackage important ideas about provenance into separate entities and show relationships between them and with records. Just as we have to unravel the personality of Wellington from the identity of the office of Prime Minister which he held as successor to and predecessor of others (because he, they and it all had an existence apart from each other), so we must unravel the 'personality' of corporations from the corporate package in which they existed for the same reason (because the corporation and some at least of the features of provenance which they embody have an existence separate from each other).

Archivists need to identify many significant relationships between records and agencies. In addition to the three identified by Scott (creation, transfer, and control), we may need to say which agency(ies) possessed the records, or owned them, or maintained them, used them, or disposed of them. There must be many others and some of these impinge on the notion of provenance. They certainly say important things about the records making process.

The information needs of archivists and their users cannot be met by answering these and other recordkeeping questions solely in terms of 'which records creating agency created these records?'. The relationship itself must be conceptually separate from the information documenting the two things between which a relationship is shown. Until a relationship is established, it is not possible to speculate about how an agency operated in respect of a set of records. An agency is not a records creator until we say it is, and we do that by establishing a relationship—not by defining it thus.

The strategic implications of this should be clear, if only because they have been suggested often enough by David Bearman.³⁸ While archivists remain trapped within their theory of provenance, they are condemned to invest significant amounts of time in researching and documenting administrative histories which are useful to them in only very limited ways and to others scarcely at all. Freed of our limited conception of what a corporation or person is, our interests in documenting their activities align more easily with work being done by others.

Ways of reducing the burden of researching and keeping up to date vast quantities of contextual data—so often used to criticise the Australian descriptive system—by allying ourselves to others (or using the results of their labours), then suggest themselves. Data on government agencies is to be found in numerous compilations (which are usually sources for archivists who reorganise it into finding aids). These include government directories, government information services, and telephone directories. Similar data is used in a variety of government functions: program budgeting, public sector management, managing machinery of government changes, managing freedom of information, and in government information locator systems. In the private sector an important body of data on corporations exists in the national company registration scheme and in business directories. Data on persons is available from the national biographical dictionary and the vast compilation of data by genealogists. We might make more use of such data sources or enter into partnerships to share our data with them.

I do not mean to suggest that this kind of data can be used indiscriminately for descriptive purposes and without regard to quality control. We will get nowhere using lousy data—and much of the available data which we might consider using is lousy. Problems of data quality represent real obstacles to data sharing. The point is that by concentrating on relationships as our primary tool we are freer to use someone else's conception of an agency. Time now spent crafting the boundaries of an agency (or *fonds*) to the contours of an 'organic', specific creation can be spent establishing those relationships which express the ideas we wish to document and, since the primary purpose of archival information systems is to provide external validation for archival data used in documenting recordkeeping systems, on quality control.

Records creation (if you think about it) is really a very imprecise and rather Records creation (if you think about it) is really a very imprecise and rather boring idea. It is useful primarily in identifying an historical *fonds*. Throughout this essay, I have spoken of provenance as an historical idea—we identify the provenance of records which have already been created—because that is how archivists traditionally think of it. Electronic recordkeepers are now telling us that they will require provenance data to be available as part of the records creation process.³⁹ It is manifest that such archival data will be formulated necessarily in ignorance of whether or not the identified agent exists, definitionally, as the single records creator of an object of archival description and certainly in ignorance of what records will be created.

Because archivists have always needed to use provenance to express ideas other than creation, our provenance statements have always had to bear the weight of additional, more complex, more useful ideas. It is time those ideas were unravelled and given proper recognition. When one considers the many recordkeeping activities which might usefully be documented by establishing relationships between agents and records, it seems inappropriate to keep on giving records creation the prominence it has had in our definition. It may well be that the defined entities we use for recordkeeping purposes will not look very different from those we use now. It is clear, however, that we should be prepared to use them more extensively in undertaking a wider variety of documentation tasks and to make use of data on corporations and persons conceived outside of our pre-occupations about records creation. It will assist us to make this transition if we can stop thinking of corporations and persons conceived by the terms of only one of the uses to which they can be put conceptually in terms of only one of the uses to which they can be put.

Problems with provenance cannot be solved using conceptual tools which enable us only to relate a multitude of contextual entities to a multitude of recordkeeping entities. We must have tools which enable us to relate a

multitude of contextual entities to a multitude of recordkeeping entities in a multitude of ways. Having good provenance depends on how well we define and how well we use the (necessarily selective) array of entities and relationships which we employ to accomplish the task. That these tools may also be used to provide 'access points' is undoubted—indeed, the need for provenance is another kind of 'access' need—and most (if not all) of the contextual and recordkeeping entities we end up employing may be developed primarily for information retrieval purposes. But the information need for good provenance data must not be confused with the need for subject retrieval. From an archival point of view, the primary purpose of a provenance statement is to provide an externally verifiable context for documented recordkeeping activity.

Endnotes

- 1. In this article, I shall use the words 'corporate' and 'corporation' broadly to refer to any group acting as one. This should be distinguished from the legal person-hood of 'corporate bodies'.
- 2. International Council on Archives, ISAD(G): General International Standard Archival Description, Ottawa, 1994, p. 4.
- 3. Terry Cook, 'The concept of the archival fonds: theory, description, and provenance in the post-custodial era', in *The Archival Fonds: From Theory to Practice*, ed. Terry Eastwood, Bureau of Canadian Archivists, 1992, p. 40.
- 4. By Australian practice, I mean the CRS or 'series' system. I do not mean to imply that it is universally applied in Australia.
- 5. Margaret Hedstrom, 'Descriptive practices for electronic records: deciding what is essential and imagining what is possible', *Archivaria*, no. 36, Autumn 1993, pp. 56–57.
- 6. See endnote 9.
- 7. Terry Cook, op. cit., p. 46.
- 8. There is, of course, literary warrant for such an idea in the *very memorable* Chapter XXXVIII (in which England is Ruled By An Orange) of Sellar and Yeatman's 1066 and All That:

Williamanmary for some reason was known as The Orange in their own country of Holland, and were popular as King of England because the people naturally believed it was descended from Nell Glyn. It was on the whole a good King and one of their first Acts was the Toleration Act, which said they would tolerate anything, though afterwards it went back on this and decided that they could not tolerate the Scots

and, perhaps most presciently of all, in Gilbert and Sullivan's own $\it The Gondoliers$ (1889) Act II:

GUI.

... It is arranged that, until it is decided which of us two is the actual King, we are to act as one person.

GIORGIO.

Exactly.

Now, although we act as one person, we are, in GIU. point of fact, two persons.

ANNIBALE.

Ah, I don't think we can go into that. It is a legal fiction, and legal fictions are solemn things.

Situated as we are, we can't recognise two

independent responsibilities.

No; but you can recognize two independent appetites. It's all very well to say we act as one person, but when you supply us with only one

ration between us, I should describe it as a legal

fiction carried a little too far.

For 'ration' read fonds. See also endnote 19.

- Peter Scott introduced the notion of simultaneous multiple provenance into his 1966 American Archivist article (see endnote 10) at p. 502 when describing how persons fitted his model by providing 'the necessary context for personal or family archives and for archives of an agency that may have been produced by a given person' [my emphasis]. He clearly anticipates attribution of a series simultaneously to both a corporate and a personal provenance, though not to more than one corporate agency. For as long as I knew him, Peter continued to worry away at the problem of integrating personal and corporate provenance. So far as I am aware, he never solved it fully to his own satisfaction. Russell Kelly reminds me that one such 'experiment' has been adopted as standard practice at Australian Archives where personal appears ('M' series) now show both person(s) and agency(ies) recording, thus providing a true example of simultaneous multiple provenance. The technique is not employed in reverse, however, for official papers ('A' series).
- Peter Scott, 'The record group concept—a case for abandonment', American Archivist, 10. vol. 29, no. 4, October 1966, pp. 493-504.
- ibid., p. 501. 11.
- 12. ibid., p. 502.
- 13. P. J. Scott, C. D. Smith and G. Finlay, 'Archives and Administrative Change-Some Methods and Approaches (Part 3), Archives and Manuscripts, vol. 8, no. 1, June 1980, pp. 46-50.
- James Thurber, 'Here lies Miss Groby', The Thurber Carnival, Modern Library, New 14. York, 1957, p. 52.
- Hilary Jenkinson, A Manual of Archive Administration, London, 1966, p. 101. 15.
- Heather MacNeil, 'The context is all: describing a fonds and its parts in accordance 16. with the Rules for Archival Description', in The Archival Fonds: From Theory to Practice, ed. Terry Eastwood, Bureau of Canadian Archivists, 1992, pp. 202-203.
- Peter Scott, 'The record group concept...', p. 498. 17.
- Chris Hurley, 'The Australian ('series') system: an exposition', in The Records 18. Continuum: Ian Maclean and Australian Archives First Fifty Years, eds Sue McKemmish and Michael Piggott, Ancora Press in association with Australian Archives, Clayton, Vic., 1994.
- This is not to deny that persons are divisible functionally—just like agencies. This 19. point is made very clearly by Terry Cook in his article 'The concept of the archival fonds...' (at p. 42) already cited at endnote 3. The point is that an individual is indivisible personally—but not necessarily uncombinable (see also endnote 8).

- 20. Both organisations and superior agencies are shown as records creators indirectly, through the link established with the records creator. In this way the records creation of a subordinate agency can be seen as the *sub-sub-fonds* belonging to its superior agency which is itself the *sub-fonds* of the organisation.
- 21. David Bearman and Richard Lytle, 'The power of the principle of provenance', *Archivaria*, no. 21, Winter 1985–86, p. 16.
- Norman Zacour, An Introduction to Medieval Institutions, New York, 1969, pp. 110-111.
- 23. Jean Durabin, France in the Making, 843-1180, Oxford University Press, 1991, pp. 277-83.
- 24. Bernard Guenée, *States and Rulers in Later Medieval Europe*, trans. Juliet Vale, Basil Blackwell, Oxford, 1985, pp. 52–55.
- 25. Roger Collins, Early Medieval Europe 300-1000, Macmillan, London, 1991, pp. 278-79.
- 26. Marc Bloch, Feudal Society, vol. 2 Social Classes and Political Organization trans. L. A. Manyon, Routledge & Kegan Paul, London, 1962, pp. 408–10.
- 27. G. O. Sayles, The Medieval Foundations of England, Methuen, 1950, pp. 172-74.
- 28. Susan Reynolds, Kingdoms and Communities in Western Europe, 900–1300, Clarendon, Oxford, 1986, pp. 59–61.
- 29. C. Warren Hollister, *Medieval Europe, A Short History*, John Wiley, New York, 1964, p. 149.
- 30. Marc Bloch, op. cit., pp. 421-22.
- 31. William Doyle, The Old European Order, 1660–1800, Oxford, 1978, pp. 257-59.
- 32. Terry Cook, op.cit., pp. 61–62. Both the ICA Standard and the Australian Archives permit apportionment of provenance (the former through *sub-series* with a *fonds*) and the latter by showing separate provenance for 'portions' of a series.
- 33. P. J. Scott et al., 'Archives and administrative change . . . (Part 3)', p. 50.
- 34. W. S. Gilbert, The Mikado, 1885, Act I.
- 35. W. S. Gilbert, The Mikado, 1885, Act II.
- 36. Scott was aware of the power of functions. Noting the effect of constant administrative change on relationships amongst agencies (i.e. on ambient relationships), he forecast the use of ambient functions:

With the increasing fluidity of departments, one may well ask whether such structural listings of agencies will serve all reference needs. An obvious complementary approach will be the development of listings of agencies arranged according to a particular function of Government. There are still some problems in reaching an adequate working definition of 'function'...

- See P. J. Scott and G. Finlay, 'Archives and Administrative Change—Some Methods and Approaches (Part I)', Archives and Manuscripts, vol. 7, no. 3, August 1978, p. 123.
- 77. P. J. Scott et al., 'Archives and administrative change . . . (Part 3)', pp. 43-45.
- 38. David Bearman, *Archival Methods*, Archives & Museum Informatics Report 3, no. 1, Spring 1989, p. 31.
- 39. Margaret Hedstrom, op. cit., esp. p. 54, for example.