Commentary

Journey to the End of the Night: custody and the dawning of a new era on the archival threshold

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At the invitation of the editor, the author examines and comments upon the four preceding articles in this issue of Archives and Manuscripts. *While initially critical of the position of the post-custodialists, the author now finds himself largely in agreement with the most recent development of the post-custodial position. He argues that the debate has been a positive development, a disagreement the archival profession had to have in order to achieve progress towards theoretically sound and workable solutions to the challenges posed by electronic records.*

FEW IF ANY ARCHIVAL DEBATES in recent years have generated quite as much heat as the debate over the respective merits of centralised versus distributed custody of electronic records. Essentially, the debate consists of a disagreement over the extent to which archival science needs to reinvent itself following the advent of electronic records.

On one side of the debate are the radicals led by David Bearman, who argue that electronic records both accentuate pre-existing inadequacies within archival theory and practice vis-a-vis the realities of modern recordkeeping and at the same time offer logical and technological solutions for addressing these inadequacies. On the other side of the debate are those such as Luciana Duranti and Terry Eastwood, who assert that the challenges posed by

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electronic records are not so different from those posed by older forms of recordkeeping systems as to require any fundamental alteration to the centuries-old Eurocentric school of archival thought. In between these two camps are many confused, bewildered and sceptical archivists who recognise instinctively the need for some new strategies to deal with the challenges of electronic records, but who cling faithfully to the Jenkinsonian certainties which have hitherto underpinned their professional self-definition. Until quite recently I regarded myself as a member of this in-between group. Depending upon developments over the next few years, I reserve the right to become confused and bewildered once again.

Chronology of a Debate

My interpretation of the custody debate is inseparable from the personal journey towards understanding that the debate has encouraged me to pursue. I hope therefore that readers will permit me the indulgence of describing this journey by way of constructing an interpretation of the debate.

In June 1995 at the 'Beyond the Archives Wars' debates in Sydney I berated both David Bearman and the Australian Archives for proposing electronic records management strategies which I believed neglected archivists' broader societal responsibilities for the physical and moral defence of the record. In short, I could find nothing in either Bearman's arguments or the Australian Archives distributed custody model which would guarantee the *long-term* preservation of records of ongoing social, cultural, historical or symbolic value. As a participant in a debate, I was probably unduly harsh in my criticisms. In defence of both Bearman and the Australian Archives it should be recognised that short term solutions are better than no solutions at all in that they at least may buy some time while possible longer term solutions can be explored.

My somewhat half-baked attempt at criticising the post-custodialists by invoking the name of Jenkinson was quickly and deservedly forgotten. Later that year, however, a far more confident archivist toured Australia making the most of every opportunity to vigorously beat as many of us as she could around the head with a Jenkinsonian stick of a different and much weightier kind. Like the 1954 Schellenberg visit and the 1991 Bearman visit, Duranti's 1995 Australian tour had a major impact on the local archival scene. Like Schellenberg and Bearman, an appreciation of the nature of Duranti's influence requires more than an analysis of her writings. The power of her personality and presence has to be acknowledged before we can attempt to understand the full meaning of her dialogue with Australian archivists.

Given the state of my thinking at the time of her visit I rejoiced in the spectacle of Luciana Duranti drawing upon her formidable erudition to reject the most cherished tenets of the post-custodial discourse. I was not the only one who responded in this way. Many archivists who felt uncomfortable about the direction of post-custodial thinking, but who lacked the confidence to express those misgivings experienced transcendental exhilaration. Reports reached me of a 'Battle of Brisbane' type confrontation between Duranti and the architects of the distributed custody policy at the Australian Archives Central Office, with Duranti being silently cheered on by a peanut gallery of AA traditionalists. No doubt Duranti herself relished the irony of out-Jenkinsoning the post-custodialists, who have always been keen to portray themselves as Jenkinsonians, or, sometimes, 'neo-Jenkinsonians'.

Anyone who has heard Duranti speak will testify to her persuasive qualities. She was of course preceded in her visit by an awesome reputation earned through her Pulitzer-Prize deserving articles on diplomatics.[1] This reputation, together with her encyclopaedic knowledge of European archival history and her unsurpassed presentation skills, made her message all but irresistible. I recall being very taken by her argument, which appears in substantially unaltered form in her article in this issue of *Archives and Manuscripts*. While I was not necessarily totally convinced she was right, I was nevertheless totally convinced that her message needed to be heard by Australian archivists.

The post-custodialists may not have won the hearts and minds of the majority of the Australian archival profession, yet prior to the Duranti visit there had been very little sustained intellectual dissent from the post-custodial party line in the home grown literature. True, a range of dissenting views were expressed at the 'Playing for Keeps' Conference in 1994, but most of these argued at cross-purposes with the distributed custody model, rather than tackling it head on in the way Duranti has done.[2] Her visit forced the proponents of distributed custody to strive for new levels of rigour in justification for their arguments.

Following the visit the post-custodialists inventoried their armoury over the Christmas holidays. They re-emerged in February 1996 with Greg O'Shea leading the charge in a legendary Internet exchange with Duranti conducted over the U.S. archival listserv. I read the exchange with interest, appreciating aspects of both sides of the argument. I continued to sit on the fence until I read an extraordinary article by Duranti on appraisal which appeared in the *American Archivist*.[3] After her patented trawl through a few millennia of archival history, she concluded her article by arguing that, because it is the duty of the archivist to ensure that records inherited from creators are kept

complete, there should be no place for appraisal in archival theory and practice. After reading this I began to develop grave doubts about aspects of her thinking and its relevance in the context of contemporary Australia.

I have since taken the opportunity to reassess the meaning and substance of the Duranti/Eastwood attack on post-custodialism. Over the same period the post-custodialists have responded (either consciously or subconsciously) to some of the more cogent criticisms, and have made small but nevertheless highly significant alterations to their thinking. As a consequence I now find myself no longer being a confused and sceptical fence-sitter, but rather a mildly enthusiastic post-custodialist. I will, however, reserve my wholehearted support for post-custodialism until after I have seen a few successful implementations of strategies which seem to me to look fine in theory, but which have yet to be put into practice.

The Vancouver Counter-Attack

The Duranti/Eastwood critique of distributed custody is very persuasive.[4] Their chief concern is protecting the authenticity of records. They argue that the authenticity and integrity of records cannot be guaranteed as long as they are in the hands of those whom the records hold accountable. No technological innovation, they argue, can absolutely protect the integrity of electronic records which are not in archival custody. Duranti places enormous emphasis on the concept of the archival 'threshold' or 'limit', which records cross after they become inactive and after which time they are held inviolate in archival custody.

Few if any Australian archivists would quarrel with the concept of an archival threshold which records must cross. The quarrel that continuum-based thinkers have with Duranti concerns the point at which the records should cross the threshold and whether or not it necessitates a transfer of physical custody. They argue that electronic records should cross the threshold at the point of creation, having been automatically appraised by the recordkeeping system which has predetermined appraisal criteria embedded within its system design.

Post-custodialists argue, and I am inclined to agree, that it is undesirable and maybe even impossible to wait until electronic records become inactive before bringing them under archival control. An unavoidable result of this is

that control can no longer presuppose physical custody. In the paper-based Australian Archives CRS system archival control can only ever mean intellectual control. The advent of electronic recordkeeping systems, however, makes it possible to implement a system of archival control of current recordkeeping that goes beyond mere intellectual control, offering the possibility of complete physical and moral defence of the record from the moment of its creation.

As Duranti and Eastwood's chief concern seems to be defending the physical and moral integrity of records, they should surely applaud any innovation which extends the coverage of this defence. Duranti appears to hold contradictory views about the trustworthiness of records creators. She insists that inactive records should not be left in the hands of those who the records hold accountable. At the same time she is quite relaxed about leaving active or semi-active records in the control of the very same people. Why should people be expected to behave honourably with active records and dishonourably with inactive records? Duranti uses the Jenkinsonian argument that business processes require accurate and reliable recordkeeping and therefore permit no opportunity for tampering with active records. This may be true a lot of the time, but I am sure many recordkeepers could candidly quote examples of deliberate alteration of active paper records. In any case the practical application of the distinction between active and inactive records is sufficiently problematic as to make the Duranti/Jenkinson model all but unworkable.[5]

As an added safeguard Duranti argues that the act of accepting a record into archival custody represents a declaration of the authenticity of the record in question. I will take her word for it that in early-modern archives the diplomatic authenticating of every individual document by archivists was feasible. No one however would seriously suggest that any archive dealing with twentieth century records could vouch for the absolute authenticity of all the records in its custody.

It seems clear to me that if technological advances make it possible for archivists to design and implement automated systems which not only capture, describe and manage electronic records, but which can also guarantee the authenticity, inviolability and integrity of those records from the instant of creation onwards, then this is an opportunity that archivists should accept with gratitude. To leave things to chance by refusing to place records under archival control until they become inactive is a high risk strategy which should be avoided wherever possible. Many practitioners have been made acutely aware through bitter experience that the time when the integrity of records is

most at risk is immediately before transfer into archival custody. This is particularly the case with personal records, when the creator (or the creator's spouse) will take the opportunity to destroy or remove any records he or she would rather not have bestowed upon posterity.[6]

The Post-Custodial Quick Step

So much for Duranti and Eastwood. What about some of my own concerns about the distributed custody model? It now seems to me that a combination of progress in the Pittsburgh Project together with some strategic rethinking by the proponents of distributed custody has addressed most, if not all, of my earlier concerns.

In the early days of the promulgation of the distributed custody model the electronic recordkeeping systems under discussion were systems designed largely in the absence of any archival considerations. It is hardly surprising therefore that archives struggled to cope with the long-term preservation of such systems. The fact that archives tried and failed to do so and then sought to hand the problem back to the responsible agencies is, in retrospect, quite predictable and very understandable. At the time, however, I objected to the fact that, in constructing an elaborate intellectual model to justify this course of action, the Australian Archives was endeavouring to make a virtue out of a necessity. To most impartial observers it appeared to be reneging on its statutory responsibility to provide physical and moral defence for Commonwealth records.

It is now obvious to me that electronic recordkeeping systems designed in the absence of archival considerations cannot in most cases be archivally preserved. In the early days the Australian Archives made a valiant attempt at trying to achieve the impossible, but it proved beyond them, just as it proved beyond the capabilities of every other archives in the world. The mistake it then made was to suggest that such records could be saved for posterity by the agencies which created them. This not only alarmed and alienated the agencies, it provoked hoots of derision from interested third parties. It is true that if agencies really need to maintain poorly designed electronic recordkeeping systems for their own ongoing administrative needs, they will do whatever they can to keep the systems limping along. This, however, is quite a different proposition to the indefinite maintenance of historically significant records for broader societal reference.

Instead of talking to agencies about custody, what the Australian Archives should have been talking about was good recordkeeping. With the completion of the research phase of the Pittsburgh Project, archivists now have the detailed functional requirements for evidence in electronic recordkeeping. These, together with the associated technical specifications for metadata encapsulated objects and electronic recordkeeping systems design, make it possible for archivists to become meaningfully involved in designing archivally sound recordkeeping systems from the ground up. Admittedly these models are yet to be fully implemented in real life settings, but I am reasonably confident that, with some fine tuning, they will permit secure archival management and retrieval of electronic records from the moment of creation into the distant future where necessary, regardless of physical location. Luciana Duranti will no doubt argue that no such system can ever be absolutely secure and she is probably right. However, I am confident that systems can be designed and implemented that are at least as secure as the average traditional archives building which suffers occasional incidents of theft or tampering with documents in its physical custody.

Once good electronic recordkeeping practices become accepted and established (this is in fact our major challenge), then custody becomes a non issue. The real issues are archival control, the management of access and use, and the ongoing preservation of records of continuing value through migration and/or emulation.[7] Archives can take such records into custody with ease and confidence, should that be deemed to be desirable. Equally, the records may be stored in a distributed environment with the archives exercising its control functions of physical and moral defence by technological means.

Realistically, well designed electronic recordkeeping systems which have long term historical value will eventually find their way into archival custody because, as Terry Eastwood rightly points out in this issue, 'the creating agency cannot assume the preservation function for all time'. That this argument now appears to be accepted by the proponents of distributed custody, seems apparent from the subtle shifts of emphasis which can be detected by comparing Greg O'Shea and David Roberts' article in this issue with earlier writings by the same authors and their colleagues on the topic.[8]

Frank Upward's article represents the latest and most sophisticated development of post-custodial thinking. We have heard a lot about the records continuum in the last few years. It is timely therefore that Upward should choose the appearance of a mini theme issue on the custody debate to present a clear exposition of the continuum model in *Archives and Manuscripts*. He

appears disconcerted by the polarisation within the archival community which the custody debate has created, and reinforces the theme of some of his earlier writings[9] by arguing the need to go 'beyond custody'. In other words, he wishes to free archivists from the need to debate custody. He would like the continuum model to be a unifying force, arguing that post-custodialism 'is not the opposite of custody' and that 'the challenges are much broader than custody'.

While Upward does not directly address Duranti's objections to the Bearman school of thought, the implication of his article is that he disagrees with her position. He rejects for example 'linear regimes of physical custody' and calls for 'a more systematic approach to authentication than that provided by physical custody'. He stakes his claim as an evolutionary rather than a revolutionary by arguing that while 'all thinking is revisable', this does not 'have to mean a rupture with the past'. Despite his commendable efforts at placating and unifying the combatants in the custody debate, I doubt whether Upward's efforts will cut much ice with Duranti, who seems to be so implacably attached to tradition that even evolutionary change is likely to be anathema to her. Upward can, however, take some tiny consolation from the fact that, even if he is unlikely to convert Duranti, he has at least won me over. The continuum model is a major contribution to archival science and deserves the widest possible exposure and discussion.

The Future: your choice

The fact that the custody debate has taken the form that it has is in itself an indication of the progress that has been made on the electronic records front in the last ten years. In place of the abject pessimism of the late '80s/early '90s, we now have two opposing camps, both of which feel they have the problem licked, but who disagree over aspects of theory and methodology. Duranti and Eastwood's University of British Columbia/US Department of Defense electronic records project has produced a model for managing electronic records which is based upon the application of traditional archival and diplomatics theory. Bearman and Cox's Pittsburgh Project has produced an alternative model which is based upon a redefinition of archival thinking, a redefinition which owes some small debt to Australian innovations of a previous generation and more recent innovations which have emerged from the Monash University-centred continuum school of thought.

Only time and practical implementations will prove which, if either, of the two models works the best. We in Australia, however, cannot afford to sit on

our hands and await the results of overseas implementations. Already we have witnessed the creation of too many unstandardised and poorly documented electronic recordkeeping systems. It behoves us to act now to ensure that the electronic records of the late 1990s do not suffer the fate of their older siblings. Between the work of the UBC and Pittsburgh projects we have sufficient guidance to act. Personal preference will no doubt influence your choice of model.[10] I have stated my preference in this commentary, but I may well have to stand corrected in five years time. This is a risk we all have to take as we journey out of the dark night of electronic records ignorance towards a new dawn of confidence, understanding and enlightenment.

Endnotes

1. L. Duranti, 'Diplomatics: New Uses for an Old Science, parts I-VI', *Archivaria*, no. 28, Summer 1989,–no. 33, Winter 1991–92, various pagings.

2. Ironically, the most stinging criticism of the Australian Archives distributed custody policy as unveiled at 'Playing for Keeps' came from the very person who was most responsible for inspiring it, David Bearman. In his review of the Conference Bearman had this to say: '... the effect [of the policy as it was presented] was to say, "We don't like electronic records and don't want them. ... if they must be kept electronically they are your problem and expense. What's more, we don't have anything very useful to tell you about how to do it and we think it costs a lot of money and is a tremendous problem area." Frankly, if I was in an Australian government agency and heard this message, I'd be convinced that AA's position was useless to me'. D. Bearman, 'Playing for Keeps', *Archives and Museum Informatics*, vol. 9, no. 1, 1995, p. 49.

3. L. Duranti, 'The Concept of Appraisal and Archival Theory', *American Archivist*, vol. 57, Spring 1994, pp. 328–344.

4. That said, a significant problem with Terry Eastwood's article in this issue is that it does not accurately reflect the most recent developments in post-custodial thinking. For instance, the most recent David Bearman article he cites is the almost ancient 1991 technical report 'An Indefensible Bastion'. (For more recent examples of thinking emanating from Pittsburgh see the many papers and reports mounted on the University of Pittsburgh homepage at http://www.lis.pitt.edu/~nhprc/.) For this reason and for the reason that the Eastwood article adds nothing of particular note to the argument presented by Duranti in 'Archives as a Place', the section that follows focuses more upon the Duranti article than the Eastwood article.

5. There have been times during the custody debate when repeated references to the Hilary Jenkinson touchstone have reminded me of my undergraduate days in the 1970s when earnest left-wing academics fought sterile battles over who had the truest interpretation of Karl Marx's writings. While Jenkinson undoubtedly provides the theoretical bedrock for our profession, we should regard his work as an inspiration, not as a straightjacket. He and his writings were a product of his times. We should not be surprised if, with the passage of time and social and technological change, some of his thinking becomes less relevant. All disciplines have to change and grow or else they become museum pieces and I see no reason why archival science should be any exception to this. We should not be afraid to reassess the value and applicability

of some of Jenkinson's writings, if compelling counter arguments or alternative theories can be mounted.

6.   While on the topic of personal records I should explain that, while my views may have changed in some areas in recent times, I have not had cause to substantially alter the views expressed in my article 'The Archival Management of Personal Papers in Electronic Form: Some Suggestions', *Archives and Manuscripts*, vol. 22, no. 1, May 1994, pp. 94–105. I still believe that personal records archivists need to become more involved in guiding and documenting recordkeeping practices. However, in the case of personal records I see little possibility for the application of distributed custody arrangements. This is not because of the objections put forward by Duranti and Eastwood, rather it is because of the limited opportunities that exist in this area for operating the kinds of archival control systems which are possible in more regulated government and corporate environments, especially over the long haul. In the case of personal records, it will almost always be necessary to take electronic records into archival custody. A custodial approach such as this is only possible if the personal recordkeeping system has been well designed and documented in the first instance because, as Michael Piggott has pointed out, 'evidence rich records do not just fall off trees'; see his 'The History of Australian Recordkeeping: a framework for research', Paper presented to the 7th Australian Library History Forum, Melbourne, October 1996.

7.   Luciana Duranti has argued that migration of a record creates a new record. This is undoubtedly true. However, providing the migration is properly documented and securely managed, the authenticity of those new records can be guaranteed. The migration should certainly be overseen by an archivist, but there is no reason why this has to be done in an environment of centralised custody.

8.   See for example G. O'Shea, *Managing Electronic Records: a shared responsibility*, Australian Archives, Canberra, 1995. As Chris Hurley put it in a recent posting on the Aus-archivists listserv: 'post-custodial methods represent the working out of solutions to the defects of mere "distributed custody"' (18 November 1996). At this point I should also give a very honourable mention to *Corporate Memory in the Electronic Age: a Statement of a Common Position on Electronic Recordkeeping*, Australian Council of Archives, 1996. This excellent position statement, although the product of much collective effort from within the Australian records industry, is primarily the brainchild of David Roberts.

9.   F. Upward and S. McKemmish, 'Somewhere Beyond Custody', *Archives and Manuscripts*, vol. 22, no. 1, May 1994, pp. 136–149.

10.   The choice here is not necessarily an either/or one. While there have been disagreements between UBC and Pittsburgh over matters such as custody, there is a considerable amount of common ground over which the two projects do not disagree. My feeling is that there are elements of both projects which have value and which are not mutually exclusive. It should therefore be possible to construct hybrid strategies which draw upon elements of the two models.