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The Evolving Role of Government Archives in Democratic Societies

Chris Hurley

Plenary Address delivered to ACA Annual Conference, Winnipeg,
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Abstract : Technical competence alone is an insufficient basis upon which to measure and assess the archivist's role. It must also be done by examining our warrant for action from the particular society in which we function, clearly expressed in the mandate under which we operate. That mandate needs to say what our role is in holding others to account and how we ourselves are to be made accountable. The different uses of records as evidence and memory influence what we do and how we do it.

From a purely professional point of view, there is no particular reason why our work should be seen as supporting personal liberty or democratic accountability rather than tyranny or totalitarianism. Indeed, from a selfish perspective, a respectable argument could be mounted that archivists had more to gain from employment by dictators and oppressors than by their democratic counterparts. Historically, tyrants have more regard for good recordkeeping than democrats. Totalitarians are notoriously good recordkeepers.

Our job is to make and keep good records. Totalitarians need good records as much as anyone else - perhaps more so. There is no necessary connection between doing our job well and the kind of use to which our skills are put. We can't say there is a predisposition towards good recordkeeping in the service of totalitarian oppression either, just because we are more likely to be treated nicely and our value recognised by dictators. Like all professionals, we are mercenaries - taxi cabs waiting at a rank to be of service to anyone who wants to hire us. Professional means, after all, doing it for money.

Consider what would happen if we thought otherwise. The measure of effective recordkeeping practice would not be how technically proficient we are in appraisal, documentation, custody, and reference, but how well our work (irrespective of whether the work is done well or badly) upholds the values of our employer or of the society in which we live. What is a good appraisal in one environment would be bad in another. In a technical sense, therefore, the requirements we identify for good recordkeeping - the maintenance of reliable, authentic, tamper-proof records, for example - are ethically neutral. A good record is one that is reliable, authentic and tamper-proof regardless of the use to which the record is put.

It is clearly possible to define good recordkeeping in purely technocratic terms. In the real world, however, we cannot simply detach ourselves in this way from the moral dimension. We cannot comfortably design a better system for documenting the number of heads being processed through the gas chambers as if good recordkeeping (in a technical sense) can be divorced

from the uses to which it is put. We cannot forget that Trotsky was airbrushed out of a photograph or that Winston Smith was an archivist.

Like everybody else, recordkeepers are ultimately bound to the society in which they live (the context in which they operate). In Canada and New Zealand, we are even free to try to change it. Our professional standards are no longer value-free once they are applied into one society or another - once they are given a context. In application, they acquire a colour of the society in which they operate. It is because we live in a democracy, therefore, not because we are archivists, that our professional standards and practices support democratic values. Most of us will never be called upon to subscribe to the recordkeeping of genocide. For us, that choice is easy because we will never have to make it. But the corollary is also true.

In a democracy, the government recordkeeper operates in an environment in which the needs and interests of the state, the majority, and the individual conflict as much as they coalesce. We can no more avoid the challenges of being a recordkeeper in this environment, than we could be morally indifferent to the uses which might be made of our professional skills in a totalitarian regime. Such challenges can be no less difficult to deal with and some of us seek to avoid the dilemma altogether.

If you doubt this explore (as I have) with your colleagues how many of us feel that we have any kind of professional duty to the values of our society separate from our duty to our employers (the government and the public). You may be surprised (as I have been) to find that there are some who believe that we have no greater responsibility than that of any other skilled employee.

Professional standards vs. professional ethics

Some here might wish to argue that there is a necessary connection between professional standards and an ideological predisposition towards liberal democracy. Indeed, some of the statements of professional ethics that I have seen say as much. While I have no objection to such statements, they must be recognised for what they are - statements of intent and commitment by archivists living in a particular society to the values of that society, not universal truths for application regardless of circumstance.

It is perfectly proper for recordkeepers to dedicate themselves to the values of the society which sustains them and within which they work. I am certainly not arguing that we should be (personally or professionally) morally indifferent to those values. What I am saying is that we still need to understand that these are contingent values, unrelated (in any logical way) to our professional skills. Most of us will never have to make other choices. We live in liberal democracies that, by and large, do not challenge a commitment to democratic values in the performance of our professional duties.

I say by and large. This is not to say that we live in societies where the liberal democratic ideal is upheld universally and continuously. Like the products of all human activity, our systems fail consistently in the particular. This raises a nice moral choice for the government archivist. Moreover, since the social warrant for professional obligations are founded on the bedrock of the society in which we live rather than the norms of the institutional structures in which we find employment, the issue is relevant also for non-government archivists.

In such circumstances, professional ethics (informed by democratic values) may call upon us to take a stand against the interests of our employer (the hirer of the taxi cab) because it is the employer who is violating the values which it is our task to uphold through the application of professional standards and practice. What does the recordkeeper do when confronted by an instance of corruption and wrong-doing within a basically democratic and upright system? What is the role of the recordkeeper as whistleblower?

Is our role to assist departments and agencies who want to have good business records by showing them how? It is certainly that. Is it also to ensure that good business records are kept of all activities under the Crown - whether departments and agencies want them or not? Finally, do we have any responsibilities to the public or to individual citizens that might bring us into conflict with the Government we are employed to serve?

Many archivists I know still dispute that the archivist has any responsibility other than to the immediate employer. They say, not without cause, that our archives programmes have neither the means nor the mandate to regulate the affairs of those within Government and that, at most, we can advise, educate, and counsel. They argue further that any attempt to regulate or to enforce recordkeeping standards, even if we have the formal power to do so under the legislation which establishes us, would be counter-productive. If we tried it, "they" would swat us like flies and we would lose what little opportunity we otherwise have to make a difference.

Regulation and compliance with archival laws are difficult issues, so I will use a less problematic example. I don't know about Canada, but in Australia, New Zealand, and Britain government archives are under an obligation to return records in custody (as needed) to Government agencies. In New Zealand, this is called "Government Loans".

In 1986, Nikolai Tolstoy published a book entitled *The Minister and the Massacres*¹ which gave an account of the forced repatriation by Britain in 1945 of Cossacks and White Russians back to the horrors of Stalin's Russia. This incident is now well known and widely written up. Those being sent back faced certain death (or worse) and their plight was greater because they had their families with them and expected no mercy for women and children either. Some committed suicide and killed their families rather than face it.

A minor British officer who was involved in this affair later became a minor figure of the British Establishment, Lord Aldington. In 1989, Aldington sued Tolstoy and obtained what was then the largest award for damages in British

legal history. Amongst the exhibits Aldington's lawyers used to support his case were copies of 35 out of a total of 142 documents held on Foreign Office file 1020/42. This file had been recalled from the Public Record Office in 1987 and in 1989 it was reported to have been "lost". It was therefore unavailable for use by Tolstoy's lawyers. In 1991, after judgement had been made and amidst growing disquiet about the case and the way it had been handled, including mounting concern over the circumstances of this "loss", the file was "found" and returned to the PRO.

An account of all this can be found in an excellent book about the case published in 1997 by Ian Mitchell called *The Cost of A Reputation*ⁱⁱ. In this instance, the archivists come out OK. Mitchell was able to write his book in part from the meticulous loan records kept by the PRO which indicate how they logged its movement and persistently followed up on its non-return.

Nevertheless, this example raises the issue of conflict between professional standards and professional ethics. Our professional standard requires, inter alia, that we ensure records continue to be accessible to their creators and successors. What happens if we suspect they intend to use their access rights (in violation of the intention which that standard was designed to serve, and possibly in breach of the law)? Is it our duty to support the record-maker to the extent of aiding (or, at least, not hindering) an attempt to falsify the record or do we have an ethical duty to do what we can to prevent it?

In a democracy that is working properly, the occasions for the kind of dilemma referred to above (where professional standards and professional ethics could be in conflict) would be few. In the real world, even in relatively robust democratic systems, they happen all the time – attempts by departments or agencies (or public employees and officials) to falsify or at least subvert the record. In a less sinister mode, the record is sometimes compromised by simple neglect, carelessness, or ignorance of how to be a recordkeeper.

The answer to the question (what can we do to prevent it?) clearly depends upon whether or not our democratic society has in fact tasked the Archives with a role to uphold democratic freedoms by maintaining (or, contributing to the maintenance of) the official record – even in opposition to the exercise of those rights of custody and control which the creating agency or department (or its successor in law) would otherwise be deemed competent to exercise.

The ultimate test of whether or not society has assigned such a role might well be the inclusion in our archives laws (heretically, some proponents of a more traditional archives theory might maintain) of provisions relating, not simply to the maintenance of records, but also to their creation in the first place. A statutory provision requiring departments and agencies to make and keep records has long been a feature of archives legislation in the State of Victoria and is increasingly being introduced as fundamental provision in other archives laws throughout Australia (and soon, we hope, in New Zealand). Beyond that, the Archives itself may be given a role in records creation through a power to set standards for what full and accurate means.

Professional standards vs. private conscience

In the example of the Tolstoy case, the potential conflict was between professional practice and professional ethics of archivists operating in a democratic environment. It is possible for a similar conflict to arise between professional standards and private conscience?

Last year, a firm in Sydney sacked a lot of its staff on Christmas Eve. The reason given was use of the corporate email system to send and receive “improper” material. They never said what was meant by “improper”. When criticised for their Scrooge like behaviour, they said they could have sacked many more because everyone was doing it, but they only went for the worst offenders.

The criticism that didn't get a run, where I would have thought they were most vulnerable to attack, was that they hadn't apparently ever defined what they meant by “improper” – indeed still (coily) refused to do so. Everyone had been told not to use corporate email for private purposes and signed an agreement to that effect. So, if they'd sacked everyone it would have been OK. It was because they selectively applied a measure of impropriety which they failed to explain and which could not be tested that they were, in my view, open to criticism.

Surprisingly, the issue which did get a run was privacy. The firm was accused of snooping – improperly – into their employees' private affairs. Some months later the NSW Government proposed to amend privacy laws to prevent employers from snooping and to give employees a new right of privacy to the email in their accounts on corporate systems.

Now, archivists are usually good-hearted, liberal democrats and good-hearted, liberal democrats are usually strong advocates of privacy. But in this case, the alleged privacy right cuts completely across the concept of corporate control over documentation systems which is at the heart of sound recordkeeping practice. It might be possible to maintain effective recordkeeping without controlling email, but it is difficult to see how. So, when I posted a comment on this in the aus-archivists listservⁱⁱⁱ saying this I expected more reaction than I actually got.

My position was that as recordkeepers (whatever our personal views on privacy might be) we had a professional concern to uphold the corporate right to snoop into corporate email systems.

What has become (or will become) of the proposed NSW law change I don't know. At around about the same time, the NZ Privacy Commissioner (a much more sensible fellow) gave an opinion about the same matter. He refused to condemn corporate snooping, provided the business rules which allowed them to do so and under which employees used the corporate systems were made plain at the outset. If employers wanted to snoop, they had to make it plain to employees beforehand that this is what would happen if they chose to use corporate systems for private purposes.

If we are to uphold the integrity of the record in support of democratic accountability, we must have a mandate from society to do so. Similarly, having that mandate imposes limitations: we cannot afford the luxury of letting our own views on personal liberty subvert our professional duty to maintain the integrity of recordkeeping systems. No matter what our personal views on email snooping, if we accept that corporate control is necessary to maintain and protect the integrity of the record (the matter is open to dispute, of course) then any promptings of private conscience must be resisted.

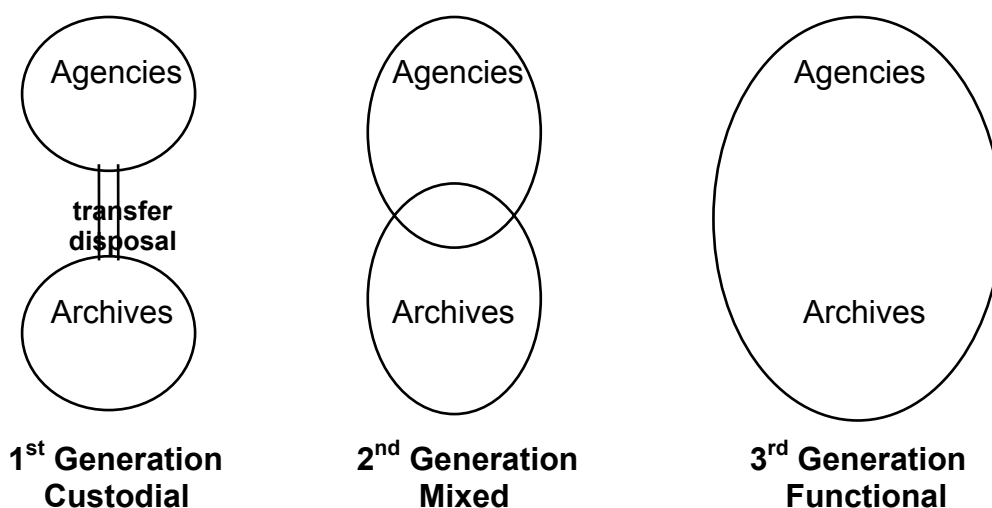
An Evolving Role?

What then, is the mandate for Archives in a democratic society? I don't feel that I can adequately survey the recent development of recordkeeping throughout the democratic world, so I won't try. Most of my examples will come from that part of the world I know best - down under.

I'm not sure that we can discern a linear evolution towards a clearly defined and acceptable role for archives in the antipodean democracy. Certainly, a role for recordkeepers - archivists in particular - is to be found in statements (statutory and otherwise) about what it is the job or government archivists to do. In my part of the world, we have lots of archival legislation. Two countries and one of them a federation with six States and two self-governing Territories. So, at any one time, we have at least eight Archives Acts with the potential for ten. All that for less than 25 million people.

Our archives laws can be categorised into first, second and third generation Acts - **Figure One**.

Figure One



Under 1st generation legislation, there is typically very little assignment of role and function. Instead, each of the actors (agencies and the Archives) has responsibility for what goes on within their assigned space. Other than giving them a mandate to manage, maintain, and preserve records, therefore,

legislation does not need to specify how or why they do it. The two regimes come into contact, typically, only to deal with **transfer** (the movement of records from one regime into another) and **disposal** (the process by which records which are to be transferred are identified).

In 2nd generation laws, each still occupies a largely differentiated space, but there is now significant overlap. These laws typically assign some responsibility for records management to the archives, they may regulate access rights, and may also state that the purposes of the archives programmes are wider than merely heritage preservation.

In 3rd generation legislation, archives and agencies occupy the same space. There is now a need to identify and mandate their respective roles (functions) explicitly and in some detail because their activities can no longer be distinguished by identifying a body of records for which they have sole responsibility. It is the different responsibilities they each have for the same records which distinguishes them, not the responsibilities they have for different records. A definition of functions is now fundamental because the distinctions, hitherto based on space and time, are now lacking.

Figure Two

Recordkeeping Requirements	The Crown	The Archives	Government Agencies	Board or Council	Others e.g. Ombudsman
Know					
Decide					
State/Promulgate					
Implement					
Monitor					
Resolve (appeals)					
Enforce					
Audit					
Counsel/Encourage					
Instruct					

In New Zealand, where we are currently working on new legislation, we are trying to fill in the respective roles and functions within a functional model using a simple matrix - **Figure Two**.

Those of you who are attending the ACA Institute next week I am giving with Sue McKemmish will be able to help us fill in some more of the gaps.

Disposal : Role of the Archives in Making Government Accountable

In an environment in which these roles and functions are not clearly articulated, trouble always ensues. This is what happened in the notorious “Heiner Affair” in Queensland. You can find an account of what happened and my analysis of it in Mike Steemson’s RIMOS website^{iv} for the Caldeson

Consultancy. Briefly :

1. Staff at a youth corrections facility made allegations against their boss (Peter Coyne).
2. Retired magistrate, Noel Heiner, began to investigate.
3. Coyne said he'd been defamed and denied natural justice.
4. He wanted to know what he'd been accused of.
5. His lawyers sought access to Heiner's records to institute proceedings.
6. The Queensland Cabinet decided to destroy the records rather than release them.
7. Cabinet records obtained years later reveal that they knew Coyne wanted them ...
8. ... and that they intended to obstruct him by destroying them.
9. In any other circumstances, this would be a criminal conspiracy to obstruct justice.
10. In this case, however, they had legal advice that they could lawfully do so.
11. **But**
12. The same legal advice said that the State Archivist had to give her consent.
13. The Archivist's consent was sought and obtained within 24 hours.

The union official representing Coyne, Kevin Lindeberg, was subsequently sacked for his doggedness in pursuing a matter everyone else wanted hushed up. He has continued to pursue it with equal doggedness for over a decade. In a subsequent Committee investigation before the Australian Senate, the following statement was made in defence of the Government's action by a lawyer employed by Queensland's official anti-corruption watch-dog (the Criminal Justice Commission) :

Mr Barnes: "... we have to look at the archivist, because Mr Lindeberg is concerned that her actions in authorising the destruction were inappropriate ... The Archivist's duty is to preserve public records which may be of historical public interest; her duty is not to preserve documents which other people may want to access for some personal or private reason. She has a duty to protect documents that will reflect the history of the State.

"... In my submission, the fact that people may have been wanting to see these documents - and there is no doubt the Government knew that Coyne wanted to see the documents - does not bear on the Archivist's decision about whether these are documents that the public should have a right to access forevermore ... That is the nature of the discretion she exercises. The question about whether people have a right to access these documents is properly to be determined between the department, the owner of the document, and the people who say they have got that right. That is nothing to do with the Archivist, so I suggest to you that the fact that was not conveyed to the Archivist is neither here nor there. That has no bearing on the exercise of her discretion."

As I have stated elsewhere, I think this narrow view of the Queensland Act was wrong in law. That Act was one of those which obliged government agencies to keep full and accurate records and the Archives to be involved in records management. There was nothing in the statute to suggest that the legislature intended these provisions to be applied for the narrow purpose of creating a better historical record.

Suppose that mine is a better view than that of Mr Barnes. How does the Archives then discharge its obligations to uphold the citizen's right to pursue legal redress or other rights founded on the existence of an official record.

Not, I suggest, by substituting the Archivist for the authorities already constituted to deal with resolution of conflict or by constructing systems which

require the Archivist to inquire into the circumstances surrounding each and every record that comes up for appraisal. The Heiner appraisal was totally ad-hoc. Permission was sought and obtained in 24 hours, absent any reference to policies, procedures, precedents, standards, or routine retention periods which would have enabled the manner in which these records were dealt with to be measured against the process and the outcome in other instances raising similar issues. Even if she had known of Coyne's wish to see the records, the Archivist was in no position to evaluate the needs of his particular case. The only protection we can afford people like Coyne is to establish routines and procedures which establish a reasonable likelihood that records will stay around long enough to meet needs for that kind of record which we judge to be reasonably likely.

Listen now to one of those seldom heard voices that Terry Cook spoke to us about yesterday. Mr Jesser was another witness before the same Senate Committee and he too was involved in a "missing" documents case (unrelated to the Heiner Case) :

Senator Abetz : "... As a matter of principle you talk about the disappearing of documents ... From your experience, do you believe that the current law is sufficient or do you think it ought to be extended to make it an offence to destroy documents which a person must reasonably believe capable of being used in proceedings sometime in the future?"

Mr Jesser : "I am not sure whether it is as specific as that. An organisation must keep archival records for some period - so that it can conduct an investigation or just as normal correspondence, it must surely keep back-up discs for 12 months or two years or something like that. It seems to me to be slightly unreasonable to say, 'We don't keep any back-ups' or 'We don't know what happened last week ... It has all just disappeared.' I think that there needs to be some regulation on the period of time that certain records must be kept ..."^{vi}

Hear! Hear! We could probably put it more expertly, but I doubt that anyone in this room could put it more eloquently than Mr Jesser.

What the citizen needs the archivist to do is lay down rules and procedures establishing the ordinary, common sense periods which have to elapse before records of (in this case) lapsed investigations can be disposed of, taking into account the aggregated experience of cases like this when determining what that period should be.

Re-Appraisal : Making the Archivist Accountable

The Heiner Case helps us focus on the role of the archives authority in holding government and those working within government to account. The other question to be considered is : how is the Archives itself to be held to account?

Another recent debate on the aus-archivists list^{vii} was about the programme of re-appraisal being undertaken by the National Archives of Australia. This debate typifies some of the confusions surrounding the role and functions of

the archivist. One question that came out of that debate was : in what ways are archivists accountable to end-users for appraisal outcomes? There is no reason (obviously) why historians and other potential users of records should not be consulted and we are certainly accountable to end-users (amongst others) for our decisions. That is not the same thing, however, as saying that historians (rather than archivists) should appraise records.

The reason is that appraisal is not about discernment it is about method. Appearances to the contrary, we do not actually decide which records are worthy of retention and which are without value. This statement is not based on some post-modernist probing of the meaning of value. Rather, it is founded on the proposition that appraisal (in government, at least) rests on assessment of the value, not intrinsic value : "Is the value of the records I propose to keep greater or less than the value of those I would have to destroy to make way for them?"

Archivists can only be accountable for those actions where they can determine the outcome. We can't be wholly accountable for disposal outcomes because they are not wholly within our discretion. The total quantity of archival records kept is a consequence, inter alia, of the resourcing decisions of others and it is they (not we) who are accountable for the consequences. To paraphrase Mr Micawber :

"Annual allocation of shelving, 10,000 metres; annual intake, 9,900 metres; result, happiness. Annual allocation of shelving, 10,000 metres; annual intake, 10,100 metres; result, misery!"

Our accountability is to preserve as much as possible within available resources.

Similarly, it is expecting too much from archivists to be wholly responsible for the underlying assumptions of appraisal. Should we go for records of policy formulation or of operational instances which document what really happened? Should we have a reserve power to retain some records regardless of cost by reference to identifiable public interest criteria - documenting native title claims, for instance? In that latter case, should we be expected alone to shoulder responsibility for such decisions and their financial consequences?

I have long argued that government archivists should have (and are entitled to demand from our political sponsors) a policy framework on disposal - just like the policy framework other government programmes have - one in which these general; strategic judgements on the disposal outcome (not the outcomes in particular instances) can be made after due consideration and public comment. These underlying assumptions, which shape the appraisal outcome must not be one of Terry Cook's secrets and, I would argue further, they cannot be burden to shoulder alone. They must instead be a pilot light for us and a constrain placed by the legitimate exercise of democratic control over our freedom of action. As such, these policies must be knowable, they must be stated, and (as far as possible) they must be predictive.

At another level entirely is the problem of how to be accountable for what is called down-under as “sentencing”. Macro- and functional appraisal, indeed any scheduling technique, involve delegating to someone else the task of implementing the appraisal decision. It is a grave error to conclude that because archivists do appraisal, therefore appraisal must be that which archivists do. The lowly filing clerk (or, these days, the software resolving the application of an appraisal rule base to recordkeeping metadata) is as much a part of appraisal as the formulation of the rule base itself.

I am not against macro appraisal and I am certainly in favour of functional appraisal (I just don't see it being done). In the electronic world, examination of records long after creation is not a viable technique. In abandoning detailed records examination, however, we have also lost an opportunity to make sure that there was certainty in matching a decision to an outcome and leaving behind a record of what was done. For these things we are also responsible. New appraisal techniques must be accompanied by better systems for documenting their implementation. It is not enough for us to formulate an appraisal decision and let someone else decide whether or not, in a particular instance, that decision applies. About each particular record, not just about collectivities or generalised descriptions of functional areas, it must be possible, after the event, for someone to say :

1. whether or not the record existed
2. if so, what happened to it
3. was it destroyed?
4. if so, when?
5. who destroyed it?
6. by what authority?

Having made an appraisal decision, we must also put in place the rules, systems, and procedures to document those outcomes. These are the records of recordkeeping. Recordkeeping is our core business. We need to have records of it.

Evidence as Memory

So far, I have focused on the role of the recordkeeper in maintaining evidence of government activity in support of democratic outcomes and principles. I do not exclude non-government recordkeeping (or, even, personal recordkeeping) from a parallel analysis, but it would have had to proceed along somewhat different lines because the informing context is different.

There is one final aspect of the question I feel I must address, however. Some months ago a very silly debate occurred on the Australian archivists' listserv which dealt, inter alia, with the distinction (which some seemed to be contending was a conflict) between what is loosely termed records as evidence and records as memory.

These are not terms I use (if I can help it). Indeed, I proposed during that email debate that we use alternative terminology. I suggested : evidence freaks and heritage junkies, in the hope that it would stop this use of that terminology altogether. Some people who do use (or approve of) those terms would have us believe that there is some kind of conflict between evidence and memory. They are used as terms of opposition – to characterise alternative ways of viewing the professional mission. They hold that a choice has to be made (or has in fact been made) by those who articulate one aspect or another of the recordkeeper's role. This position I reject.

I do not have to choose between a strict regard for records as evidence and a warmer regard for records as memory. I certainly don't have to accept the strictures of those who may claim that a proper regard for the evidentiary aspects of recordkeeping somehow avoids, misunderstands, denies or even misconstrues the part records play as agents of memory.

If anyone is foolish enough to say that records have no place in the construction and maintenance of memory then I am not he. And, I want to be the first and the loudest in opposing that view. Nevertheless, I would want equally to reject the view that memory is somehow the defining feature of our role in society (democratic or otherwise) – unless memory is so defined that it incorporates evidence – just the kind of annihilation of that distinction of which I would approve in any case.

I would distinguish (within the realm of memory) between evidential memory on the one hand and myth, legend, or poetry on the other. These are not synonyms for evidence and memory, they articulate different kinds of memory to be distinguished from mere evidence.

When I was completing my History Degree at Sydney University, the honours kids were compelled in their fourth year to break out of our various specialities to do exercises with people we'd only ever passed in the corridor up to that point. One such exercise mixed us up in weekly seminars deliberately designed to bring the ancients and medievalists into contact with the moderns.

I can still remember my astonishment (and that of other modernists) when we were brought to realise the implications of some of the things the ancients were explaining to us about the meaning for them of "sources". Instead of reading Thucydides uncritically, we realised that the speeches and authentications were, in fact, all made up. Later, once we cottoned on to the idea, the more daring amongst us thought we could play that game too. Why shouldn't Shakespeare's history plays be a more accurate depiction of 15th century England than the original texts and sources we had been taught to think of as "evidence"? They did, after all, show how the people involved thought and felt – something that a wardrobe account does, if at all, obscurely.

It is perfectly legitimate to acknowledge the contribution of poetry to memory. It is also important (and I take this to be the point of what they were trying to teach us all those years ago) to distinguish between different types of sources for memory. This is not to say that an evidential record is incapable of

contributing to memory as myth, poetry or legend – only that evidential truth is different to poetical truth. Evidence is a kind of memory – just as sex is a kind of exercise.

A mediaeval household account does not make the same contribution to memory as a Shakespearean play. An evidential record (no, I'm not saying that a Shakespearean play can't be a record) contributes to memory in a way that is particular to itself. The interweaving of historical evidence and myth is most apparent in those societies today in which current issues are bound up aggressively with interpretations of the past – e.g. the conflict between Moslems and Jews in Palestine.

Those of you who have read Robert Kee's excellent account of Irish history (entitled *The Green Flag*) will be familiar with the account he gives of the power and place of historical myth in current disputes between Nationalists and Unionists.

The following passage occurs early in volume 1 :

“ In a letter to a friend in February 1918, Eamon de Valera wrote that for seven centuries England had held Ireland ‘as Germany holds Belgium to-day, by the right of the sword.’ This is the classical language of Irish separatism and can be very misleading.

“ An Irish nationalism of this sort, which saw England and Ireland as two separate and hostile countries, had itself then only been in existence for a little over a hundred years. From its origin at the end of the eighteenth century until the very year in which Mr de Valera was writing, it had been not so much a normal patriotic faith as an intellectual theory held by idealists who were trying, with little success, to make their theory materialize in practice. Inevitably they used many synthetic and unreal concepts as if they were facts. Chief of these was the notion that England ‘held’ Ireland by force. Its corollary was that the undoubted ills from which Ireland suffered over the centuries were those inflicted by a strong oppressor over a weak and subject alien people. Both these notions are a large enough distortion of events to amount to a historical untruth.”^{viii}

I quote this passage with approval, notwithstanding that I am by blood and conviction a Nationalist when it comes to Irish affairs. The author gives similar accounts of the misuse of history on the Unionist side.

Robert Kee identifies two problems. First, he had to deal with criticism from those who said that unearthing Irish history added to the Troubles – just because history is so much bound up in the positions taken by the protagonists in the current conflict. Silence, it was said, is the only safe course. By even discussing Irish history you lacerate wounds and inflame contemporary opinion – especially (ironic this) if you set about trying to correct the false and misleading mythical interpretations by drawing attention to the true historical facts.

That view Robert Kee rejects, in my view rightly. It is the suppression of the facts of Irish history (not their exposure) which does the harm. The correction of mythic distortion is here not simply puncturing peoples' dreams, it is a

necessary part of the peace process. Throughout his book, Kee examines the second problem : how the facts of Irish history (seen through the distorting lens of contemporary, or near contemporary, myth-making) have been used inappropriately to bolster modern political arguments.

The ultimate role of the archivist in a democratic society is to sustain the evidence which helps that society to know itself. This is not to claim that society can only know itself by having regard to historical evidence – myth too is important. The historical records we help maintain contribute to (they do not constitute) that societal memory. They do so in ways that go far beyond the evidentiary purposes of those who created them in the first place. But they remain, nevertheless, distinguishable as evidential records from other sources of memory.

So, it is not for us to deny that there are other sources of memory besides evidential records nor that it is possible for evidential records to contribute to memory in other ways. It is, however, to assert that our special role is to preserve the evidential nature of records so that they can make that contribution to memory which only evidential records can make.

That is a noble and an honourable endeavour and, I think, an enduring (rather than an evolving) role for Government Archives in a democratic society.

Foot-Note : In question time following the delivery of this address, the Dominion Archivist, Ian Wilson, asked what institutional form I thought appropriate for the role I had outlined for government archives. This is my recollection of my reply to that question :

Traditional governmental forms in a Westminster-style democracy do not easily accommodate it. In Australia and New Zealand, archivists have been given statutory powers while remaining public servants under strict duties of obedience to their departmental and political superiors. Even elevation to departmental status, which has recently occurred in New Zealand, does not necessarily remove the difficulty; it might even compound it.

There is much to be said for the New South Wales model in which a civil service agency is formally placed under the management of an independent Archives Authority composed of ministerial appointees but enjoying significant prestige resulting from the status of its part-time members in other fields. Its membership includes a Judge of the New South Wales Supreme Court. My colleague, John Cross, once remarked that having a Judge on the Authority was like having a 15-inch naval gun; you didn't have to fire it, just make a lot of noise closing the breach. Having a Supreme Court judge resigning as a result of government action would be politically unthinkable. He wouldn't even have to resign; he would only have to be "troubled".

Alternatively, consideration could be given to what in New Zealand is now called a Crown Entity - a body having a clearly defined mandate to carry out a specific task with a degree of independence from Government control over day-to-day operations. Similar independence can come from QANGOs

(Quasi-Autonomous-Government-Organisations), but these are no longer popular in New Zealand. An agency responsible to Parliament (such as the Auditor or the Ombudsmen in New Zealand) might also be looked at. However, the very independence of such bodies hampers them in other aspects of their role, involving co-operation and trust between Archives and agencies. Moreover, Crown Entities and QANGOs are constitutionally removed from the policy-making process.

Therefore, with some reluctance, I have come to think that a separation of the traditional archives authority into two entities - one regulatory (steering) and one delivering (rowing) may be appropriate. Something very like this has recently been enacted into law in Western Australia.

END-NOTES

ⁱ Nikolai Tolstoy, *The Minister and the Massacres Century*, 1986.

ⁱⁱ Ian Mitchell, *The Cost of a Reputation - Aldington versus Tolstoy : the causes, course and consequences of the notorious libel case* Edinburgh, Canongate Books, 1998.

ⁱⁱⁱ <http://www.asap.unimelb.edu.au/asa/aus-archivists/>

^{iv} <http://www.caldeson.com/RIMOS/>

^v Commonwealth of Australia, Senate Select Committee on Unresolved Whistleblower Cases *Official Hansard Report* Brisbane, Thursday, 23 February 1995, p.108.

^{vi} Commonwealth of Australia, Senate Select Committee on Unresolved Whistleblower Cases *Official Hansard Report* Brisbane, Thursday, 16 March 1995, pp.407-408.

^{vii} <http://www.asap.unimelb.edu.au/asa/aus-archivists/>

^{viii} Robert Kee, *The Green Flag*