

## **‘Public Superiority to Private?’**

**Lecture held on 3 august 2011 during the Summer School ARCHIDIS IP ‘Appraisal and Social Memory’ in Marburg (D)**



Actually we discussed the dichotomy between public at the one hand, private at the other- for several times: during the discussion after the lecture of Agnes Jonker about Appraisal Theory<sup>1</sup>, in the seminar Irmgard Becker gave yesterday on Appraisal Theory in the German Speaking Region<sup>2</sup> and finally in our group on Appraisal to Private Archives.<sup>3</sup> I want to discuss again: what is public and what is private? What is the difference between public and private archives? When we think about public records we associate the governmental archives, the files ‘we have the right to know’ as citizens, because they are records of our democracies. At the national level there are huge archives of ministries, sediments of policy makers who have to rule and control our society because we gave them the right to do so. When the term ‘public archives’ is used in opposite to private archives we often associate with ‘private’ the voices of minorities, the records of people we don’t meet at the public arena. But private archives means also, besides personal archives, huge corporate or company archives, multinational business archives, which have a great impact on our society too, as we learned from Ineke Deserno writing about *The Value on International Business Archives*.<sup>4</sup> And, as if we heard from Gudmund Valderhaug, there are a lot of very interesting personal legacies, papers, diaries, records, document collections, spread over several institutions where we can hear the individual voices about lives, peoples experiences of the past, their reflections on their own realities. We have to learn to face their apparent *Silences in the Archives*.<sup>5</sup>

When we talked about public and private we have to define what it is, before we can decide if the distinction between public and private archives can be a useful concept for us in our appraisal discussions, as students, archivists, record managers, researchers, educators, creators

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<sup>1</sup> An Overview on Appraisal Theory, lecture held on 2 August at Marburg

<sup>2</sup> History of Appraisal Theory in the german Speaking Region, seminar held on 2 August at Marburg

<sup>3</sup> See also the presentation of the working group Appraisal and Private Archives held on 12 August

<sup>4</sup> ‘The value of international business archives: the importance of the archives of multinational companies in shaping cultural identity’, in *Archival Science* Vol. 9, nr 3 (2009): 215-225

<sup>5</sup> The title of the lecture held by Gudmund Valderhaug on 2 August at Marburg

and users of data, metadata and all sorts of cultural information. I want to ask: which archival reality and developments are mirrored by this dichotomy? What influences have politics, economy and policy making on appraisal of private and public records? What are the real issues for us in the arena of our daily work and what are the challenges in our respectively contexts at this moment?

The worldwide crisis reached the cultural sector in European countries and the ministers who are responsible for the sector of culture, heritage, archives, research and education started already with enormously financial cuts in subsidy of our heritage and educational institutions. The first record offices on private archives in the Netherlands are threatened by closing down yet: The Institute of Music Collection and Composer Archives<sup>6</sup> and the Institute of the history of Theatre and Podium Arts in the Netherlands<sup>7</sup> are not longer 'appraised' by the government. Appraisal is even seldom a course theme in our shortened education curricula of archival studies and students in the future have to decide to follow this study at all because of the extremely increasing costs even for part time students. Which influence do we have in this time of financial crisis while discussing new appraisal directions here, especially concerning the private sector? I want to mention some information on the Dutch situation on the legal situation, policies around private archives at this very moment and the landscape of private archives and the 'mapping' problems around knowledge, accessibility and digitization, so that we are able to compare it with situations in other participating countries here.

### **One Dutch Archival Collection**

In 2010 the Council of Culture of the Netherlands, a council independent to the government, advised the Parliamentary secretary to strengthen the influence to all private archives and their institutions. In their advice they included especially business archives. The members of the Council also advised to develop a macro-appraisal instrument which fits to the whole archival landscape of the Netherlands. They asked also to continue central registering on private archives at all levels, including collections of private owners.<sup>8</sup> Several weeks ago the minister accepted this advice, except the financing of continuing the register of private archives. Owners of private archives have to carry their own responsibility on this, he argued.<sup>9</sup>

### **Private archives in public record offices**

In the Netherlands public record offices feel accountable for private archives next to their duty to guarantee transparency and access to public records. In the Public Records Act 1995 (PRA) we regulate all about public archives and the one who think that there is no concern on private archives is wrong: the PRA refers also to private archives at the moment they have been acquired by public record offices. In the first paragraph of the act, sub c, 3rd section, we can read about the definition of documents which means that private documents can be included in the Public Records Act. I cite:

"All forms of documents, acquired permanently by a public records office after agreement by contract between a private person or a private corporation..."<sup>10</sup>

So in The Netherlands public record offices at all levels, national, regional and local have the duty to give access not only to all public, but also to all private archives kept in their offices.

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<sup>6</sup> <http://www.nederlandsmuziekinstituut.nl/>

<sup>7</sup> <http://www.theaterinstituut.nl/>

<sup>8</sup> Besteladvies Archieven van de Raad voor Cultuur, 26 April 2010, published on 09/06/2010, [http://2008.cultuur.nl/adviezen\\_vervolg.php?id=4&advies=6679](http://2008.cultuur.nl/adviezen_vervolg.php?id=4&advies=6679)

<sup>9</sup> Archiefvisie van het Ministerie van Onderwijs, Cultuur en Wetenschap, 30 June 2011 <http://www.nationaalarchief.nl/archiefvisie/archiefvisie-30-juni-2011>

<sup>10</sup> Archiefwet 1995 [http://wetten.overheid.nl/BWBR0007376/geldigheidsdatum\\_07-09-2011](http://wetten.overheid.nl/BWBR0007376/geldigheidsdatum_07-09-2011)

Based on a qualitative research in 2006 you can say that 20% of all archives in public record offices of our country consists of private archives. Archivists of Public Records Offices have to guarantee durable accessibility to these private files given by well structured finding aids or metadata. But of course: this is the legal text and not the reality. There is no legal based duty to accept private archives anyway. As soon as private records are accepted, the public office has to care for them under the same conditions they do so for public records. To keep private archives costs a lot of money, to make them available over time even more. So when –for instance a municipal records office- wants to acquire a local important company archive, the office would try to let pay the creator for the process of cleaning, arranging and giving access. When there is no money it's a fact that such private archives often will vanish.

Back to the title: public superiority to the private? The law describes a clear distinction between the duty to keep public records and the possibility to acquire private ones. Because of the different legal situation the government is not allowed to govern private property. Giving advice to the owners of private archives –when asked- is always possible.

### **Constant transition of private and public archives**

Looking at the archives of a public records office we could think that distinguishing between private and public records is only a theoretical exercise: As Agnes Jonker describes in *No Privileged Past- Acquisition Revisited*<sup>11</sup> there are so many organisations which where ever private, than became public, meanwhile some of them are private again. As example I want to mention here an archive with a very hybrid private/public character: the archive of the Bank of the Netherlands. This private organisation with very public tasks chose to be ruled by the Public Records Act and carried during the last years their historical records to the National Archives. In this archival fond there are series of personal archives of all the presidents of the bank, their private correspondence, diaries and family photographs.

Here we can point out legacies of individuals as appendix of a corporation archives created and maintained because of the public functions their creators fulfilled during business working processes legally in a private sphere but societal with rather strong governmental connections. And this fond is not exceptional: there are so many other personal records for instance in municipal archives created as a part of huge family archives, aristocratic families for instance, whose members had multiple functions in politics, public, cultural and business life. Often they are documenting powerful network relationships over time in one city, region or industrial sector.

Back to the title again: is the public superior to the private? We observe that only the records of powerful groups and individuals have found their way into our public record offices. That's right. But these groups and individuals created both: public **and** private archives. It is not public superiority to private but the governmental and economical corporations **and** powerful individuals at the one side and the non existing records, the silence in the archives of the people without records, legal or illegal inhabitants or working people abroad at the other side. But is this really the reality of all of our archives? Is not the the narrative of 'power and suppression' always part of archival information anyway? We have to look at one example:

### **Private lives in public records**

As we stick to state or governmental archives, for instance the Central Archive of Special Justice<sup>12</sup>, created by the minister of justice in the period between 1945 and 1951, it is difficult to distinguish between personal and public records. At a rough estimate there are 500.000

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<sup>11</sup> In *Journal of the Society of Archivists*, 30:1 (Apr 2009): 87-80

<sup>12</sup> <http://www.nationaalarchief.nl/actueel/blog/pas-weten-begint-het-verwerken-zoeken-slachtoffers-het-cabr>

personal files, 8 kilometres long, about Dutch citizens who ‘behaved wrong against their own nation’ during the German occupation in the period of WWI. This public archive keeps so many personal details not only about the offenders but also about their victims (mostly Jews, sometimes people working in resistance) that you can only underestimate the individual and emotional meaning and psychological impact of these records to a community. Information from this archive could be completed with information from private archives of the Red Cross the Archives of War documentation and several diary collections, but the files of this special justice archive still remain public files. They are part of the public record offices, the individual life stories are mostly hidden. As if we discussed yesterday: when we organize once again special access by an index on Jewish names mentioned in the files of their betrayers we appraise this source again and give so a voice to the than unheard ones and perhaps make possible mourning of those who overcome, after all these years.<sup>13</sup>

And back to the title again: public superiority to private? You all noticed that I used now suddenly another meaning of the term private: no longer ‘private’ as part of the Civil Law stressing property rights, but ‘private’ means here documents of individual lives, as sediments of personal action in public and political contexts.

### **The personal record in all archives!**

Paying attention to the personal contribution to record keeping from an archival point of view is relatively new. Records and archives were created always by individuals, sometimes as members of a corporation, in a business- or family context. Archives created by individuals in the past often were captured by manuscript departments of libraries, as we can see for instance in the Canadian tradition. Hobbs<sup>14</sup>, Pollard<sup>15</sup> and Fisher<sup>16</sup> pointed out why these personal collections were excluded by our archival forefathers. It is because -Eric Ketelaar described it-: the documents of personal archives often were treated as collection items, arranged without respect des fonds, as texts without the *contextual envelope* we archivists call provenance.<sup>17</sup> The creators of these personal archives often were writers, politicians, artists or anyway rich men or women, even rich enough to have a lot of time writing down their experiences and reflections during their life and work. Hobbs described in her ‘Reenvisioning the personal’<sup>18</sup> the sociology of the personal files and reflected the discussion between ‘evidence of me becomes evidence of us’ held by McKemmish, Upward and Harris.<sup>19</sup> One of the outcomes of this discussion touches the dichotomy private/public again: at the moment personal archives were created, mediated memories of individuals were given free for the public to read, to interpret and to reuse. The reflections of individuals which are not mediated in some texts or traces we will never get to know and on behalf the one who experienced something no one will ever get to know something about it. In terms of social memory these non mediated experiences even did, do en will never exist. When people creates some form of

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<sup>13</sup> Bijzonder gewoon. Het Centraal Archief Bijzondere Rechtspleging (1944-2010) en de ‘lichte gevallen’, S. Faber & G. Donker, 3rd print 2010. Special the chapter ‘Archiefonderzoek als therapie’ (archival research as therapy): 89-95

<sup>14</sup> Catherine Hobbs, ‘The Karakter of Personal Archives: Reflections on the Value of Records of Individuals’, in: *Archivaria* 52 (Fall 2001):126-135

<sup>15</sup> R. Pollard, ‘The Appraisal of Personal papers: A Critical Literature Review’, in: *Archivaria* 52(Fall 2001):136-150

<sup>16</sup> R. Fisher, ‘In Search of a Theory of Private Archives: the Foundational Writings of Jenkinson and Schellenberg Revisited’ *Archivaria* 67 (Spring 2009):1-24

<sup>17</sup> Ketelaar used the envelope as symbol for provenance during his opening lecture on 1 august at Marburg

<sup>18</sup> Subtitle: ‘...Reframing Traces of Individual Life’, in T. Eastwood and H. MacNeil (eds) *Currents of Archival Thinking*, 2010:213-241

<sup>19</sup> All articles available at <http://mybestdocs.com/mckemmish-s-evidofme-ch10.htm>

traces they choose the forms they learned from their own cultural context to mediate their memories. It could be by wearing clothes, eating rituals, non tangible or even very tangible messages, comments on being in this world: and this cultural context is at the same time always the public forum: we post a message on facebook, organize a demonstration by sms, share photographs with other family members, read diary notes of our partner. I liked the conviction Verne Harris made about his own preference to resist proper record keeping in systems also made for many sorts of control. You don't know what I mean? Take a look at the arrangement of your own digital photographs. And then you have to be aware that even the most boring state archives are filled up with records made by people working every day perhaps with the same feeling as Harris: stand up right now and search the personal narrative in the processes of public record keeping!

These examples shows again that we cannot distinguish so easily private from public archives even when we look at the record offices, the records themselves, the context of their creation and the societal role of the creator, not even when we are looking at the content en form of all sorts of archival information generated over time and space.

But there still remain some special spaces for private archives. These spaces you can find in private archive institutions. What there happens is out of the Public Records Act; private legacies, collections and archives where transferred by contracts made up by the archivist/curator and the former owner. What sort of archives we have in our Dutch context?

### **Areas of interest of Dutch Private Archives Institutions**

There are a lot of private institutions, mostly partly financed by the Dutch Government, holding archives, collections and private papers. There are archival institutions, libraries, museums, university collections, research data collections and private collections. In short they focus on following subjects:

- Information about the Dutch colonial past: shipping trade, ethnography and archives from travellers and colonialists from the tropic parts of the world
- University archives, archives of the Academy of Science, archives of beta science, also medicine, research data archiving
- Genealogy, national ethnography
- Archives of composers, theatre producers and acting persons, art trade and art history, national architecture and architects, landscape maps
- Church archives, freemasons, humanistic belief
- Archives on book production, libraries, letters & manuscripts, writers legacies, diary collections, editors
- War documentation (WWII and more recent war participation), military history
- Archives about estates and castles, archives of the Kings Estate, High Council of Nobility,
- Women archives, archives about homosexuality, social history, economic history, politic party's archives<sup>20</sup>

Mostly the acquisition policy of the institutions you can find behind this list of subjects is to capture only archives with a national impact; archives and collections of local impact has to be acquired by local public archives.

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<sup>20</sup> Almanak van het Nederlands Archiefwezen, uitgave van de Koninklijke vereniging van Archivarissen in Nederland, 2011/2012

Another perspective into the variety of the archival information landscape –beside the organisation of physical management of the different archives and collections- is the organisation of access to these archives and collections. Since years the Dutch archival sector wants to realize a central online access to all national heritage information: to all objects of archaeology, history, museum and art objects, buildings, books, archival and documental information united in one Digital Dutch Collection. But the reality seems to be very unruly. Even cooperation between archival institutions failed until now because of their different software use.

### Dutch Central Register of Private Archives 1964-1997



The Private Archives Register for instance, built up in the analogue area, collapsed because of the argument that all information will be soon available on internet. But policy makers of the National Archive decided to spend money to other digitizing projects and meanwhile this register is hopelessly dated. The content of these analogue metadata registries however are nearly lost.<sup>21</sup> What is the content now we nearly lost?

According to the registration standard of the British National Register of Archives, working since 1945<sup>22</sup> there are registers on:

<sup>21</sup> N. Ruitenbergh, *Historia Docet*, in *Archievenblad* oktober 2009  
[http://www.kvan.nl/files/Archievenblad/2009\\_10\\_crpa.pdf](http://www.kvan.nl/files/Archievenblad/2009_10_crpa.pdf)

<sup>22</sup>GB continued with success their registry digital on  
<http://www.nationalarchives.gov.uk/nra/help/nra/nrafaq.htm#6>

Personal archives  
Family archives  
Family business archives  
Houses of Estate  
Church/Religious archives  
Private foundation archives with a social/societal goal

This analogue register got no recent update since 1994. It is only physical available in the reading room of the National Archive in The Hague. The advice of the Council of Culture from 2010 to revitalize this huge register in a digitized form is refused by the minister of education, culture and science. There is no money available to document access to the private sector archives.<sup>23</sup>

Since 2005 there is a small private organisation of archivists who fought for the revitalisation of the register: the Private Archives Forum (PPA).<sup>24</sup> Members of this forum work at public or private archival institutions. They are also part of the Dutch Heritage Institute, one of the organisations of the cultural sections which is abolished by the parliamentary under-secretary of the minister of education, culture and science in the same document in which the continuation of the Central register of private archives is refused. Other registers on special private archives themes: **Data Bank on Dutch Archives on Sports**: available on a forum of a private archivist, not available at the moment, **Central Register of Design Archives**<sup>25</sup>. The result of this short overview is not such a nice one: work of archival professionals at the highest level is thrown away, metadata and finding aids on private archives inside and outside the public record offices are lost for the future.

### **Register of Dutch Business Archives**

According to the Standard Classification of National Business Organisations developed by the Central Centre of Statistics (CBS) this register built up by the Dutch Economic Historical Archive (NEHA), section of the International Institution of Social History (IISH) 1990-2005.<sup>26</sup>

There are book publications about the 14 different sections, only the first one, on bank organisations is digital available with a complete historical and actual overview on creator-level. Updates are on financial reasons no longer possible.

1. Banking organizations
2. Metal Industry and Ship Building Industry
3. Machine-, Electronic and Automobile Industry
4. Organisations of Public Interest and Communication
5. Food and Stimulant Industry
6. Textile-, Clothing-, Leather-, Shoe and other leather using Industry
7. Shipping (national and over-sea) and Air Transport

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<sup>23</sup> Archiefvisie 2011, p 7

<sup>24</sup> <http://www.familiearchieven.nl/PPA.html>

<sup>25</sup> <http://website.rkd.nl/Databases/CRVa%20Vormgevingsarchieven/verspreiding-vormgevingsarchieven-nederland-1>

<sup>26</sup> <http://www.neha.nl/barn/>

8. Wood-, Furniture-, Building Materials-, Ceramic- and Glass Industry
9. Building and Installation Industry
10. Paper-, Graphic/Design Industry and Publishers
11. Railway and Transport Industry
12. Mineral and Chemical Industrie
13. Wholesale- and Intermediate Trade
- 14. Retail Trade**

### **New tools for appraisal on private archives**

Since 2009, two years after the publication of a new Dutch appraisal policy<sup>27</sup>, everything is going to be changed now. Ongoing loss of governmental information is a fact.<sup>28</sup> A macro appraisal approach is based on Cook's experience with 'thinking in terms of documenting the process of governance, rather than of governments governing and corporations operating',<sup>29</sup> an instrument has to be developed which is not longer fixed on government information only. On national level there were started experiential projects on appraisal of hot spots, societal developments and institutional functions to get to know what sort of public and private archives want to be known and available by following generations. The National Archive is leading this development and wants to work out a matrix for appraisal also for other public and private record offices. New is the focus on private archives with the stress on coming to a 'representative and well balanced national collection'.<sup>30</sup> The new direction of the National Archives focuses on more influence on the private archives sector building a national collection (together with the private record offices) or, when they have to close down, even take over parts of private collections. At the same time this new macro-appraisal approach could be a justification of the situation where PIVOT clearly has failed: an uncontrolled hugeness of analogue and digital government information now could be legal reduced by focus on highlights of common interest.

So, what is the conclusion? Public superiority to private? When thinking on appraisal we have to look at the records we already have at all levels of society and we have to continue to appraise them again and again by innovating the forth circle of the records continuum: looking after the best practices for dissemination and pluralisation of our rich past, hidden in our archives, public and private. When we look at the players on the political field we can praise the lord that private collections after closing down heritage institutions will get a new public home instead of clearance sold by private parties. I don't want to end with a depressive voice: so we have also had hardly to discuss the ideas of Eric Ketelaar, Elizabeth Yakel, and Richard Cox<sup>31</sup> about decentralized –born digital- archival curatorship, the citizen archivist who had to teach citizens how to preserve their own and later on our social memory durable over time and space. In digital all private is now public. And all public information is accessible to private area. Isn't it?

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<sup>27</sup> C. Jeurgens a.o., Gewaardeerd verleden

[http://www.nationaalarchief.nl/sites/default/files/docs/gewaardeerd\\_verleden\\_1\\_0.pdf](http://www.nationaalarchief.nl/sites/default/files/docs/gewaardeerd_verleden_1_0.pdf)

<sup>28</sup> Sectoradvies Raad voor Cultuur 2010, p.14

<sup>29</sup> M. Cook, Beyond the Screen, 2000 <http://www.mybestdocs.com/cook-t-beyondthescreen-000818.htm>

<sup>30</sup> Idem, p. 5

<sup>31</sup> R. Cox, Personal archives and the new archival calling. Readings, Reflexions and Ruminations. 2008