

Archives as a Place*

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This article discusses the concept of archives as a physical place of custody, its meaning and implications, and the possible consequences of its abandonment, particularly with regard to the authenticity of records over-time. While the second part of the article makes specific reference to issues related to electronic records, the arguments presented are applicable to every kind of record, regardless of form.

In 1993, Frank Upward wrote:

In Australia we need visions in which archival expertise in contextuality and transactionality permeates all aspects of information storage. The archival document will be institutionalised within the fabric of society when its management as an authoritative

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resource is widely seen as enriching our heritage, and providing us with greater security about the processes of current recordkeeping¹.

A year later, Terry Cook offered to Australians his vision, and wrote that we need to

recast our archives not as buildings where old records are stored, but as access hubs to (and auditing centers controlling) records left out in their originating systems. We will have virtual archives without walls. Without such a broad postcustodial reorientation of our activities, our sponsoring institutions will surely lose their legal accountability in a court of law, or morally in the court of the people, and society will lose its sense of the past, its very collective memory and culture².

Is this vision realistic? Are we going to witness the end of a world-view that has inspired six thousand documented years of law and tradition, in the Middle East first, and in the Eastern and Western civilizations later? Is such an end inevitable? Is it desirable?

In order to answer these questions, it is not necessary to trace all the instances in which the inextricable conceptual connection between archival documents³ and a given place of preservation has been stated world-wide in the past six millennia, but rather to establish where our Western modern civilization has taken it from, what its

¹Frank Upward, "Institutionalising the Archival Document. Some Theoretical Perspectives on Terry Eastwood's Challenge," *Archival Documents*, Sue McKemmish and Frank Upward eds., Ancora Press, Melbourne, 1993, p. 53.

²Terry Cook, "Electronic Records, Paper Minds: The revolution in information management and archives in the post-custodial and post-modernist era," *Archives and Manuscripts*, vol. 22, no. 2, November 1994, p. 314.

³Throughout this article, the terms "archival documents" and "records" are used interchangeably.

meaning and implications are, and what the consequences of its abandonment might possibly be.

The origin of our concept of archives as a place is in Roman law, which is the foundation of the *ius commune* or common law of Europe, and has permeated all the juridical outlook of Western civilization⁴. In the Justinian Code, which is the *summa* of all Roman law and jurisprudence, an archives is defined as *locus publicus in quo instrumenta deponuntur* (i.e., the public place where deeds are deposited⁵), *quatenus incorrupta maneant* (i.e., so that they remain uncorrupted), *fidem faciant* (i.e., provide trustworthy evidence), and *perpetua rei memoria sit* (i.e., and be continuing memory of that to which they attest).⁶

Thus, the archives was a place of preservation under the jurisdiction of a public authority. The place, by providing the documents with trustworthiness, gave them the capacity of serving as evidence and continuing memory of action. We can still today look at the Roman Tabularium and understand its function from its structure. Corridors and enclosed stairs connect the building to the public offices of Republican Rome, so that the documents can securely and safely flow from the place of creation to that of preservation. However, this flow is not a simple transition from one place to another. It is the *locus* of

⁴Luciana Duranti, "Medieval Universities and Archives," *Archivaria*, no. 38, Fall 1994, pp. 40-41.

⁵The Latin term *deponuntur* conveys the idea of custody rather than that of ownership.

⁶Justinian, *Corpus Juris Civilis, Novella 15* "De Defensoribus civitatum," "Et a defensoribus," *Digestum 48, no. 19* "De Poenis," *Codex I, no. 4* "De episcopali audientia."

recognition and empowerment. Somewhere between the outside and the inside of the archival building, the documents must unfold into evidence and memory, prior to being ensconced within the building as testimony of past actions. There must be a space, an inbetween space, where this happens, a space bound by two limits, one bordering the documents and the other bordering the evidence: the *archii limes* or "archival threshold." The archival threshold is the space where the officer of the public authority takes charge of the documents, identifies them by their provenance and class, associates them intellectually with those that belong in the same aggregation, and forwards them to the inside space. At the archival threshold, and beyond it, the authenticating function took place.

A German jurist, Ahasver Fritsch, in 1664, commented that archival documents did not acquire authenticity by the simple fact of crossing the archival threshold, but by the fact that 1) the place to which they were destined belonged to a public sovereign authority, as opposed to its agents or delegates, that 2) the officer forwarding them to such a place was a public officer, that 3) the documents were placed both physically (i.e., by location) and intellectually (i.e., by description) among authentic documents, and that 4) this association was not meant to be broken.⁷ From this moment on the archival documents and their network of relationships were immutable, as not even the loss or destruction of some of them could change the relations that

⁷Ahasver Fritsch, *De iure archivi et cancellariae*, Jenae, 1664. In other words, for ensuring their authenticity, the place of custody of the records must belong to the authority to which the records creators owe first account of their action, the transmission of the records to such a place must be under the jurisdiction of a neutral third party, the records must acquire stable and immutable relationships with records already endowed with authenticity, and this authentic records aggregation, with all its network of internal relationships, must be destined to indefinite preservation.

their previous existence had determined among the remaining ones. Moreover, the records were no longer serving the specific purposes for which they were produced, but more general ones.

The place of deposit of the archival documents was in the most remote part of the archival building, completely isolated from the areas of work and from any possible source of contamination or corruption, and the documents entering this restricted zone would live forever in their own time of creation, in their own context, as stable and immutable entities, untouchable by political or social events, interests, trends, or influences. Just like the Eastern archival basements of four millennia ago, accessible only from a hole in the ceiling, and the Western stacks of our times, carefully segregated from any space open to the public, the inner place where the deeds were kept, by its physical inaccessibility, transformed them in the most authoritative and powerful testimony of actions.

Testimony for whom? The location of the building reveals it. The Tabularium rose and still rises on the Capitol hill as the imposing terminal point to the Forum, higher than the Senate, closer to the courts than any other building, surrounded by the markets and the temples, the point of reference for anyone walking through the city and the beating heart of the *res publica*. The Tabularium contained evidence and memory of the people for the people. It was a permanent, unforgettable reminder of whom allegiance is owed to and so is accountability.

This was of course republican Rome. Its ideals of accountable governments were soon superseded by the ambitions of grandeur of

imperial Rome. But its legal concepts were not superseded or lost. The "archival right," that is, the right to keep a place capable of conferring authority to the documentary by-products of action by endowing them with authenticity, was in time acquired by all those bodies to whom sovereignty was delegated by the supreme secular and religious powers--among these, city states and churches. In Medieval times, corporations of every kind, including universities, deposited the documents of their activities in the *camera actorum* (i.e., chamber of the acts) of the municipality having jurisdiction over them or in the archives chests of ecclesiastical institutions, chests anchored by at least three chains to the floor. The public officer would read aloud to the interested assemblies the inventories of the documents that had crossed the threshold of the archives and become depositories of truth.⁸

The basic difference between the Tabularium and the Medieval places of preservation is that the former belonged to the same authority of which those producing the documents were agents or delegates--just like today the central archives of a state is part of the central government of that state, while the latter belonged to bodies having some form of sovereignty over those creating the documents, but quite distinct from them. The importance attributed to the chests and armoires containing the documents--which were often called "arca" or "archivum"--is also attested by the care taken in decorating them: Duccio di Boninsegna e Ambrogio Lorenzetti were among the famous painters contracted for such work. The Medieval saying "*castrum sine armario est quasi castrum sine armamentario*" (i.e., a castle without

⁸Elio Lodolini, *Lineamenti di storia dell'archivistica italiana. Dalle origini alla metà del secolo XX*, La Nuova Italia Scientifica, Roma, 1991, p. 43.

an archives is a castle without equipment) reveals the centrality of the place "archives" in every architectural complex.

From the twelfth to the seventeenth century, the number of keys necessary to open the archives, and the rank of the functionaries who had them into their custody were proportional to the authority given to the material preserved in the chamber and/or the chest. Incidentally, it might be noted that the consultation of the originals was not allowed until after the French revolution, with very rare exceptions being made for researchers working for the creating body. While in Ancient times the archives would issue copies of the documents on request, in Medieval and early Modern times, the documents entering the archives place were copied at the moment of the deposit in *libri iurium* or *cartularii*, which were kept for consultation in a room dedicated to that purpose.

In the meanwhile, with the formation of principalities and monarchies, archival buildings began to rise everywhere, and, what is more, jurists started to write about archives and their social function. These buildings were not different from the Tabularium. They were situated in the heart of the city and at the center of civic life. Directly connected to the government palaces, they were imposing, powerful, strong, inaccessible beyond the outer rooms, and the documents that penetrated their inner part become perpetual monuments to the actions they attested to. Contemporary jurists did not see them differently from the way in which the writers of ancient Rome saw the Tabularium. Nicolaus Glussianus, Alberto Barisoni, Baldassarre Bonifacio, and all those who wrote about archives between the sixteenth and the eighteenth century defined them as the public

places where the documentary residue of practical activity is kept and protected.⁹ The “inviolability” of the archives was emphasized to the point that these jurists recognized the capacity of the place to endow documents of private origin deposited there with trustworthiness. The fact that the documents were preserved to guarantee the rights of the monarchs to their jurisdictions and to protect the boundaries of their lands when challenged by other territorial sovereigns, rather than to allow the citizens to scrutinize the actions of the government or to look after their own interests, does not diminish the authenticating power of those archival buildings. When the question became whether the documents deposited in an archival building should be considered evidence only under the jurisdiction in which the building belongs or anywhere, there was no doubt among international legal scholars that the character of evidence given by an archives to the documents it contains is universal.¹⁰

However, these same jurists began to use the name of the place of preservation to refer to its contents and, by the eighteenth century, the term archives was legally used to refer to either or both entities. While the diplomatists, who examined documents preserved in

⁹Nicolaus Glussianus, *Methodus archiviorum, seu modus eadem texendi ac disponendi*, Mediolani, ex Typographia Francisci Vigoni, in foro Piscario veteri, MDCLXXXIV; Lester K. Born, “The ‘De Archivis Commentarius’ of Alberto Barisoni (1587-1667),” *Archivalische Zeitschrift* no. 50-51, Munchen, 1955, pp. 12-22; Lester K. Born, “Baldassarre Bonifacio and His Essay ‘De Archivis,’” *The American Archivist*, vol. 4, 1941, pp. 221-237.

¹⁰Carolus Molineus (Charles Du Moulin), *In regulas Cancellariae Romanae Hactenus in Regno Franciae receptas commentarius analyticus*, Lugduni, 1552. After many editions and additions, the work was published again in Paris with the title *Caroli Molinaei Opera quae extant omnia*, Lutetiae Parisiorum. sumptibus N. Buon, 1612. See also Jacob von Rammingen, *Von der Registratur und jren Gebawen und Regimenten*, Heidelberg, 1571; and Ahasver Fritsch, *De iure archivi et cancellariae*.

archival places, called them all "archival documents," jurists of both Latin and German tongue would distinguish between "acts" (i.e., the documents that have not yet passed the archival threshold) and "archival documents" (i.e., the documents that have passed the archival threshold). This of course did not create any problem until the French revolution, because the documents were kept and used for the same reasons for which they were generated, and by the same juridical persons. Moreover, passing through the archival threshold was a procedural requirement for *all* completed "acts" meant to generate consequences, that is, not for documents made only for internal information and for the routine functioning of the office. In other terms, the requirement existed only for documents of actions intended to create, maintain, modify, or extinguish relationships among physical or juridical persons. Such a passage enabled the acts to have continuing effects by endowing them with authenticity. It did not change their nature, but made their reliability enduring by confirming it and guaranteeing its preservation.

From antiquity to the eighteenth century, the creation of documents in the course of business has been highly controlled. The degree of reliability of the documents was based on three factors: 1) the degree of control exercised on the procedure of creation, 2) the degree of control exercised on the authors, and 3) the degree of completeness of the documents themselves. However, to create reliable documents was not sufficient if one wished to use them later on as evidence. It was necessary that an authority different from the creating one recognized them as being what they purported to be, and accepted them into custody. These actions of recognition and acceptance into custody represent a declaration of authenticity. In fact, while

reliability is linked to creation, authenticity is linked to transmission and preservation. To declare a document authentic means to say that it is precisely as it was when first transmitted or set aside for preservation, and that its reliability, or the trustworthiness it had at that moment, has been maintained intact. But, acceptance into custody is more than a declaration of authenticity. It is taking responsibility for preserving that authenticity, and it requires taking the appropriate measures for guaranteeing that authenticity will never be questioned, measures that go much beyond physical security. The identification of the documents, the assignment to them of an intellectual and physical place in the whole of the authentic documents, that is, their location and description in context, by freezing and perpetuating their interrelationships, ensure that possible tampering will be easy to identify. Because of all this, any document that has passed the archival threshold, for as long as it exists, is truly a permanent monument to its creator's actions.

On October 5, 1789, the populace of Paris put fire to the royal archives building, seen as the ultimate bastion of privilege. In the mind of the people, the archives was more than a symbol: it was what gave authority and power to the feudal titles deposited in it. No one thought of attacking the chancery offices, where all the information was kept for reference and administrative action, because nothing was enforceable which was not in the inner sanctum of the archives. The destruction of the French monarchy's archives marked also the end of a view of archives as an integral component of people's life. July 25, 1994 is not an entirely happy date for archives. The documents of defunct bodies, concentrated in the National Archives of France, were declared the patrimony of the nation and made accessible to the public. By virtue of this declaration, the State

recognized its duty to preserve such patrimony for the next generations. However, the documents created by living bodies were for the first time subjected to a controlled procedure aimed to ensure the reliability of their creation and the authenticity of their transmission and preservation, and were kept by the creators or their successors until old age transformed them into sources for history. The dichotomy between administrative and historical archives was born.¹¹

What happened to archival buildings? They had lost their primary administrative-legal function of recognizing, declaring, and guaranteeing the authenticity of the records they took into their custody, but had preserved their symbolic function. Now time they were seen as symbols of the new rising nations--no longer the visible nucleus of civic life; they came to represent the place where a common past justifying a shared present could be found. This development took place in every territory touched by the French Revolution and the Napoleonic conquest; thus, England was spared, and Jenkinson, more than a century later, could still talk about "uninterrupted custody" as a requisite for authenticity, and about authenticity itself as one of the necessary characteristics of archival documents.

Of course, this development came about in very different ways and at different times in each country, depending on the specific historical events, but the trend was common. Yet, the old legal concepts lingered about, particularly in Italy, where Roman Law was the

¹¹A sort of dichotomy had existed previously to the French revolution, but the concentration of the historical archives of different creators in the same building gave to it an entirely new character.

strongest, but also in the other European countries, to the point that each of them, with the single exception of France, in the course of the nineteenth and early twentieth centuries, tried to recuperate some of the old control on records creation, transmission and preservation. Classification and registration systems, and then arrangement and description represented intellectual methods of creating archival "intellectual" places where documents could be respectively endowed first with reliability and then with authenticity. In most cases, the "archival threshold" was made to coincide with the actions of formal recognition of the classified and registered documents, and of confirmation and representation of their intellectual order (that is, of their interrelationships) in instruments of structural description. As Michael Cook put it, the functions of arrangement and description became a means to "perpetuate and authenticate" the network of relationships of archival documents and accomplish Jenkinson's moral defense of archives.¹²

In one country only in continental Europe, the traditional legal distinction between the documents still physically kept in the originating office and those preserved in the archives place remained, but it became intermingled and confused with the distinction between administrative and historical archives. In Germany, both before and after the Napoleonic wars, the term "Akten" referred to the documents in the "registratur," while the term "Urkunden" referred to those in the "archiv," that is, to those documents that had received their permanent placement in an archival building and that were accessible for public use as historical sources. Still in 1953, Adolf Brenneke defined archives as "the whole of the writings and other

¹²Michael Cook, *The Management of Information from Archives*, Gower Publishing, Brookfield, Vermont, 1986, p. 79.

documents that were accumulated by physical or juridical persons by reason of their practical or juridical activity, and that, as documentary sources and evidence of the past, are destined to permanent preservation *in a determined place*.”¹³ Brenneke’s definition was based on a number of assumptions, the most important of which was the existence of a controlled procedure of creation, including a registry system, and of a natural uninterrupted flow of acts to the archival place, where the archivist operated as the guardian of the archival threshold. An untold dichotomy between administrative and historical archives could be sensed in the adoption of the term “sources” and in the suggestion that not all acts may be destined to permanent preservation in the archives place; but it cannot be said to be there yet, because of the use of the term “evidence” and the implicit authenticating function of this special place.

Three years later, Schellenberg took Brenneke’s definition, transferred it to a context of document creation and preservation legally and administratively uncontrolled, dropped from it the word “evidence” and, with it, the authenticating function of preservation in a special place, made explicit the activity of selection occurring at the archival threshold, and qualified the reasons for preservation as completely separate and distinct from the *quality* and *authority* of the documentary material preserved, and exclusively linked to its use: “archives are those records of any public or private institution which

¹³The definition, in its actual formulation, is by Leesh. Adolf Brenneke, *Archivkunde. Ein Beitrag zur Theorie und Geschichte des Europäischen Archivwesens*. Text compiled and added to by Wolfgang Leesch on the basis of notes taken at the lectures given by the Author and of the writings left by him. Koehler & Amelang, Leipzig, 1953, p. 97. My emphasis.

are adjudged worthy of permanent preservation for reference and research purposes and which have been selected for deposit in an archival institution."¹⁴ Jenkinson ranted and raved to no avail. The problem of the bulk of modern documents made any theoretical and legal stance seem impractical, and any country that would not follow suit would appear to be in a state of torpor and destined to international irrelevancy.

Thus, in the middle of the twentieth century, the concept of archives as the place that endows the documents with authenticity and guarantees that their creators will remain accountable to themselves and to society officially disappeared from both jurisprudential and archival writings, even if, in European countries, students of law still regarded archives as the most trustworthy place of preservation, and students of archival science were still formed on the archival writings of the previous centuries, and therefore imbued with the juridical function of the archival place.

In 1992, reflecting upon the impact of information technologies on archival theory, Charles Dollar wrote: "Three factors...have helped foster the growth of modern centralized archives having physical and legal custody of inactive records....First, a centralized archives that had legal and physical control of records could ensure record integrity....Second, it was generally more cost-effective....Third,...it has been much easier and less costly for users...."¹⁵ Dollar concluded that none of these factors was still valid, as the integrity of the

¹⁴Theodore R. Schellenberg, *Modern Archives. Principles and Techniques*, The University of Chicago Press, Chicago, 1956, p. 16.

¹⁵Charles M. Dollar, *Archival Theory and Information Technologies*, Università degli Studi di Macerata, Macerata, 1992, p. 53.

records is best preserved in their original electronic environment, the cost of maintaining records coming from different and often proprietary system, being escalated by technology obsolescence, is unsustainable by any archival institution, and users do not need to go to the place of preservation in order to have access to archival material. Thus, archivists should accept custody of the records as a measure of last resort and transform archival institutions into entities that regulate and monitor the management of records by their creators and facilitate access to them.¹⁶

Many contemporary archival writers share the views of Dollar. Among them are Glenda Acland, who presented this position a year or more before Dollar, and defined it as a "logical progression of Jenkinson's views,"¹⁷ and Frank Upward and Sue McKemmish, who have further qualified the Australian adherence to the "post-custodial" stance by saying that here "the post-custodialists think of custody in terms of the defense of the record, not possession," and adding: "This custody is exercised via the setting of standards and monitoring of their implementation in the place of deposit...and the incorporation of information about the records held there into the archival authority's information system."¹⁸

The question which immediately comes to mind, though, is whether the defense of the record is possible without custody. Even if positive

¹⁶Ibid., 54-55.

¹⁷Glenda Acland, "Archivist-Keeper, Undertaker, or Auditor," *Archives and Manuscripts*, vol. 19, no. 1 May 1991, pp. 13-14.

¹⁸Frank Upward and Sue McKemmish, "Somewhere Beyond Custody," *Archives and Manuscripts*, vol. 22, no. 1, May 1994, pp. 138, 147.

written laws, regulations, policies and procedures prescribed that records creators create and maintain their records according to the standards prescribed by the archivists, assigned clear responsibility for every specific record-related activity, held the responsible persons accountable for respecting the standards by establishing an auditing and sanctioning system, required proper training for all individuals involved in the creation and management of records (which, in this time of distributed computing, means for everyone), we still would not be able to ensure the defense of the records' authenticity after the business in which they actively participated is concluded.¹⁹

Why? Because the defense of the inactive record, of its authenticity that is, is provided by three essential factors, *transparency of records preservation, security and stability*. The first factor is by far the most important. Records are the primary means by which an agent or delegate provides account of action and is held responsible for it. To leave records in the hands of those who are accountable *through* them equals to place them in a situation of potential conflict of interest, and makes impossible transparency in the preservation of the records, thereby generating in those to whom account is owed suspicion of impropriety. It is not only a duty for agents or delegates to relinquish the custody of the records that are to be used as evidence of their actions as soon as they do not need them any longer for business purposes, but it is their right to consign the means by which their account is rendered to a third party, so that they can be considered discharged of their duty to render account.

¹⁹While the need of the creating body to continue to rely on certain records and the fact of such reliance, *per se*, authenticate those records, the extinction of such need and the lack of continuing reliance for reason of business eliminate the ability of the creator to prove that it has maintained the records intact.

Who should this third party be? As demonstrated above, archives have been traditionally responsible *for* records, and in such context archivists have recognised themselves as professionals.²⁰ Ken Thibodeau has stated that, while an operational environment would not be enhanced by the external imposition of requirements to protect records that have exhausted their usefulness to the creator, and which would be neither in its mandate nor in its interest to maintain intact, the *raison d'être* of the archival environment is to guarantee the continuing authenticity of records against purposeful or accidental alterations, and it is its mandate to do so.²¹ This concept of the need for a neutral third party who is specifically responsible for the preservation and accountable for the authenticity of the records produced by other parties is formally recognised also in electronic contracting law.²²

²⁰In her discussion of the concept of accountability, Jane Parkinson has shown that, in modern societies, one of the most common way of satisfying accountability requirements is for "clients" to choose to delegate the authority to make decisions in certain areas of their lives to professionals, because they "promote only their clients' interests, as opposed to their own or that of the system in which they work, and they act in as unbiased and objective a manner as possible." In relation to this notion, Parkinson quotes Mark Hopkins, who asserts that archivists can constitute an impartial third party to care for the records produced by government, as archives have as their primary mandate the protection of the records and are expected to keep a distance from the creating body (Mark Hopkins, "'There's a Hole in the Bucket, Dear Liza, Dear Liza': Archivists' Responsibilities Reviewed," *Archivaria*, no. 16, Summer 1983, p. 136). Jane Parkinson, "Accountability in Archival Science," Master of Archival Studies thesis, University of British Columbia, 1993, pp. 117, 112.

²¹Ken Thibodeau, "To be or not to be: Archives for Electronic Records," *Archives and Museum Informatics Technical Report #13 (1991): Archival Management of Electronic Records*, David Bearman ed., Pittsburgh, 1991, p. 3.

²²See Bernard D. Reams, Jr., L.J. Kutten, and Allen E. Strehler, *Electronic Contracting Law. EDI and Business Transactions* (New York, NY: Clark, Boardman, Callaghan,

The second factor impinging on the defense of the records is security. Security means certainty that the records cannot be consciously altered, and this can never be guaranteed while the records remain in the hands of those who are held accountable through them. Any expert in modern technology would agree that absolute security is not technologically achievable. Moreover, security is not even procedurally achievable when technology filters into procedure, like in the migration phase. In fact, the migration of records is intended to replicate the content and appearance of the records, along with some contextual elements present in the original metadata, by changing the configuration and architecture--that is, the physical form--of the record. This process effectively creates new records. If the process is carried out by the records creator in the usual and ordinary course of business, the new records are ensured to be reliable in their genetic process and authentic in their transmission and maintenance by the nature of the use to which they are put by the creator. However, any migration carried out by the records creator for purposes other than its usual and ordinary business cannot produce authentic records as the new records are not automatically authenticated by the use made of them.²³ Thus, also with electronic records, authenticity primarily resides in circumstantial guarantees, rather than in technological ones.

1992-93), 34-52; and Michael S. Baum and Henry H. Perritt, Jr., *Electronic Contracting, Publishing, and EDI Law*, John Wiley & Sons, INC., New York, 1991, pp. 150-226.

²³For interpretations of the notion of "usual and ordinary course of business" see John Sopinka and S. Lederman, *The Law of Evidence in Civil Cases*, Butterworth and Co. Ltd., Toronto, 1974, pp. 434-5.

The third factor is stability. Stability means that the record's context is defined and immutable, that is, that all its relationships are established and maintained intact, and this cannot be guaranteed without a clear demarcation of the moment in which the context definition is complete, finalized, capable of being authenticated. Metadata are as inadequate to deal with this issue as audit trails are inadequate to deal with the security issue, because metadata do not contain "historical" context, but only the contextual data contemporary to records creation, and because they only record the limited contextual fabric that a document has within the electronic system in which it exists.²⁴

For the transparency of its preservation, its security and its stability, it is necessary that the record pass the archival threshold, the space beyond which no alteration or permutation is possible, and where every written act can be treated as evidence and memory. Upward and McKemmish have objected to the idea of establishing domains in electronic records systems on the grounds that "the construct of work domain...appears to equate where a document is stored with its status as a record of continuing value."²⁵ Their point is certainly valid, but the concept of domain, if not that of "work domain," can be seen as fulfilling an entirely different function, that of defining the archival environment, that is, the space where the complete document is recognized as such and provided with continuing effectiveness by assigning to it a permanent place in context. Crossing the archival

²⁴For a detailed discussion of these ideas see Heather MacNeil, "Metadata Strategies and Archival Description: Comparing Apples to Oranges," *Archivaria*, no. 39, Spring 1995, pp. 22-32.

²⁵Frank Upward and Sue McKemmish, "Somewhere Beyond Custody," p. 145.

threshold in such a case would not change the nature of the record, neither its value, but would demarcate its moment of stability, the achievement of the capacity to serve as testimony of action. Would it ensure the inviolability of the record? No, it would not, unless the archival threshold and the storage domain reached after crossing it are put under the jurisdiction of some independent authority, an archival office or institution capable of ensuring transparency and security of preservation and of providing the record with authenticity.

In his "Institutionalizing the Archival Document," Frank Upward writes: "In Australia we are more likely to see postcustodial thoughts in our literature as a re-discovery of the paradigm underpinning Jenkinson's European concept of moral and physical preservation of archives, a paradigm in which archives are defined by their nature rather than their age or *the space they occupy* (or will come to occupy) in an archival institution. Jenkinson's concept of custody is that of guardianship, not imprisonment, and can be readily extended out from the archival institution."²⁶ Absolutely, but, once more, can such guardianship be fully exercised outside the archival institutions?

While jurisdiction does not require physical custody, I believe that, if the records crossing the archival threshold in the record-system of their creator did also so in the recordkeeping system of the archival institution, their integrity could be legally recognized and accountability could be concretely accomplished. This would not be a substitute of a distributed approach implemented within an appropriate legal, policy and educational framework, but a necessary complement to it, that would ensure centralized control. It is essential that the archival institution establish an architecture in

²⁶Frank Upward, "Institutionalizing the Archival Document," p. 44. My emphasis.

which the records of all creating bodies, once received, can be put into clearly defined and stable relationships, and in which their broader context can be identified and the associations among the records never broken. This is particularly true from an accountability point of view. For accountability to exist it is necessary that people be able to exercise their right of scrutiny. But the establishment of metadata systems, the creation of large information locator systems, and the provision of navigational means are not sufficient to empower the people to exercise their right. The people should not be required to learn different interfaces to non-connected systems, should not have to "discover" what records are created and whether they are kept, and should be able to rely on the authenticity overtime not only of the documents they see, but also and foremost of their context. The abandonment of the connection between archival documents and a central official place of preservation under a distinct jurisdiction would imply the impossibility of exercising precisely that guardianship so dear to Jenkinson's heart, the moral defense of archives, not only by the archivist but also by the people. There is no doubt in my mind that moral defense passes through and is inseparable from physical defense.

As German jurist Fritsch wrote three centuries ago, the authenticity of the written acts depends on their crossing the threshold of a place called archives, on their being placed among authentic documents by an officer entitled to do so, and on the immutability of their association with all the other documents in the archives. As Upward and McKemmish put it, this goes "somewhere beyond custody", but certainly implies it. And perhaps, just perhaps, for our institutions to maintain their legal accountability in a court of law, or moral

accountability in the court of the people, and for our society to maintain a sense of its past, its very collective memory and culture -- to paraphrase Terry Cook, it is necessary to build again powerful, imposing archival buildings and place them in the center of the city, close to the offices of the authority, the public market and the religious sites, so that they return to be the pulsating heart of civic life, a point of reference and a symbol, but, more than anything else, active participants in the everyday vicissitudes of the common people.