

REVIEWS

Barbara L. Craig, Editor

Death of a Notary: Conquest and Change in Colonial New York

By Donna Merwick. Ithaca, N.Y.: Cornell University Press, 1999. 281 pp. Illustrations. Maps. Index. \$35.00 ISBN 0-801-43608-7. ∞

Adriaen Janse van Ilpendam served as a notary in Albany, New York from 1669 until his suicide in 1686. The story of this Dutch man, as told by Donna Merwick, is a moving account of the life and work of a seventeenth-century notary who lived on what could be considered the frontier. As such, it contributes to our understanding of the history of the archival profession in the United States. The story also has sociological dimensions. The book traces Janse's (as Merwick refers to him) inability to adapt to a new culture, a different language, and changing professional practices. In this vein, it perhaps has something to say about the future of the archival profession.

The book opens with Adriaen Janse van Ilpendam's epitaph. This review will begin with a synopsis of his life. Janse was born in 1618 in the Netherlands. His mother died when he was an infant and his father placed him in an orphanage. After several moves, Janse's father ended up in "the Manhatans" (New York). Sometime in the 1640s, Janse also left Holland for New Netherland where he worked primarily as a schoolmaster. Merwick speculates that he would also need to have had other employment and finds evidence of his acting as secretary for the court. In 1650 Janse moved on to the Rensselaerswijck and two years later settled in Beverwijck (later named Albany by the British), where he remained for the rest of his life. Janse worked as schoolmaster, but in Beverwijck he also became a landowner. Again, Janse sought an appointment as secretary for the court but failed. So he eked out a living as a schoolmaster and participated in some trading on the side. Finally, in 1669 Janse was appointed a notary in Beverwijck. In another place and another time, this appointment would have created financial as well as social stability for Janse by providing a second steady income as well as higher social standing. At that place and in that time, though, stability was not to be found for the notary Adriaen Janse van Ilpendam.

The work of a notary implied broad and on-going civic responsibilities. Janse was responsible for drawing up or copying a range of documents (wills,

agreements concerning land transfers, mortgages, etc.) as directed by the parties. The forms of these documents followed specific procedures viewed as authentic by the courts. Furthermore, notaries were required by law to retain a copy of all the documents that they executed and to produce these documents if demanded by the court. In this latter function, they served as archivists and held an important public responsibility.

By the time Janse was appointed notary, his world had already begun to change, and these changes would only accelerate. Most importantly for Janse, the social and governmental systems were in flux. To demonstrate this, Merwick provides a wealth of information about the creation of various types of documents, their internal elements, and the process by which they gained authenticity. In completing a partial diplomatic and paleographic analysis, Merwick helps readers imagine what Janse's work as a notary entailed and the skills he needed to possess. Unfortunately, Janse had not mastered all of these skills, and he was soon faced with problems.

These acts of his are marked by some confusion. He is uncertain of the exact source of his authority. Always with his Dutch words, he identifies himself as appointed by the magistrates "with the approval of the Right Honorable François Lovelace on behalf of His Royal Highness James, Duke of York, governor-general over all his territories in America." He is wrong. His authority does not really flow from the local Dutch officials, with the English governor-general simply giving "approval." . . . Other notaries have come to recognize this. (pp. 8–9)

These changes in the authority under which Janse worked would be mirrored by changes in the role and responsibilities of the notary, the process of creating documents, and finally in the requirement that all official documents must be written in English. The role of the notary varied in the Dutch and English cultures, and their notarial practice also differed. Following the establishment of English rule and law, certain negotiations previously handled by Dutch notaries in private among the parties to an agreement now had to be conducted before an English court. Furthermore, both English and Dutch legal authorities and texts were cited in court to bolster claims. Finally, using documents as evidence became key. No longer were the magistrates arbitrators; now they acted more as judges who listened to the arguments presented and reviewed the evidence before making a decision. By 1678 juries were common, and Janse even served on one. In that same year, the local magistrates in Albany went so far as to declare that in documents drafted by a notary, "much mischief may be concealed." (p. 150) Other notaries adapted in this situation of change; for example, one became an attorney and began to argue cases in the court.

Janse's world became a more confusing place. As late as the 1680s, the courts were operating in Dutch with a sprinkling of English and Latin words.

The court records, though, compiled by the secretary, were written in English. Merwick notes that “for everyone, it is a time of mangled words and attempted translations.” (p. 152) Janse’s English-language skills were also questionable. He appears even to have been uncertain about the exact name of the town in which he lived. Although Beverwijck has become Albanij, in a letter to a relative in the Netherlands Janse indicated that he was living in New Albanij. In 1685, he also described himself as a “New Republic.” In July 1686, the Albany city charter granted by the English governor decreed that all records would be kept in English. But Adriaen Janse van Ilpendam had already committed suicide in March of that year. Arnold J.F. van Laer, former archivist of New York State, saw these two events as highly related and thought Janse’s end was a metaphor for the larger changes in his society.

Janse’s life and death may also serve as a metaphor for archivists today. As the twenty-first century begins, archivists are confronted by changes in the ways records are created, by new records forms, and by the demands of new technologies for creating and managing records. We too are asked to adapt or evolve along with the recordkeeping environment in which we work. How well archivists do this may not only determine how each of us fares individually, but also how the profession as a whole renegotiates its responsibilities and functions vis-à-vis a host of other information professions, technologists, and other professional groups, such as auditors. If we ignore these changes or fail to become suitably proficient in fulfilling new roles and responsibilities, we, too, may find ourselves in Janse’s situation.

This book is a good read. There are aspects of it that may disturb some readers. The work is written in a narrative and, at times, highly speculative style. Merwick is very conscious that she is telling Janse’s “story.” This extends to the footnotes, which are referred to as “Notes and Reflections.” The organization of the work is also somewhat confusing. The book begins when Janse becomes a notary, moves back in time to the early seventeenth century to provide biographical context for Janse, and then moves chronologically through Janse’s life, covering some of the time period discussed in the initial section. These reservations aside, this book is eminently important reading for anyone interested in archival history and diplomatics or prone to contemplating the place of archives and archivists in past or present societies.

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The Presence of the Past: Popular Uses of History in American Life

By Roy Rosenzweig and David P. Thelen. New York: Columbia University Press, 1998. x, 291 pp. \$27.50 ISBN 0-231-11148-7.

A Place to Remember: Using History to Build Community

By Robert R. Archibald. Walnut Creek, California: AltaMira Press, 1999. 224 pp. Illustrations. \$59.00 ISBN 0-761-98942-0. Paperback. \$22.95 ISBN 0-761-98943-9.

Lies Across America: What Our Historic Sites Get Wrong

By James W. Loewen. New York: New Press, 1999. 480 pp. Illustrations. \$26.95 ISBN 1-565-84344-4.

Over the past several decades, writings in public history have offered perceptive insights on the interactions and relationships between people and history. The three books under review are no exception. All written by respected public historians, they reflect divergent perspectives on the understanding of history and, at the same time, complement one another as illustrations of the many contradictions inherent in discussions of “historical” memory. *The Presence of the Past: Popular Uses of History in American Life*, which presents the results of a survey conducted in 1994 on how ordinary Americans perceive history, lies at the center of this discussion. While this survey analysis informs our evaluation of both *Lies Across America* and *A Place to Remember*, these two books, in turn, translate the numbers and charts of *The Presence of the Past* into field experiences.

The 1998 publication of *The Presence of the Past*, which attempted to measure and quantify the way Americans understand and use history, galvanized the public history community, generating excitement and renewed optimism after years of statistics showing a steady decline in interest in history, as well as a growing ignorance of history among the American public, particularly high school and college students. Roy Rosenzweig and David Thelen, both professors of history, one at George Mason University and the other at Indiana University, analyze the results of over eight hundred telephone interviews randomly selected nationwide, as well as a series of telephone interviews targeted to specific ethnic groups (a total of 1,435 interviews). They conclude that, contrary to popular wisdom, ordinary Americans care deeply about history, particularly their own family or ethnic history. The survey found that Americans of all ages and ethnicities engage frequently in some type of historical activity, that they connect with the past in highly personal ways, and that they prefer to encounter history as “unmediated experience” rather than through the classroom. Dispelling the gloomy prognostications of academic historians over the past decade as test after test demonstrated that high school and university students have difficulty dredging up even the basic facts of American history, Rosenzweig and Thelen effectively demonstrate that historians were looking in the wrong direction and using the wrong yardstick. Americans care about his-

tory, they just don't care about history as dished up in academic environments. Rosenzweig and Thelen found that "studying history in school" rated as the lowest on a scale measuring how respondents felt "connected to the past."

The study found that gathering with family rated as the highest means by which Americans connected with history, but visiting a history museum or a historic site rated as a close second. In fact, the study concluded, "Americans put more trust in history museums and historic sites than in any other sources for exploring the past." (p.105) This statement is brought into sharper focus when examined from the skeptical perspective of *Lies Across America: What Our Historic Sites Get Wrong*. James Loewen, a professional history debunker whose previous work, *Lies My Teacher Told Me*, attacked the distortions of history as taught in the classroom, now exposes the untruths and exaggerations of many of the historic sites across America. Proceeding methodically state by state, Loewen, by paying particular attention to those sites he feels have unjustly dealt with minority groups particularly African Americans, Native Americans, and women, reveals myths, untruths, and exaggerations about each site. While a few sites meet his test of accuracy, most do not, raising the disturbing question of just what kind of history Rosenzweig and Thelen's Americans are connecting with.

On the one hand, *Lies Across America* supports and endorses the burgeoning interest in historic sites identified in *The Presence of the Past*. Rosenzweig and Thelen's conclusions that 56 percent of the respondents connected with history through museums or historic sites, that these sites were considered the most trustworthy of all sources of history, and that a startling 79.9 percent of the respondents considered these sites to contain *authentic objects from the past* resonate disturbingly when placed side by side with Loewen's conclusion that the historical veracity of many historical sites is deeply suspect. In his introduction to *Lies Across America*, Loewen presents a thoughtful and cogent analysis of why people create and visit historic sites and why these sites often do not tell the real story or celebrate the right cause. He also seems to take unwarranted delight in exposing these inaccuracies, some of which, on closer inspection, appear minor and subject to interpretation. His own reference sources are also questionable since he seems to rely on the research of other historians and provides little evidence of any primary source research of his own. Nonetheless, this lively and readable book is full of fascinating stories about how people use history to achieve their own ends. Certainly it gives any would-be sight-seer pause for thought.

Similarly, *A Place to Remember* both supports and illustrates the primary findings of *In the Presence of the Past*—that people connect with history in a very personal way. The author, Robert R. Archibald, former CEO of the Missouri Historical Society and former president of the American Association for State and Local History, has been involved with local history throughout his career. *A Place to Remember* is his personal reflection on the convergence between

community and history in his own life. The narrative thread rambles through Archibald's boyhood in Michigan's Upper Peninsula, using the places and faces of small town life to illuminate observations about the validity of personal historical narrative in nurturing collective memory. The most compelling chapter of the book, "Speaking with the Past," constructs a convincing and moving parallel between the tragic life of a Spanish nobleman in nineteenth-century New Orleans and Archibald's own father, illustrating Archibald's conviction that "knowledge of the past is essential" to understanding and appreciating one another.

Why should archivists read these books, or at the least have a passing knowledge of their existence? From a purely utilitarian perspective, *The Presence of the Past* offers a valuable map of potential users. Many of these users, such as genealogists, have long been identified by archivists themselves, but the extent to which personal history overshadows all else may come as an instructive surprise. One of Rosenzweig and Thelen's most interesting observations is that while in general Americans are primarily concerned about their own family history, those Americans who belong to well-defined ethnic groups such as African Americans or Native Americans tend to emphasize their common history and the identity of the group as a whole. For archivists involved with appraising their collections, this study, by identifying community and historical continuity as major factors in perpetuating group values and collective identity, suggests a number of documentation issues that archivists need to take into consideration within their own institutions. Most importantly for the appraisal archivist, the study also offers confirmation of the vital connection between people and historical records. While the study highlighted oral reminiscence and narrative as one prime way in which people connect with the past, photographs, letters, diaries, and artifacts were equally important. The authors found that "respondents tended to look for presentations of the past that were grounded in primary sources."

Similarly, the other two books also offer support, albeit anecdotal, to the archival profession. Loewen's accounts of conflicting and evolving narratives at historical sites strongly suggest an imperative for a firm grounding in primary documentation, an imperative that will become ever more compelling as the actual memorialized event recedes into the past. Loewen's own often confusing documentation provides visible proof of the need for authentic sources to uncover the true story. Archibald takes the reader through an actual archival odyssey as he pries loose the story of the Spanish nobleman from records at the Missouri Historical Society and then illustrates the ability of history to explicate modern life. As an individual who has dedicated his entire career to the preservation of historical materials, Archibald weaves his personal narrative around the pillars of primary sources.

As in the majority of writing on public history, the reader will be hard-pressed to find much explicit discussion of archival records in these books. At

the same time, documentation, primary sources and historical records, are the subtexts of all three works. Each book implies that historical authenticity resides both within personal memory and documented sources, which taken together form the collective memory of the community. The strong bonds between people and historical records are recognized not only by archivists working within institutions to preserve and maintain the records, but by the records creators themselves as they attempt to reconstruct and connect with their personal histories.

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Authentic Electronic Records: Strategies for Long-Term Access

By Charles M. Dollar. Chicago: Cohasset Associates, 1999. x, 248 pp. Illustrations. Paperbound. \$75.00 ISBN 0-9700640-0-4.

Authentic Electronic Records is a book about the importance of and the options surrounding continuing long-term access to the ever-growing mountain of digital information. The author estimates that this is currently in the range of six hundred to one thousand Petabytes (one Petabyte being equivalent to one million Gigabytes) or comparable to sixty billion five hundred page books per annum. Most of those “books” are not electronic records or otherwise of continuing organizational or societal value and therefore are not necessarily worthy of saving for long-term use. Thus they would not constitute a major access problem during their relatively short life span. Nonetheless, even the modest 5–10 percent that might be of continuing or archival value to an organization or society, represents an imposing challenge to chief information and knowledge officers (CIO/CKO), recordkeeping professionals, webmasters, website content managers, and other modern information managers.

The focus of the book, commendably, is on long-term *access* to authentic digital information rather than simply its preservation. This keeps the thrust of the discussion centered on future *uses* of current digital information—a welcome departure from more limited discussions of preservation technologies. It is no coincidence that United States Archivist, John Carlin has made “ready access” the cornerstone of his strategic plan for the National Archives and Records Administration (NARA). It is a concept central to NARA’s mission and, whether stated as such or not, should be central to any information-based system. Indeed, use of high quality legacy information that in the past has been considered of little value outside of records centers or archives, is now a key objective of the best knowledge-based systems. For this reason, anyone concerned with the justification and design of such systems will find this book very useful.

But this is more than a book on long-term digital access. It is a knowledge resource in the full sense of the term in that it integrates technical information, best practice lessons, and human expert lists on digital access. It includes theory, a summary of several major electronic records research projects, commentary on best practice, over three hundred footnotes, sixteen pages of bibliographic citations and the names of dozens of contributors and reviewers of earlier drafts and footnoted professionals (albeit without contact information) that together constitute a kind of “experts directory”, a distinguishing element of the best knowledge-based systems. Although 248 pages long including appendices, the main body of the four chapters is a relatively crisp 130 pages, each with rich footnotes to facilitate drilling down into specific topics.

The author disposes up front of issues related to current operational records, on the presumption that these will not constitute a serious access problem. Fair enough for the limited purposes of this book that the author set out for himself. However, the book’s contents offer both a warning and sound advice for CIOs and system designers faced with upgrades of operational systems. The past few years have been characterized by massive replacement of legacy systems as part of Y2K fixes, especially using enterprise resource planning systems, and by simply upgrading from one technological platform to another. We have even learned that it is possible to upgrade to the next version of the same vendor’s word processing system and lose easy access to information created in the earlier version. Thus, system designers should be advised to factor in the cost of making the necessary provisions to ensure continuing access to legacy information when replacing or upgrading current systems. Similarly, executives should be advised to require including the costs for ensuring continuing access to such information in any bids to replace existing systems.

Dollar makes an important and useful distinction between the *processability* and the *migration* of digital information. Maintaining processability refers to ways of addressing simpler accessibility challenges that typically can be achieved by *renewal* (the regular re-copying of digital information from a storage medium before its “best-used-before” date expires—and excellent National Media Lab tables are provided to estimate these dates) and by *conversion* (regeneration from one software version to the next or from one common word processing, spreadsheet, presentation or other system to another, e.g., Word Perfect to MS Word or Lotus Freelance to MS Powerpoint, that is performed automatically by those systems that Dollar generically refers to as “Operational Software Applications”). *Migration* is necessary for the more complex challenges that require the transfer of information from one technology platform to another—say Lotus Notes to Tower TRIM CAPTURA—where customized software is typically required to make the transfer. Both are means of ensuring accessibility in changing technology environments, their applicability depending on the complexity of the change from one architecture to another, and both present

very different approaches and cost considerations. The author also takes a very practical and often overlooked point of view: let's not focus too far into the future because, as we have learned, there will likely be significant changes in the technologies of conversion and migration just as there have been everywhere else, with the hope of including some fixes to what are today intractable problems.

Too often, technical books are written with the presumption that the reader understands the importance of the technical material presented. In such cases, many readers get lost in the "how to" without ever considering the "why to" implications in human, organizational or social terms. This book includes not only concepts and technical information, but also a "Technology Primer" appendix and a particularly well-done introduction that includes the broader *raison d'être* and contextual importance of continued access to in a modern digital world.¹ CIOs and technologists, not well known for taking a long-term view, will find the opening pages of this section very useful in deepening their own understanding of why it matters at all to worry about continuing access beyond a few years. Moreover, it will provide them, as well as archivists, with a line of reasoning that will help bring their chief executives around to a more enlightened understanding that continuing access is not simply a technical issue but one that needs to be addressed through collaboration among executives, operational managers, technical, and recordkeeping professionals.

The author has carefully designed the flow of concepts as reflected in an excellent, multi-level table of contents. This makes the work amenable to serial treatment for a graduate or continuing education program or simply for independent professional reading. A good table of contents is no substitute for a good index, however. Since it is also an excellent reference book for professionals in business and government, the author (or publisher) would have done us all a great favor by including a robust index, particularly since the same topics appear in different contexts in different chapters, bibliographic citations, footnotes, and annexes. An antidote for no index, of course, would be to make the book available in CD form along with the paper version.

While the concepts and broad options for digital document preservation, conversion, migration and access remain relatively stable over time, the actual technologies for carrying out these tasks are constantly changing, making any listing of specific software, for example, quickly outdated. Thus, while it is valuable to inform the reader of records management systems that were compliant with the U.S. Department of Defense 5015.2 Records Management Applications (RMA) standard at the time the book was written, it should be noted that the standard itself will be revised over time and that these certifi-

¹ The detailed table of contents and Introduction to this book may be electronically accessed at <www.rbarry.com> in the Guest Author section.

cations are time limited and require periodic recertifications. (The current standard and listing of compliant systems can be found on the DOD Joint Interoperability Test Command website <<http://jitic.fhu.disa.mil/recmgt/>>).

Although it is dense reading both because of the subject matter and the near absence of graphics (there are three) that are often used by authors to facilitate the reading of technical material, this is 130 pages of compactly packaged state-of-play, state-of-the-art information. This is the best consolidation of information on the subject and the best treatment of accessibility with authenticity that I have seen. It is a book that CIO/CKOs, information managers, archivists, and records managers need to read and will want to mark up with their own notes and have within reach on their bookshelves.

Perhaps the best recommendation for this book is what appears to be a damning reality: the disturbing fact that unlike most “best practice” discussions, the best practices in this book do not point to model organizations using the very practical recommendations offered by the author. This is no omission on Dollar’s part, but rather a sad affirmation of the fact that there remains a dearth of living, breathing organizations that the author could point to as models of excellence in *implemented* electronic recordkeeping systems. This surprising situation still exists ten years after the publication of the United Nations report on *Management of Electronic Records: Issues and Guidelines*, in which a number of related issues were raised and options outlined; four years after the University of Pittsburgh Functional Requirements project that outlined requirements at the organizational, recordkeeping system, and record levels; numerous other pilot and research projects in the U.S. at universities in New York, Indiana, Ohio and elsewhere, many funded by the National Historical Publications and Records Commission; major meetings on electronic records research and development issues in Washington, Ann Arbor and Pittsburgh; international projects in Canada, Australia, Sweden; the initiation of an integrated international project, InterPARES (International Research on Permanent Authentic Records in Electronic Systems); and countless largely excellent professional papers on the subject in journals the world over.

This indictment includes even the internal recordkeeping operations of most national archives around the world that have a special interest, professional leadership obligation, and in some cases, a legal mandate to ease the way into electronic records for the rest of the world. A great deal of progress has been made in the past ten years, no doubt, especially in the policy area. But regrettably little has been done in terms of implemented enterprise-wide systems beyond those spurred by the commendable establishment of the United States DOD 5015.2 RMA standard that has been endorsed by the Archivist of the United States for use throughout the U.S. government. Even there, however, in most cases TRIM, FOREMOST and other 5015.2-compliant systems are being used for plain document management purposes without the full record-

keeping functionality they afford, or they are being used as trustworthy record-keeping systems but are not implemented on an enterprise basis. Perhaps it is time that CIOs and CKOs learned the difference between yesterday's electronic document management systems (EDMS) and today's enterprise recordkeeping systems that have all the functionality of EDMS but also operate in a trustworthy recordkeeping environment. This might just happen if they began reading books like this one.

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