

**BOOK REVIEWS**

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**Jeannette A. Bastian, Editor****Complete Copyright: An Everyday Guide for Librarians**

By Carrie Russell. Chicago: American Library Association, 2004. xix, 262 pp. Illustrations. Index. Spiral-bound paper. \$45. ISBN 0-8389-3543-5.

**The Librarian's Copyright Companion**

By James S. Heller. Buffalo, N.Y.: William S. Hein & Co., 2004. xi, 257 pp. Index. Paper. \$45. ISBN 0-8377-3300-6.

**Copyright for Archivists and Users of Archives**

By Tim Padfield. Second Edition. London: Facet Publishing, 2004. vii, 270 pp. Index. Paper. \$75. ISBN 1-85604-512-9.

Copyright affects every facet of archival work. When archivists acquire or accession materials, they must consider whether they are acquiring only physical title or whether copyright is conveyed as well. Preservation is often accomplished through the reformatting of items. Since reproduction is one of the exclusive rights of the copyright owner, archivists must first determine if a work is still copyrighted and if it is, then whether an exemption in copyright law will allow them to preserve the work. Similarly, reproduction for users can be problematic unless the work has entered the public domain. Even displaying a work in an exhibit is a technical violation of the copyright owner's exclusive rights of public display, though fortunately there is an exemption in U.S. law that allows manuscripts to be publicly displayed.<sup>1</sup>

The emergence of digital technologies has increased the importance of copyright to archivists. On the one hand, archivists can use digital technologies to make archival holdings better known to researchers and the general public, and in some cases to actually deliver material to users. On the other hand, such delivery may be a violation of the copyright owner's exclusive rights of distribution,

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<sup>1</sup> In Ireland, however, special legislation had to be passed this year to ensure that James Joyce's manuscripts could be displayed by the National Library on Bloomsday. Mark Hennessy, "Emergency Law to Prevent Copyright Threat to Joyce Show," *Irish Times*, 27 May 2004, at <http://www.ireland.com/newspaper/front/2004/0527/2828097395HM1JOYCE.html> (accessed 27 November 2004).

reproduction, and display. Furthermore, digital publishing makes it easier for copyright owners to discover presumptive copyright infringements. Reports of copyright lawsuits brought by the recording industry have raised the general awareness of the existence of copyrights and the potential need to protect them, and the risk inherent in archival reproduction and distribution seems greater. Lastly, proposed technological solutions intended to prevent perceived widespread copyright infringement are likely to bedevil archivists in the future as we attempt to preserve and make available materials protected with a bewildering variety of encryption, copy-protection, and digital rights management systems.

Copyright has clearly become a topic of importance to all archivists—but how can archivists stay current with developments in this area? While the ideal manual on copyright for American archivists has not yet been written, the three books under review in this essay can help fill in knowledge gaps. Two of them, as their titles suggest, are intended for librarians. Nevertheless, there is much of interest to archivists in them. The third, while intended for archivists, is sharply influenced by its British context, and thus may be of limited usefulness to an American audience.

Don't let the spiral binding, cartoon illustrations, and overall "cutesiness" of Carrie Russell's book fool you. As one would expect from a copyright specialist with the American Library Association's Office for Information Technology Policy, *Complete Copyright* is the single best overview of the copyright policy issues facing libraries and archives today. After first briefly explaining copyright fundamentals, Russell provides clear and concise introductions to current controversial issues such as the TEACH Act, database protection and the UCITA laws, the Digital Millennium Copyright Act, and Digital Rights Management. In sidebars and "Q and A's" she addresses some of the current "hot" topics in copyright management, including the legality of linking on the Web, copying public domain works, and whether state employees (including employees of state universities) have immunity from copyright infringement. In one chapter, Russell notes that librarians are frequently the copyright experts in their institutions and often have to explain copyright law to others. She therefore includes sample presentations on basic copyright and the TEACH Act that reinforce the underlying theme of the book—that copyright law when it is working well is a limited monopoly grant to copyright owners that balances between the interests of the copyright creators and the interests of the public who wish to use copyrighted works.

In a book that provides a solid introduction to the basics of copyright; discusses topics such as fair use, audiovisual displays, reproductions, and the Web; and includes in its appendix useful summaries of some of the most important copyright cases in recent history, something has to be omitted. In Russell's case, it is explicit discussion of the issues that face archivists, especially issues surrounding the duplication and use of unpublished materials. One can find

the occasional reference to unpublished material in the text, and there are summaries of some court cases of importance to archivists in the Resources section, but this is not a complete manual on copyright for archivists. Still, it is the single best overview of the copyright issues currently under discussion in libraries and archives, and it would prove a useful introduction for any archivist.

James Heller's book, *The Librarian's Copyright Companion*, also seeks to serve as an introduction to copyright issues for librarians. While it lacks the cartoon characters of Russell's book, it too tries to strike a light, discursive tone while talking about an issue that might otherwise seem dry. After quoting at length the overly aggressive copyright ownership statement on the state of Florida Web site, for example, Heller asks, "Who are these cocoanuts [*sic*]?" and then proceeds to explain why the site is wrong in its approach. He also happily notes that every publicly released Marx Brothers' film is mentioned in the text.

Yet Heller, the director of the library at the William and Mary School of Law and former chair of the American Association of Law Libraries' Copyright Committee, takes a slightly different approach than does Russell. Russell's book emphasizes that in the absence of direct court cases involving libraries and archives, it is hard to determine the exact limits of copyright law. She cautions us against yielding too much in the struggle to find a balance between owners and users. Heller, on the other hand, is much more willing to propose guidelines and best practices, and often those guidelines are more restrictive than Russell's. On electronic reserves in libraries, for example, Russell describes three different policy approaches and notes that all might be legal or all might be infringing. Heller lays out one approach, on the conservative side of Russell's spectrum. A library is unlikely to be at risk if it follows Heller's bottom-line recommendations—but it may have to limit unduly its services to users.

Is Heller's book of more use to the archivist? As with Russell's book, there are few explicit references to unpublished materials. Because it more closely follows the copyright law, and particularly those sections of the law that affect libraries and archives (fair use, reproduction by libraries and archives, and teaching performances), it may have a bit more to say to archivists about preservation copying and reproduction for users than Russell's book. Yet the most important contribution in the book, Heller's detailed analysis of license terms in a typical contract to license a database or electronic resource, is unlikely to be of much use to most archivists.

One of the driving forces in copyright today has been the effort to harmonize different national copyright regimes. The Berne Treaty, the World Intellectual Property Organization, and a series of international trade treaties have fostered a general belief that copyright is becoming more consistent around the world. I held out high hope, therefore, that Tim Padfield's book on copyright for archivists in the United Kingdom might be of benefit to American archivists as well. Like the other two authors, Padfield, an archivist at the National Archives in Kew, starts

with an explanation of the nature of copyright and runs over the basics—what can be copyrighted, how things are copyrighted, and the rights of the copyright owner. In this, British and American copyright laws are similar. Padfield then dives into the special cases and exceptions about copyright ownership, duration, and use. His book is a reminder of the unusual problems archivists can face, either in this country or in the United Kingdom, including the copyright ownership of the records of bankrupt companies, the records of volunteer directors of organizations, or even the finding aids and other archival tools produced by employees and volunteers of the archives itself—issues that never occur to the authors of the general treatises intended for librarians. Unfortunately, the copyright status in the United States of works by English authors is determined by U.S., not British, law, so Padfield's conclusions as to copyright ownership or duration would need to be tested against U.S. practice—but at least he raises the issue. Furthermore, anyone who wishes to make material available in the United Kingdom as well as in the United States will need to respect the laws in that country; Padfield's book is an exhaustive reference guide to the subject.

While there is still no perfect book on copyright for American archivists, Russell's and, to a lesser extent, Heller's volumes can serve as readable introductions to the basics of copyright. They can be supplemented with more specialized essays on the copyright of unpublished materials by Scott Burnham<sup>2</sup> and especially Kenneth Crews,<sup>3</sup> as well as the dated but still useful archival law manual by Trudy and Gary Peterson.<sup>4</sup> Padfield's book provides an interesting comparison.

Many of us had hoped that when the bulk of unpublished materials entered the public domain on 1 January 2003, most of our copyright issues would go away. It is apparent now that this is not going to happen. The books under review here, while not perfectly germane to archivists, are still useful educational tools that can assist us in addressing the copyright challenges we all face.

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### **No Innocent Deposits: Forming Archives by Rethinking Appraisal**

By Richard J. Cox. Lanham, Md. and Oxford: Scarecrow Press, 2004. vii, 303 pp. Index. Available from the Society of American Archivists, \$44.50 members, \$54.50 nonmembers. ISBN 0-8108-4896-1.

<sup>2</sup> Scott Burnham, "Copyright in Library-Held Materials: A Decision Tree for Librarians," *Law Library Journal* 96 (Summer, 2004): 425–48, at <http://www.aallnet.org/products/2004-26.pdf>.

<sup>3</sup> Kenneth D. Crews, "Unpublished Manuscripts and the Right of Fair Use: Copyright Law and the Strategic Management of Information Resources," *Rare Books and Manuscripts Librarianship* 5, no. 2 (1990): 61–70.

<sup>4</sup> Gary M. Peterson and Trudy Huskamp Peterson, *Archives & Manuscripts: Law* (Chicago: Society of American Archivists, 1985).

## BOOK REVIEWS

Every book by the profession's most prolific author, Richard J. Cox, should attract the attention of archivists. *No Innocent Deposits* is certainly no exception. Of the author's nine books in the past dozen years (three more are on their way to press!), this one is easily the most provocative. Cox is displaying here the confident maturity of the tenured full professor not afraid to take the gloves off and speak some hard truths based on long experience, wide reading inside and outside the archival world, and sustained reflection over many years. A wise profession will heed his counsel.

Cox rightly claims that his topic of appraisal vitally concerns all archivists, as well as those who sponsor or use archives. Appraisal determines what *is* the archive and what is not. All other archival functions and concerns—arrangement and description, preservation, EAD, digitization, reference and access, public programming, various recording media, authenticity, copyright—that so dominate our literature only are relevant (for archivists) as they relate to records that are already in (or designated for) the archive. Not only is appraisal thus the determining factor in defining the focus of everything else we archivists do, but it is also the one irreversible thing we do, for with appraisal and acquisition are also married rejection and destruction. In appraisal, archivists (along with record creators and records managers) decide for society who in future will be heard and who will not. With remembering comes forgetting. In appraisal we archivists are cocreating the archives. We are making history. We are exercising power over memory. And as we include, we also overwhelmingly exclude.

Cox argues that such perspectives still make many archivists distinctly uncomfortable. These activist assertions evidently fly in the face of our traditional mantras about being objective, neutral, impartial, simply applying rational procedures and logical methods to our curatorial tasks, safely leaving any interpretation of records to researchers using the archives. We are still largely content to preserve the records as allegedly innocent by-products of human experience, not mediate in their construction or meaning. As his central thesis, Cox rejects this orthodoxy: there simply are “no innocent deposits” in archives. “Archives do not just happen,” he asserts, “but are consciously shaped (and sometimes distorted) by archivists, the creators of records, and other individuals and institutions.”

Academics in the past decade have finally turned to “the archive” as a topic of study (rather than just a source of documents to study other subjects), as part of their broader research agenda that focuses on memory and identity. History likewise is enjoying a significant resurgence in popular film, cable television, best-selling books, and historical site and wartime commemoration. Small-a “archival” events appear regularly and prominently in the media, from the fire-bombing or looting of institutions holding archives in Bosnia and Iraq to spontaneous archiving efforts after 9/11, from increasing concern about digital preservation across centuries to yet another mighty person brought low by forgotten e-mail “archives” coming to light. Yet despite all these trends, Cox

asserts that neither scholars nor the public nor the media much understand what goes on in shaping the archive, on the inside, by archivists, through appraisal. And Cox believes that archivists are not very keen to publicize this central definitional role of their profession, of embracing “the power invested in the archivist to *make* archival records, a power that most archivists don’t believe they have, or don’t think about and an influence that some archival thinkers, especially those in the neo-Jenkinsonian school, want to discount” (p. 261).

The unabashed purpose of this book is to shake this complacency to the core, inside and outside archivy, for power wielded and denied is power that is ultimately unaccountable and irresponsible. In a way, then, this book is the logical sequel to Richard Cox and David Wallace’s well-received 2002 book, *Archives and the Public Good: Records and Accountability in Modern Society*. Where that volume highlighted several case studies of illegal or inappropriate record destructions that thwarted public accountability and societal justice, *No Innocent Deposits* addresses appraisal more directly and more conceptually. If archivists want to avoid the ethical and public relations nightmares of such record destruction scandals detailed in the first book, Cox suggests that they had better rethink appraisal in fundamental ways and then adjust their strategy and practice accordingly. And they should do so in public, not in the quiet sanctity of their stacks. Another strong message in the book is for archivists to take the core controversies within the profession about appraisal, value, memory, and the nature of the archive and debate them with other professions and in the media. Why have there been no “cultural wars” with archives as there have been with museums and galleries and historic sites? Is our work as society’s memory agents really so uncontroversial? Or do we just feel more comfortable making outsiders think that way?

Across ten chapters Richard Cox explores all these themes with many examples, much nuance, and an astonishing array of citations from works in many fields. The very vigor of his analysis and prose will force any archivist to rethink at least some of his or her own assumptions and experiences about appraisal. While some of these chapters have appeared as articles in recent years, they have been significantly reworked, so that they now read as fresh rather than stale observations. The book contains a useful topical and name index.

The reader should understand in approaching the book that these are essays, speculative musings, cautionary tales, provocative exhortations to action, analyses of past concepts, reviews of present (often glib) assumptions, spotlights on contemporary best practices; in short, they are about “rethinking appraisal,” as the title suggests. They are less about “re-doing” appraisal. This is not a how-to guidebook or a cover-all manual on appraisal. There is no attempt, somewhat disappointingly, to champion one recent method of appraisal (or blend of methods) over others. There is no unfolding in a logical or nonrepetitive manner, from first to last chapter, of a “total appraisal” approach for such a best

method. Such a book would, let me suggest, involve an analysis of the failure of past appraisal theory and practice to be sure, which Cox certainly undertakes. That analysis would then be followed by a careful philosophical argument establishing and defending a theory of “value determination” for the new “rethought” appraisal (the reasons *why* we should keep some records and why we should destroy others). This would then be followed by an articulation of a policy and broad strategic framework by which this new value theory so articulated could be transformed by institutions into working reality; a detailed macrolevel methodology to implement that strategy; specific microlevel appraisal criteria to test and validate that methodology with actual records; and recommended managerial, documentation, and systems/procedural infrastructures to render the new “total appraisal” openly transparent and fully accountable.

This is not, I hope, criticizing Cox for the book he did not write, nor implying that he does not touch on each of these topics in various places, but suggesting, rather, that “rethinking appraisal” also requires thinking about and articulating such a detailed, logical, sequential, first-principles to final-criteria blueprint, as it does his more generalized probing and questioning. While Cox lauds (without analyzing or critiquing in detail) such recent real-world approaches to appraisal as the documentation strategy and macroappraisal, and certainly offers useful series (even lists) of issues to consider that are very relevant to practitioners, it is fair to say that his overwhelming focus is on critiquing what is wrong with traditional archival approaches to appraisal and to marshal a mountain of evidence on why archivists need to rethink this vital function. Doubtless he would argue that the tangled web of bad practice and inherited assumptions needs to be cleared away first, before the kind of “total appraisal” rethinking I suggest above would be possible. In this he is probably right.

What, then, is wrong with much “thinking” about archival appraisal? According to Cox, the main problem is the lingering survival of the “collecting” mentalité from the North American profession’s antiquarian roots in the historical societies of the early nineteenth century. In fact, Cox would call the “collecting” approach to appraisal “unthinking appraisal”: archivists collecting documents in the same way that others collect baseball cards or Elvis memorabilia, piling up more and more of the same “stuff” and failing utterly to address the appraisal implications of vast changes in recent scholarship, in new organizational cultures producing new kinds of records, in modern recording technologies, and in new corporate and societal perspectives on the value of reliable recorded evidence. Cox is typically blunt: “collecting is not appraisal,” and the psychology of collecting, and why archivists feel so good about doing it, desperately need more scrutiny. Cox provides some of that, in terms the profession might find painful, but necessary to confront. The image (including self-image) of the archivist “as an Indiana Jones-type character, adventurously hunting out the treasures of the past, is romantic” (p. 134) but seriously flawed, and so are

the resulting collections in archives, with their artifactual and subject focus, and fragmented and episodic content. While he very much welcomes the new theories appearing in the past decade arguing “for macroappraisal as a coherent, principled, scholarly activity, the practice of appraisal has not kept pace; it still appears to be malformed collecting to satisfy ill-defined users’ or other needs” (p. 50).

What is right about appraisal and should unpin its rethinking for the new century? Not surprisingly, given his past work, Cox argues for the value of records as “evidence” of lives lived, whether individually or collectively in organizations, rather than for records as carriers of information, facts, or data about interesting subjects. “My own predilection,” he concludes a key chapter, “is to emphasize evidence over information as a mechanism for formulating appraisal theory, methodology, and practice. Evidence provides some precise legal, fiscal, and administrative parameters while at the same time capturing a considerable amount of records that can be used by a broad number of researchers and scholars.” Evidence for Cox is far from Schellenberg’s evidential appraisal values and reflects much multidisciplinary insight. If the appraisal archivist becomes the scholar of records, recordkeeping systems, and recording media that Cox advocates, then she or he will open up a much deeper, richer provenancial context surrounding records. Then some macro- or meta-approach to records appraisal becomes possible, for by researching and analyzing this context, the archivist can then select as archives the best evidence that documents the key features of that context. And thus, as Cox shows in his delightful last chapter on appraisal as alchemy, mere “turds and sticks” out there are transformed into the gold of societal heritage, as they are wrapped in meaning and context within cultural institutions. And if you want to figure out just what turds and sticks have to do with archives, appraisal, and heritage, read the book!

In a rare moment, Richard Cox waxes autobiographical with a telling insight. Invoking Jane Jacobs that “dissent” in modern society is not just political or philosophical but also practical, where “every single improvement in efficiency of production or distribution requires dissent from the way things were previously done,” Cox reflects that “I have based much of my career on such dissent, hoping that it causes archivists and other records professionals to reconsider what it is that they are doing or at least to ask if their efforts are working. I think, write, and teach from the perspective that archivists cannot stand pat in how they work in modern society. They must be creative, energetic, vocal, and risk taking” (p. 193). As with the man, so with his book. For an energetic, creative, dissenting view of archival appraisal that will delight, disturb, and inspire, *No Innocent Deposits* is certainly recommended reading.

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**To Preserve and Protect: The Strategic Stewardship of Cultural Resources**

Washington, D.C.: Library of Congress, 2002. xxiv, 300 pp. Index. Paper. Available from the Society of American Archivists, \$27.00 members, \$35.00 nonmembers. ISBN 0-8444-1060-8.

**Also published as The Strategic Stewardship of Cultural Resources: To Preserve and Protect**

Edited by Andrea T. Merrill. New York, London, and Oxford: The Haworth Information Press, 2003. (Copublished simultaneously as *Journal of Library Administration*, vol. 38, nos. 1/2 and 3/4, 2003). xx, 237 pp. Index. Paper, \$39.95. ISBN: 0-7890-2091-2. Hard cover, \$59.95. ISBN: 0-7890-2090-4.

**Who Owns Native Culture?**

By Michael F. Brown. Cambridge, Mass. and London: Harvard University Press, 2003. xii, 315 pp. Illustrations. Index. Paper. Available from the Society of American Archivists, \$15.00 members, \$20.00 nonmembers. ISBN: 0-674-01171-6.

Cultural stewardship, that act of acquiring and assuming responsibility for the significant physical artifacts of the past, has been the acknowledged responsibility of libraries, archives, and museums. Recognizing that passive retention of these objects is not sufficient to merit continuing public trust and support, these institutions have extended that responsibility to include considerations of appropriate environmental conditions and security controls in collection storage areas, innovative techniques for organization and public access to these resources, and, increasingly, exploration of various digital technologies for display and delivery of surrogates of these materials to on-line users. However, with the passing of such laws as the Native American Graves Protection and Repatriation Act (NAGPRA), many collecting organizations are responding to repatriation claims and examining the circumstances of their original acquisition of cultural objects and the textual, visual, and aural records of the lifeways of indigenous peoples. Changes in the U.S. copyright law have also occasioned a re-examination of the rights of ownership and use of archival materials generally. What then are the rights and responsibilities of holding institutions to preserve and protect these cultural objects?

Some answers to the questions of responsibility for physical security and preservation are presented in *The Strategic Stewardship of Cultural Resources: To Preserve and Protect*, the published collection of twenty-two papers given at a Library of Congress symposium in 2000. As identified in the work's introduction, the four key tasks necessary to safeguard heritage assets were "physical security (protecting the physical object from theft, mutilation, damage by water, fire and so on); preservation (protecting the artifact from deterioration through

conservation or reformatting); bibliographic control (knowing what collections the library has); and inventory control (knowing where these collections are).” Except for the immediate drama of fire or flood, losses in cultural heritage collections through inattention to any of these tasks are insidious and may only be noticed long after irreparable damage is done. This symposium focused on the intersection of security and preservation and elicited responses from many of “the usual suspects,” the respected names in the field of physical preservation of cultural objects held in libraries. As such, this text serves as an excellent introduction for students in library, archives, and preservation programs, as it raises all the major concerns about security and preservation, and it presents informed views of the applicability of various solutions to these problems.

One of the underlying themes of the collection is the need to inform and educate administrators of the essential values of both security and preservation, particularly as these systems are only noticed when they fail. Each of the main session topics of the symposium examined the often conflicting ideas of security and preservation by looking at how to measure success in such programs, managing the security and preservation aspects of collections of electronic information, and integrating preservation and security concerns in the changing physical and social environment of people and buildings. Surprising for their candor, but especially welcome, are the articles that deal with thefts and their aftermath. Jean Ashton’s discussion of the 1994 discovery of the theft of manuscripts, early printed books, and archival materials from Columbia University provides an important case study on how to respond to thefts. A useful introduction to the Federal Bureau of Investigation’s Art Theft program by Lynne Chaffinch follows. Abby Smith’s thought-provoking essay “What Can We Afford to Lose?” describes a risk-assessment model developed at the Library of Congress for the management of its collections as “heritage assets” which considers the value of collections to the institution and its constituents, acknowledging that those values may change over time. She recognizes that the American culture “places high values on things having immediate reward, no matter how small, over those having delayed benefits, no matter how great,” and identifies this as a factor in shifting professional and public attention—and funding—from preservation to access in libraries. She and others address the conflict between item-level preservation of items of artifactual value against those with little artifactual value but much intrinsic research and informational value, particularly as that influences the decisions to reformat, for example digitize, those materials, arguing that “an item that has research value is usually part of a larger whole that provides context for its interpretation.” Clifford Lynch sees rights management as an essential element of both security and preservation, stating that “the most fundamental problem facing cultural heritage institutions is the ability to obtain digital materials together with sufficient legal rights to be able to preserve these materials and make them available to the public over the long term.”

Rights management is also the central concern of anthropologist Michael Brown's *Who Owns Native Culture?* in which he debates the idea of restrictive cultural privacy and asks if cultural heritage can be owned—or claimed—as property. As in the cases of the photographs of Hopi daily life and ceremonies taken by Mennonite missionary H. R. Voth beginning in the 1890s, now housed in the Mennonite Library and Archives at Bethel College in North Newton, Kansas, and the audio recordings collected by Frances Densmore of many Southwest and Plains Indians beginning in 1905 and now in the Library of Congress, the societies who created and used these ceremonies have lost control of many of the images and songs and can no longer restrict the audiences for their public display or performance to those deemed appropriate. In defense of such collecting activities, Brown reminds us that in the late nineteenth century, anthropologists believed that these native American cultures were dying out and that these attempts were a form of salvage anthropology to secure and preserve any aspect of the culture before it disappeared. However, many of these groups did survive and are seeking to impose restrictions on the use of these materials now in the collections of archives and museums. Brown recognizes that such cultural secrecy can cut both ways as it “defends powerful knowledge but also imperils the reliable transmission of cultural information.”

While the specific archival applications are limited, Brown's chapter “Ethnobotany Blues” is a powerful example of the conflicting ways in which the social capital argument is used by indigenous peoples in Central and South America to claim financial remuneration from bioprospectors who derive their competitive advantage from information received from native healers. Brown provides detailed accounts of situations in which the complex of oversight by cascading national and nongovernmental biological institutes, political insurgents, the intervention of charismatic ethnobotanists such as Richard Evans Schultes, and the United States Patent Office create a tangled web of expectations and responsibilities dependent on local politics.

Particularly pertinent to the management of such collections in archives, Brown recommends that we change the question of “Who owns native culture?” to “How can we promote respectful treatment of native cultures and indigenous forms of self-expression within mass societies?” While this appears simplistic, particularly within the cultural environments he describes, such negotiations are taking place on a one-to-one, face-to-face basis as proscribed by the repatriation requests under NAGPRA.

Taken together, these two books challenge the limitation of the responsibility of stewardship to the object's physical reality and discuss the notion of continuing access to the intangible cultural intellectual property inherent in these heritage assets.

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### Owning Memory: How a Caribbean Community Lost Its Archives and Found Its History

By Jeannette Allis Bastian. Contributions in Librarianship and Information Science, Number 99. Westport, Conn. and London: Libraries Unlimited, 2003. 107 pp. Index. Selected Bibliography. Available from the Society of American Archivists, \$50.00 members, \$59.00 nonmembers. ISBN: 0-313-32008-X.

The discussion of social memory and the role of archives in its construction has been churning for some time, but hasn't taken its place in archival literature's spotlight until relatively recently. With the publication in the last decade of a goodly amount of exceptional writing on this topic (Fran Blouin's "Archivists, Mediation and Constructs of Social Memory," *Archival Issues* 24, no. 2, 1999, comes immediately to mind, as do contributions from Mark Greene, Elisabeth Kaplan, David Lowenthal, Terry Cook, and Joan Schwartz), we may be tempted to show some skepticism and wonder what lessons a slender volume concerning the archival record of a remote set of islands might offer us. We would be wrong to wonder. Jeannette Allis Bastian's *Owning Memory: How a Caribbean Community Lost Its Archives and Found Its History* provides, in five chapters, a full discussion of the undercurrents in social memory theory and offers a case study that brings an often high-minded topic into the real world, using the practical experience of a community and its archival record. The result is an accessible and engaging read for all archivists concerned with the larger issues of social memory and how they play out in the "real world."

Bastian is a professor and director of the Archives Management Program in the Graduate School of Library and Information Science at Simmons College. Having studied extensively the concept of social memory and archives, her work is extremely well researched. Though not exhaustive, the bibliography is a treasure trove for those of us interested in the topic. Yet it is Bastian's background in the Territorial Libraries and Archives of the United States Virgin Islands, where she was director from 1987 to 1998, that informs the text and gives her writing an immediacy at once compelling to the reader and pertinent to her arguments. Bastian notes in her preface that "My concern was driven by the recognition that behind the theoretical discussions lies the practical reality that ownership of history (and therefore memory) is often obtained through hard-fought battles with uncertain outcomes for small disenfranchised societies or groups" (p. ix).

The book's opening chapter briefly mentions the quandary of the archival record of the United States Virgin Islands and continues with a discussion of the relationship between written records, community, and memory. Here Bastian begins to frame her argument that records must be accessible to a community in order for that community to construct and maintain its memory, and she begins to set forth the difficulties that postcolonial countries face in achieving that ideal. Bastian doesn't shy away from the intellectual problems behind the

creation of the archival record—she observes the impulse to create a documentary heritage and the early nineteenth-century proclivity to collect records by retrieving them and copying them from British and European depositories, and she introduces the notion (to return later in the work) that underrepresented contingencies in the community may disappear because no written records have been gathered about them. Bastian's discussion asks that we consider the creation and selection of archival materials, paying attention to the fact that these processes are always influenced by the values of those creating and selecting them. She also constructs her argument for archival custody as a necessity to the construction of collective memory, tying it to the importance of oral history and using both African and Virgin Islands communities as examples. As Bastian explains, oral and written records are "symbiotic if not necessarily equal" (p. 10). She argues that because oral tradition plays an important role in the collective memory of many colonized communities, traces of that oral tradition may appear in the written record. When access to the written record is impeded, the ability to understand and interpret the oral tradition may also be hampered, and the ability to construct accurate collective memory is diminished.

This stroll through some of the key issues in the archival discussion of social memory is prerequisite for Bastian's examination of the history of the Virgin Islands and its archival record. She enumerates a series of incidents that resulted in the removal of records from the Virgin Islands to Denmark and to the United States throughout the course of the history of the islands. Her brief history of the U.S. Virgin Islands is both interesting and necessary for the reader who is likely unfamiliar with the islands' colonial history, which plays a critical role in the ultimate disposition of the records. I imagine that Bastian wanted to engender some level of disbelief—and she succeeded in doing so—when she made two significant points: first, that the records created under Danish Crown rule between 1754 and 1917 were removed to Denmark because of a concern for their preservation in the face of tropical climate and political upheaval; and second, that these same records had actually been created in Danish, the language of record, though Danish was not the language of the islands' English and Dutch Creole-speaking population. Though these are not uncommon problems for colonies (and even for underrepresented populations within larger countries), these two actions effectively eliminated the accessibility of the archival record to most inhabitants of the islands.

The situation was further complicated when Denmark transferred the islands to the United States in 1916, specifically turning over property rights to the archival documents as a part of the agreement. As Bastian notes, "Custody of the records was regarded as essential to the ownership of the land" (p. 28); however, the United States did not actually concern itself with the archival record in its new territory until 1936. Between 1916 and 1936, Danish officials continued to remove selected records to Denmark. From 1936 until the late 1950s, the United States transferred selected records to the National Archives,

again in order to assure their preservation. It wasn't until the late 1950s that the National Archives stopped taking records from the Virgin Islands. Bastian's comment that the "loss of records in the Virgin Islands has itself become a part of the community's collective memory" (p. 31) indicates the depth of impact that these transfers have had on the population as a whole—not just on researchers.

With this understanding, the reader easily follows Bastian into the third chapter of the book, which revolves around the problems of writing history in a colonial territory with a distinct lack of sources. Bastian uses excellent examples to frame her discussion of the difficulty in writing the history of the islands, citing the underrepresentation in the documentary record of such communities as Australian Aborigines and Native American tribes. As in the Virgin Islands, the archival record of these groups may reside far away from the main community it describes, or it may not even exist. Bastian rightly notes that "archival power implicit in [the records of a society] may deny the voices of the orally-based colonized people themselves" (p. 38). In the case of the Virgin Islands, the barriers to writing a complete history are multifaceted. Foremost is the problem of accessibility: both distance and language offer barriers to the use of primary sources. Examining historical texts about the islands, Bastian notes that "Unreliable scholarship and outside interpretation characterize much of the Virgin Islands' written history" (p. 40). The inability of scholars to obtain adequate records, Bastian argues, compromises the history that is written. Her examples include discussions of both the pre- and post-1917 historical works, highlighting the fact that Virgin Islands' history has largely been written by amateurs or by scholars outside the community and unfamiliar with the culture, who happened to have easier access to removed sources. Bastian attunes the reader to the disconnect produced by this situation, and she likens the historical documentation of Virgin Islanders to that of Native Americans as observed by William T. Hagan in the April 1978 issue of the *American Archivist*, where he states that "to be an Indian is having non-Indians control the documents from which other non-Indians write their version of your history" (Bastian, p. 38).

Because of the problems caused by the inaccessibility of the written record, Bastian focuses the rest of the book on the alternate ways in which Virgin Islanders construct memory. Her chapter on commemorations provides the reader with more interesting history about the islands, offering a thought-provoking consideration of how commemorations bring together elements of oral history, folk tradition, and documentation to help the community construct its memory. However, it is the final chapter, "Go Back and Fetch It: Owing History," that brings together all of the larger issues previously addressed and examines the meaning of "ownership" with regard to records, using the principle of provenance to enrich it.

Ownership is a major presence in this text, often just under the surface if not showing its face. Throughout the work, I found myself recalling a prime

example of ownership and repatriation: a reclamation project entitled the Southwest Oregon Research Project (<http://www.lanecc.edu/library/don/sworp.htm>) undertaken by a group of Coquille tribal members and representatives from the University of Oregon. Together, the researchers sought out tribal materials that had been removed to the Smithsonian Institution, made photocopies of over 30,000 pages of tribal history dating to the earliest records of the Coquille tribe in Oregon, and returned to repatriate them in the Coquille Tribal Offices and at the University of Oregon. The team effectively reclaimed primary sources for use by the tribal community in one of the most successful recoveries of tribal documentation to date. Bastian's final chapter echoes this notion of repatriation in her discussion of the African concept of *sankofa*, or, as translated, "go back and fetch it." While she does not go as far as to suggest this type of project, she considers methods of historical analysis of existing records on the islands that can offer a deeper understanding of their culture and history. In the discussion of the importance of ownership of the records that follows, Bastian concludes that the Virgin Islands government has recognized the importance of the documentary record to its community and in 1999 "negotiated a bilateral agreement with the Danish Ministry of Culture for preserving and sharing historical records" (p. 86), and the United States has been invited to join in the effort. What this may mean to the people of the Virgin Islands remains to be seen, but it does suggest that the possibility of improved access is not out of the question. The story of these records and this community, then, may have a happy ending.

Bastian's book is an impassioned plea for the importance of the historical record, and for nonwritten, commonly shared experiences and traditions. As her history of the records of the Virgin Islands readily demonstrates, this broadly defined historical record is not created in a vacuum. It is created by many communities and constituencies, all using the record in different ways to construct social memory and ultimately history. As keepers of that material, archivists have a responsibility to remain aware of the issues and fully engage in the ongoing discussion of our role in the construction of social memory.

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### **Managing Archival & Manuscript Repositories**

By Michael J. Kurtz. Archival Fundamentals Series II. Chicago: Society of American Archivists, 2004. ix, 255 pp. Illustrations. Available from the Society of American Archivists, \$35.00 members, \$49.00 nonmembers. ISBN 1-931666-09-1.

Michael Kurtz has created an indispensable tool for archivists who oversee active archival and manuscript programs in our new information era. Both theoretical and practical, reflecting current standards and best practices, Kurtz's

volume is well placed as the first publication in SAA's new Archival Fundamentals Series II. The series is intended, as Richard J. Cox writes in his preface, "to provide the basic foundation for modern archival practice and theory" (p. xi).

Kurtz brings to his task a formidable background of thirty years experience in the National Archives and Records Administration as well as long involvement in the work of the Society of American Archivists, where he served for many years as chair of the Archives Management Roundtable and as a member of the Committee on Education and Professional Development.

Kurtz's introductory note sets out the complex context of the current archival profession. This transitional era is the result of rapid changes in organizational theory, communication, and information technology, resulting in "increasingly complicated and sophisticated projects performed in the archival setting" (p. xv). The world of management theory and practice is vast and connecting it to archival theory and practice is a major challenge. Kurtz's approach is to use "organizational complexity" as the framework for his thirteen chapters "to present a coherent and sensible narrative" that facilitates "understanding each issue in the archival context" (p. xvi).

He begins by addressing general management issues: theory, practice, and leadership. The third chapter then introduces "organizational complexity: a new management paradigm." After four chapters on broad topics—foundations of organizational success, planning and reporting, project management, and managing information technology—he addresses key issues primarily involving people, human resources, and communication in the two following chapters. The final four chapters address specific management functions of facilities, finances, fund-raising, and public relations.

The summary essay, "Management Literature, Web Sites, and Professional Associations," is one of the most valuable parts of the book, bringing together in one place a range of information about professional archival as well as general management resources, including electronic resources and periodical literature, with extensive annotation and assessment. Kurtz's own text can be used to advantage in conjunction with any of the literature he cites, for example *Management Basics for Information Professionals*, by G. Edward Evans, Patricia Layzell Ward, and Bendik Rugaas, and *Developing and Maintaining Practical Archives*, by Gregory S. Hunter.

Although the volume is packed with practical advice, it does not pretend to be a comprehensive management text. Rather, it is both a primer for new archivists and a tool for experienced professionals who want to keep up with evolving standards and practices. The overall structure, presentation, and physical design of the work facilitate use. It can be read through completely, or referred to as needed by topic. Each chapter begins with a concise summary of previous topics and then is divided into short, readily digested sections, each of

which has a descriptive title and a clear, progressive structure. Kurtz's narrative is supported by illustrations, charts, and tables as appropriate. The concluding section of each chapter summarizes the most significant points in the chapter and provides references to additional sources that complement his topics and offer further ways to explore them. In fact, given that we are in a period of transition, Kurtz's text would have been well served by his own useful recommendation that paper texts be complemented by on-line versions which offer a practical, relatively easy way to provide regular updates.

Kurtz's approach to the complexities of managing an archival program is grounded in reality. Although he offers a deceptively simple definition of management—"Management is basically about people, what they do, and the organizations in which they work" (p. 7)—Kurtz honestly notes the difficulties and challenges an archival manager faces: "Management tasks are demanding, often complex, and critical to the survival of the archival program" (p. 8).

According to Kurtz, to create a viable program archivists must be actively involved in the relational structure of their organization, both internally and externally. "The manager's major responsibility," Kurtz says, "is to see that the archives moves forward. Management is not an additional duty or a step up the organizational ladder. It is a calling with rewards for success and penalties for failure" (p. 45). Most archivists must also be managers; however, the profession currently offers only limited relevant management training.

While he sees the need to be well grounded in traditional archival practices (such as appraisal, arrangement, and description), Kurtz believes that leadership is the essential skill for an archival manager. It is critical because of the rapidly changing workplace environment in areas such as technology and legal and regulatory considerations. Without careful leadership, workplace demands can outpace the ability to satisfy them.

*Managing Archival & Manuscript Repositories* offers a tool for archivists to develop the fundamental skill set to plan, organize, administer, report, budget, keep technological literature, communicate, negotiate, develop professionally, motivate, mentor, inspire, build relationships, network, imagine the future, and survive in the current complex archival environment. In short, it can help us become the leaders our profession needs.

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### **The NINCH Guide to Good Practice in the Digital Representation and Management of Cultural Heritage Materials**

Humanities Advanced Technology and Information Institute, University of Glasgow, and the National Initiative for a Networked Cultural Heritage, 2002. Available at <http://www.nyu.edu/its/humanities/ninchguide/>.

### **Technical Guidelines for Digital Cultural Content Creation Programmes**

Version 1.0: Revised 8 April 2004. Available at <http://www.minervaeurope.org/publications/technicalguidelines.htm>.

Reviewing these two manuals is like being asked to say which automobile owner's handbook is the best.<sup>1</sup> I was recently being driven in heavy rain by my brother in my sister's automobile in deluging rain in southwest Scotland when we followed a truck into a flood. The automobile stalled. "Where is the handbook," my brother demanded. "What does it say about inundation?" As inventive as we could be, we could find no advice, except to consult a recognized automobile dealer. This was of little use to us, stuck on a forest track miles from anywhere and with no signal on our mobile telephones. My sister had to get a ride in the offending truck to a neighbouring cottage and resort to an analog telephone. When help arrived, the motor mechanic shook his head and said "Oh dear, this is going to be expensive, cam shafts gone I shouldn't wonder."

One thing that distinguishes these two essential manuals is the continual reminder in the NINCH guide that every choice involves costs, just like getting your cam shafts fixed. For archivists accustomed to tight budgets, these are salutary warnings. What neither guide does is address the question of why we should drive into the flood in the first place and incur all this expense. It is a poor excuse to say we were following a truck, even if the insurance company believed us when we told them just that. We should have discovered how deep the water was. This, in a sense, is what both manuals set out to do, either implicitly or explicitly, and they should be consulted by every archivist before being seduced into digitization projects.

We do well to remind ourselves that these manuals were not addressed to archivists alone, but to all those wishing to make analog heritage assets available on the Web to take advantage of its effectiveness as a distribution channel. That is fine, but doing so raises important questions about the role of archivists as information providers. Although both confuse on-line catalogs with the creation of digital surrogates from analog assets, neither confronts the question of how mediation is to be achieved. Curators differ in their approach in the analog

<sup>1</sup>This review was originally delivered in the digitization workshop at the International Council on Archives congress in Vienna in 2004.

world. Museum curators, because their distribution has been mainly through exhibitions, are well versed in the mediation of knowledge and are comfortable with using experts to write catalogs and select objects. Librarians are aware of what is involved in the privileging of their holdings, although they are not good at retaining audit trails of their decision making.

Archivists are less comfortable with such overt mediation of individual objects in their care, but it is implied in everything they do from appraisal to cataloging and curation. Under withering criticism, they have tried to justify appraisal techniques where they consider themselves to be the sole arbiters, a defense, as they see it, against the keep everything mentality. If they move beyond appraising and cataloging the objects in their custody, they can become disconcerted and disorientated. Some archival commentators would argue that such mediation through the further selection of objects can raise questions about their objectivity and must inevitably involve user constituencies, taking archivists into the wider community of heritage curators. I have no problem with this, but such a change in professional behavior needs to be underpinned by debate and discussion before the engine seizes up under the digital flood-tide and resources are diverted from collecting, cataloging, and conservation. The questions are: Do archivists use the power of the Internet as a distribution network to provide access by means of improved and deeper catalogs; Do we follow the digitization truck; or, Do we seek to find hybrids whereby digital assets are linked to on-line finding aids. All these approaches are more demanding and expensive than analog equivalents.

There are other issues which neither manual attempts to resolve, although the NINCH guide does hint that external funding streams may dictate which assets are digitized. Until now few projects have been digital equivalents of analog microfilming, largely because digital preservation is an unknown quantity. Most projects address wider agendas, usually educational, and are linked to government initiatives to extend participation in the use of heritage assets. This in turn demands the selection and digitization of assets of interest to a diverse customer base, commonly in western cultures, genealogy and local history. The pursuit of such agendas does raise issues about what it is that archivists do that distinguishes them from others engaged in the curation of heritage assets.

Just as problematic for archivists is the exposure of archival assets by enthusiasts across the Internet who observe few if any of the procedures and protocols recommended in these manuals. Their retrieval may be suboptimal but the ingenious searcher can discover them in much the same way that uncataloged or poorly cataloged documents can be retrieved in the analog world. Such exposure will continue and multiply—and rightly so. Curators of heritage assets will be powerless to stop it. They should encourage it, but it is doubtful if they could insist on all the bells and whistles of these two manuals. We must not deter enthusiasts from participating in what for them is truly a revolution.

For archivists and librarians, and to a lesser extent museum curators, however, there is a good deal more to it than even this. Although we might resist following the truck in the creation of digital surrogates, we cannot avoid it when contemplating the future collection of assets. Both guides shy away from stating explicitly that this is the way the world is going to be. Nonetheless, they can both be read as guides for how to manage digital assets from creation to curation. This presents archivists with formidable challenges, not just in how to address the question, but perhaps more fundamentally in where their profession sits in the information domain. When it comes to digital preservation, neither manual says “if in doubt call an archivist.” Digital curation is not something peculiar to archivists. The old simplistic argument that archivists deal in unique objects and librarians deal in multiple copies no longer holds any water. Archivists have to address the fundamental question with which my colleague James Currall regularly chides me: “What do archivists bring to the digital table?” For my money it is about fiduciary responsibility, which we will come to share with librarians, and preserving a balanced historical record, as far as we are able, which emphatically we will not share with them. I believe that as a consequence we will have to give up our cherished role of having the final say in appraisal and that the supposed continuum between records management, with its implicit risk assessment, is no longer tenable. In the light of what has emerged about government record-keeping in the wake of 9/11 and the war in Iraq, these are vital questions that the profession must address.

In addressing these questions in the digital domain, the costs of the digital take archivists into a totally new ball game. Archivists have rarely been able to afford the luxury of cataloging and indexing individual objects, and yet that is what the digital demands. Digital objects do not easily have an association with another object. More often than not in the analog world, documents were associated with several objects. This was resolved by binding them together. This can only be resolved in the digital world by the careful construction of metadata. Creators will only follow such guidelines if they perceive that there is genuine value added from their selfish perspective, or there are penalties in not doing it, or both. This may sound easy, but in practice demands considerable business process re-engineering or, in other words, changing the way we do things, not just externally but within the archival and other information professions themselves. According to the Currall maxim it demands a clear articulation of the core values of the archival profession.

Unless this happens, I am convinced that archivists will be forced by budgetary pressures to align themselves much more closely with other information providers. Our death knell is sounded at the end of both these manuals when they consider long-term curation. This is an unknown, as they both rightly point out. The only thing that is known is that it will be expensive. Here I believe we have a great deal to offer that distances us from mediation and takes us back to our core

## B O O K R E V I E W S

value of the fiduciary curation of historical memory. The word “archives” is redolent of holding precious objects in an ark or strong box, surrounded by processes built up over generations that guarantee that the contents are what they purport to be. This for me is the paramount duty of archivists, placing them in a quasi-judicial role, which those in “free societies” who question our appraisal criteria need to understand. We must defend it, articulate it, and debate it so that we can earn a seat at Dr. Currall’s virtual table and not simply spend our time following trucks into floods and repeatedly having to get our cam shafts fixed at great expense.

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