RECORDKEEPING FOR ACCOUNTABILITY [1]

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Abstract

Records and archives are sources of evidence of human agency. They are a form of "social glue" which holds together, sustains, and sometimes unravels organizations, governments, communities, individuals, and societies. This notion of records and archives as a form of "social glue" can be viewed from many perspectives – as cultural memory, as evidence of a decision trail, as a trigger for deliberative action, as a requirement to meet regulatory obligations, and so on.

An essential aspect emanating from these perspectives is that records and archives are vehicles supporting accountability. However, the often determinative role that records and archives frequently play in the social construction of accountability are mostly muted within the larger narratives they participate in. While records and archives frequently provide the scaffolding for the stories relayed and sometimes even play central roles, rarely are they explicitly surfaced as accountability objects necessitating concentrated attention. Instead they are subsumed as objects that help to tell "the story" and not as active devices that implicate what kind of story may even be able to be told in the first place. The experiences of South Africa's Truth and Reconciliation Commission in its efforts to document the crimes of apartheid are demonstrative here. This obscuring of the accountability dimensions played by recordkeeping and archiving limits societal understanding of how they can and do profoundly shape social interactions and memories of them. In that regard, records and archives are worthy of concentrated examination on their own terms in relation to how they enable, enforce, limit, ignore, and deny accountability.

Recording for accountability

Records, it can be argued, are publicly perceived as overwrought manifestations of bureaucratic red tape paradoxical to common sense. In a related vein, archives are widely viewed as dusty old papers primarily of interest to historians and genealogists, supporting their efforts to give contemporary audiences a sense of "what happened in the past." What is less well recognized, but of essential importance – indeed perhaps their most significant dimension – is that records and archives are also sources of evidence of human agency. They are a form of "social glue" which holds together, sustains, and sometimes unravels organizations, governments, communities, individuals, and societies. This notion of records and archives as a form of "social glue" can be viewed from many perspectives – as cultural memory, as evidence of a decision trail, as a trigger for deliberative action, as a requirement to meet regulatory obligations, and so on.

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archives frequently provide the scaffolding for the stories relayed and sometimes even play central roles, rarely are they explicitly surfaced as accountability objects necessitating concentrated attention. Instead they are subsumed as objects that help to tell "the story" and not as active devices that implicate what kind of story may even be able to be told in the first place. The experiences of South Africa's Truth and Reconciliation Commission in its efforts to document the crimes of apartheid are demonstrative here. This obscuring of the accountability dimensions played by recordkeeping and archiving limits societal understanding of how they can and do profoundly shape social interactions and memories of them. However, when explicitly surfaced, cornerstone dimensions of recordkeeping -- such as control, access, preservation, destruction, authenticity, accuracy, and others -- demonstrate time and again that records and archives are not passive observers and recordings of human activity. Rather, they often actively constitute that activity and are frequently struggled over as objects of accountability and memory formation. They often lie at the heart of struggles over what notions of "accountability," "justice," "transparency", "history" and "memory" will actually be defined and socially validated. As such records and archives are worthy of concentrated examination on their own terms and, most significantly to this forum, in relation to how they enable, enforce, limit, ignore, and deny accountability.

First though, it is important to offer a sense of what "accountability" means and how it relates to records and archives. Many definitions are available, from simple dictionary listings to legal treatises. The *Oxford English Dictionary* associates accountability with notions of "responsibility" and "liability" and being able to "answer for [the] discharge of duties or conduct." For this paper, I promote a definition promulgated by Kevin Kearns (1996), a professor of management, developed over years of experience and observation. Kearns (1996:xv, xvi) offers what he terms a "pragmatic approach" to accountability. To his mind, accountability is broadly constructed as implicating "legal and regulatory mandates," "negotiate[ions] with . . . clients, special interest groups, and other stakeholders," "discretionary judgments [and] calculated risks," and, as a form of advocacy involving the need to "interpret and communicate the needs of citizens to higher authorities who have the power and resources to meet those needs." Kearns (1996:36) contends that accountability systems possess "three core elements":

- a "*higher authority* vested with the power of oversight and supervision,

- a *measure or criterion* used by the higher authority *to assess compliance* or performance of mandated activities, and

- an *explicit reporting mechanism* for conveying information to the higher authority."

Kearns (1996) argues that accountability means different things for different groups, but that it is real and can be mapped out in different kinds of organizations, cultures, and circumstances. Accountability represented by records and archives in this context is something concrete and identifiable that can include policy, legal, regulatory, organizational, social, historical, and deeply personal readings and manifestations across a wide swath of cultural and organizational forms. As such,

records and archives are a powerful form of "social glue" for facilitating, or not facilitating, accountability. Within this orientation, accountability can be effectively served or deeply undermined by recordkeeping practices. The management of records and archives can compel, shape, distort, and recover social interactions and memory.

Records initially appraised for legal or evidential purposes can, over time, assume symbolic or memory functions. Here, the role of archives as symbolic and tangible memory institutions that acquire and maintain records with continuing value to society also provide a form of accountability. Alternatively, archives can equally provide instances of official or state / institutionally sanctioned history that promotes a heraldic and insufficient version of the past that is irreconcilable with more honest assessments of "what actually happened." Cook (2002:38-39) explicitly extends the notion of accountability right to the steps of the archives itself:

> Archives of the state are not just repositories of historical sources for researchers to use in understanding the past; they are also political manifestations of and active agents of the dominant culture of society. Archives are not merely scholarly playgrounds for their staffs and researchers; they are also bastions of social memory and national identity. And what documents the archives chooses to keep or destroy (or lose as 'missing') are not the result of dispassionate historical research or bureaucratic processes, but rather sensitive, controversial acts for which archives can be held accountable in courts of law and of public opinion.

The Archivist of Canada, Ian Wilson (2000), reflected that notions like information, knowledge, accountability, and memory are all related or parallel responsibilities of recordkeeping professionals, and ones that are not easily disconnected from each other. It is easy to lose sight of how such notions are all at play at once. This multiplicity of meanings and values makes the mission of archivists and records managers deeply complex, though conceptually rich, especially in recent times as these professions struggle to develop working strategies to manage society's increasingly diverse and voluminous documentary heritage in context of dramatic and even seismic political and social transformations.

Following this line of reasoning, it is argued here that the most important value of records is, in fact, their relationship to enabling forms of accountability that bind individuals with each other and with governments, organizations, and society across both space and time. Records created in the normal course of business provide evidence of actions, decisions, and intentions, legal and illegal, proper and improper, and wise or misguided. It is records' power as sources of accountability that is arguably their most salient feature, a feature that often bring them into daily headlines or into the courtroom. Over the past decade records have become key participants in both large- and small-scale events that have reshaped our world.

On the large-scale, "truth commissions" in Argentina, Brazil, Chile, El Salvador, Guatemala, and South Africa have struggled to obtain access to the archives of former regimes as a means of attempting historical accounting and reconciliation. And across Europe, in Czechoslovakia, Poland, Germany, and Romania, debates have raged over whether access to Soviet-era records would do more harm than

good in coming to terms with the past. In both of these instances records have been central to understanding the extent of repression and human rights violations that occurred in all of these countries (c.f Quintana 1997). And in both the former Soviet Union and the United States, broadened access to literally hundreds of millions of formerly classified archives are contributing to more realistic assessments of their often-shocking activities throughout the Cold War era – both directly and through client states. In a profound sense, the combined release of these records across the globe represents a unique episode in world history. Never before have so many governments released so many documents in an effort to confront the past and achieve a sense of historical and, at times, legal accountability. Nothing like this was possible throughout most of the twentieth century. The linkages between political control and information control rendered earlier access attempts largely futile and at times dangerous. The societal consequences of this outpouring of documentation remain largely unclear. However, the consequences will prove to be great. And it is the desire for some concrete form of "accountability" -- tied to notions of justice and memory -- that lies at the heart of these efforts.

Such dramatic releases of records and archives have not been isolated to the public sector alone. In the United States, private sector enterprises such as the tobacco and chemical industries have been forced to release vast amounts of records documenting their knowledge about and refusal to take responsibility for their products' damaging consequences.[2] And the long shadow of Nazi Germany and World War II continues to hold our attention as the remaining victims and perpetrators reach the end of their natural lives. Records-based investigations into plundered gold and art, payments for insurance policy and common property claims, and corporate complicity in the Holocaust have offered forms of accountability ranging from a broad historical sense of "what happened" to financial reparations to specific victims.[3]

On a smaller scale, records appear daily in the global press, underscoring the roles they play in social, legal, and political accountability -- from lawsuits and investigations into fraud and theft, to availability and provision of health services, to confidentiality of adoption records, to the easy creation of false credentials, and even to spurious justifications for initiating war. Creation, access, control, preservation and destruction of records are fundamental to achieving or evading accountability across a broad range of human activity. In fact, records and archives represent a form of "meta-evidence" that transcends narrow organizational or political boundaries and contexts. Yet, despite their prominence, the significance of records in these contexts is poorly explained and understood, and the role played by recordkeepers is almost always absent. In our modern era, the past and its interpretation is under attack or being used by pundits of all political and ideological persuasions, suggesting that archivists and records managers need to be able to articulate why records are crucial for resolving public and historical disputes while at the same time making these custodians of records sensitive to the possibilities of their being targeted as well.

Cognizance of these accountability dimensions of records and archives and their management – on both the large and small scale – require more explicit recognition by records managers and archivists about the need for action that promotes the

importance of records and their preservation for accountable governments and organizations. Time and again key archival agencies and professional associations have been reluctant in pushing for policy changes or in taking advantage of prime opportunities to explain why records and archives are not just bureaucratic red tape or quaint warehoused artifacts. Archivists and records managers need to move well beyond their traditional passive roles and into an advocacy mode in which the public and policymakers gain a more robust appreciation for archives and records. They must work to make them understand *and* support the essential nature of why records are created, how they need to be maintained, and what makes them significant.[4] In an age in which much is up for rethinking and redefinition (including even basic legal definitions), records managers and archivists must admit that the popular public perception of records as unnecessary bureaucracy as archives are secret and mysterious places is an area requiring reformulation. [5] In reviewing the circumstances in which a disgruntled university professor killed four of his colleagues at Concordia University in Montreal, Canada, Barbara Craig underscores how formal policies and procedures for creating and maintaining records, rules which we often view as bureaucratic nuisances of the worst kind, are actually fundamental mechanisms for accountability. Craig (2002) asserts that records are "anchors of trust" in communities and that:

> [f]reedom which is robust and defensible emerges logically, not paradoxically, from the attention paid to keeping complete and comprehensive records. Far from being only a lesser responsibility with only a brief claim on our attention, records making and keeping must be living commitments if they are to thrive.

Therefore, how records managers and archivists react to ethical challenges is primary, since records hold powerful sway over individuals, governments, and organizations because of the evidence they may reveal about misconduct. While professional records management and archival associations have ethics codes, even committees, little practical action is taken in this regard. While society is immersed in a great love affair with experts of all stripes (Marion 2001) it seems that the time is ripe for a stronger and more explicitly stated position about how records support and enable accountability. Archivists and records managers must recognize that societies remember in part because of records *and* that their professional actions in protecting or destroying records (both through mismanagement and erroneous scheduling and appraisals) will have implications for how these professions are viewed. What remains certain is that records and archives will regularly rise to the surface in accountability crises of all shapes and forms.

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Endnotes

1. This paper was drawn from Cox, R. J & Wallace, D. A. 2002. Introduction. In: Cox,
R. J & Wallace, D. A (eds). *Archives and the public good: accountability and records
in modern society.* Westport, Connecticut: Quorum Books, pp. 1-18.

2. See: http://www.tobaccoresolution.com/;
http://www.chemicalindustryarchives.org/; and,
http://www.pbs.org/tradesecrets/index.html.

3. See, for example, Akinsha, K & Kozlov, G with Hochfield, S. 1995. *Beautiful loot:
the Soviet plunder of Europe's art treasures.* New York: Random House; Bower, T.
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and America's most powerful corporation.* New York: Crown Publishers.

4. Finch, E. F. (ed.) 1994. *Advocating archives: an introduction to public relations for
archivists.* Metuchen, New Jersey: Society of American Archivists and the Scarecrow
Press, Inc, provides an excellent introduction to how archivists have thought about
advocacy. Records managers have been much less focused on advocating their
position.

5. The idea of basic redefining of the elements of the Information Age can be seen in
Boyle, S. 1996. *Shamans, software, and spleens: law and the construction of the
Information Society.* Cambridge: Harvard University Press. The popular, public
perception of archives as secret places may stem from notions about archives in
institutions such as the Vatican; see Ambrosini, M. L & Willis, M. 1969. *The secret
archives of the Vatican.* Boston: Little, Brown and Co.

6. This paper is a reworked version of a paper presented at the Access Information
Management Services Conference on Information Management in a Democracy:
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Management Practices, 18-21 May 2003, South Africa, Kruger National Park.