

ACCOUNTABILITY IN ARCHIVAL SCIENCE

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## **ABSTRACT**

Laws proclaiming freedom of information have been introduced in many countries in the past twenty years, creating familiarity with the idea that governments can achieve accountability by providing public access to current records. Some archivists hold the view that the preservation and accessibility of non-current records in archival repositories is similarly related to the principle of accountability; however this idea is not widely diffused and even less accepted, primarily because the concept of accountability is imprecise and has not been integrated into archival theory.

This thesis analyses the concept of accountability and demonstrates its relevance in the context of archival science. It provides an explanation of the relationship between accountability and recordkeeping, which is found in an agent's obligation to create, preserve and provide access to records in order to account to the source of authority for the actions documented by the records. Also, it shows the connection between the concept of accountability and other administrative, legal, political and ethical values, a connection which is found in the complex and sometimes abstract social relationships that involve delegation of authority. Then, the thesis proceeds to examine the appearance of the concept of accountability in archival literature on issues of preservation, ownership, accessibility and management of records, and analyses it in relation to archival as well as administrative, political or legal concerns. Finally, the accountability owed by archivists is examined,

through analysis of the claims made by repositories, users and the archival profession for authority over archives and their care. The thesis proposes that recognition of the importance for archives of meeting accountability obligations depends on the general understanding of records as evidence of actions, and acknowledgement of an organizational and public interest in their preservation.

## TABLE OF CONTENTS

ABSTRACT . . . . .	ii
INTRODUCTION . . . . .	1
Chapter	
1. THE CONCEPT OF ACCOUNTABILITY AND RECORDKEEPING	6
2. ACCOUNTABILITY AND ARCHIVAL THEORY . . . . .	32
Records as Evidence of Administrative Activity . . . . .	32
Scholarship versus Efficiency . . . . .	55
Historical Accountability . . . . .	82
The Rediscovery of Accountability in Administration . . . . .	90
3. THE ACCOUNTABILITY OF ARCHIVISTS . . . . .	101
CONCLUSION . . . . .	124
BIBLIOGRAPHY . . . . .	132

## INTRODUCTION

Freedom of information initiatives, along with concerns about the power of information technology and communications industries, have given a high profile to issues of disclosure, particularly to questions of what information should be accessible to the people and what should not. Much of the limited publicity archival repositories receive follows on the release of previously unavailable material or the discovery of historical sources that shed new light on events and individuals in the public memory. Debate on issues of disclosure has helped to define new social convictions about rights to personal privacy and to information. As information professionals, archivists support the public's right to know. In fact, they trace the origin of modern archival repositories to the French Revolution, which made available to citizens the records of the recently toppled establishment for the first time in Europe.

However, archival material is not open to the public in the same manner as library material, which patrons expect to use freely. On the contrary, the use, availability and even existence of records are controlled and limited. This is due to the nature of archival material, rather than the ideology of the people who manage archival repositories. Library material is destined for public consumption, if only by a limited segment of the population, and owes its existence to a desire to communicate widely. Records, on the other hand, are rarely created for public dissemination. They arise from a person's need to

communicate with other persons or to document actions.<sup>1</sup> The great value of records derives from the impartiality of their unself-conscious authors.<sup>2</sup> But because records have been created without expectation of disclosure, or fear of the public eye, it is not a straightforward matter to subsequently place them in it.

Availability of records for public access is challenged by other imperatives, such as the need to protect unique documents from unauthorized removal or fragile ones from damage; to protect sensitive information for reasons of personal privacy, proprietary rights or the maintenance of order and security; or to provide access only for certain uses of the information. Archivists confront problems in storing, handling and making intellectually and physically accessible the enormous volume of paper records that individuals and organizations accumulate, while on the other hand they are faced with transient and machine-readable documentation stored on magnetic or electronic media. As well, they must try to determine whether particular records are, or will be, of interest to the public, and weight their value against the resources available to deal with them. The archivists' attempts to resolve these obstacles to public access to records are guided by archival theory, which provides a coherent conceptualization of the nature and value of archives

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<sup>1</sup> In archival terminology, a person may be either a human being (a physical person) or an entity, such as an organization, which has the capacity to act legally (a juridical person).

<sup>2</sup> Archives are by-products of the conduct of affairs, rather than conscious creations by authors, because records are created as a means of carrying out practical activities and not as ends in themselves. As a result of this circumstance of their creation, archives are impartial, that is, inherently capable of revealing the truth about those activities.

and general principles for their management.

In their discussions and writings on problems of modern archives, archivists have drawn upon the concept of accountability to assert the importance of the right to information, and to highlight, as a consequence, certain principles of archival theory. Despite these persistent attempts, there is no identifiable body of thought on the subject of accountability, and authors do not even cite each other with regard to it. Generally, the term is used without an explanation of its intended meaning or of its connection to archives, perhaps on the assumption that such things are already understood, but more probably because they are difficult to articulate. Such explanation cannot be found in disciplines such as law, public administration or political science, because they use the term accountability without reference to records, a connection that is crucial to the archival discipline. Yet accountability within the archival context appears to be more than popular jargon that has been adopted by archivists, for the term has been applied with conviction to a variety of archival concerns such as the purpose and value of archives, records management, appraisal, access rules and electronic records, while it is rarely used in connection with historical or library concerns.

This thesis explores the meaning of the term accountability as it relates to archives and archivists, traces the significance of the concept in the different areas of archival theory, and links the archival concerns involving accountability to larger administrative, political, legal and ethical issues. While the



primary focus of the thesis is accountability in the archival context, archivists did not coin the term, therefore its general meaning and role are identified and described. In particular, the concept is distinguished from other related but distinct ideas, such as liability, responsiveness and responsibility and the nature of the concept and its place in political, legal and moral thought are investigated. Since accountability is not a purely contemporary phenomenon, it is examined in a broad historical perspective to reveal its enduring aspects. This is appropriate in an archival inquiry into the subject, for while modern public repositories date from the French Revolution, archives themselves are as ancient as the history they document.

Archival theory has both borrowed and diverged from other intellectual disciplines. For the concept of accountability to be central to it, it must be related to records. This relationship has rarely been explained thoroughly, and the thesis will demonstrate it through examples. The analysis then proceeds to address the role of the concept of accountability in the published literature in which archival principles and concepts are expressed. Most of the writings that mention accountability originate in the United States, therefore the literature of that country dominates this study. Only recently have archivists in Canada, Australia and elsewhere begun to express and disseminate their thoughts on this matter.

Archival literature reflects the changing circumstances and interests of the working archivists who author it. The context in which archival ideas have developed is highlighted in this

analysis. In particular, the use of the concept of accountability has changed over time, and reasons for these changes are identified. While they are partly found in the immediate concerns of the archival discipline, external circumstances have also been influential. The historical approach allows a broader view of the significance of the concept of accountability, free from the contemporary preoccupations that laden even theoretical writings.

Throughout this thesis, accountability is examined as a concept and a principle rather than a method aimed to achieve certain pragmatic ends. However, principles are meant to guide behaviour and are articulated to persuade thought and inspire action. The significance of examining the concept of accountability in archival theory is that, were it not a recognized principle, archival repositories might fail to support whatever rights to information it entails. This study assumes that archivists are aware of the implications of their work and are thoughtful in bearing responsibility for the records that are or shall be in the public domain.

## CHAPTER 1

### THE CONCEPT OF ACCOUNTABILITY AND RECORDKEEPING

*Read this letter many times and keep it very safe,  
that you and we may use it as evidence to see  
whether you have or have not acted in accordance  
with what is written in it - missi of emperor  
Charlemagne to counts, 806 AD<sup>1</sup>*

A conceptual analysis of accountability needs to be based on two presuppositions. First, there is a difference between the abstract idea or concept of accountability used for reasoning and discourse, and the mechanism or system which is put into place to attempt to guarantee accountability.<sup>2</sup> In fact, while the latter is dependent on the specific circumstances, the former is not, and can only be understood by comparing its aspects in different contexts and determining which are the common, essential elements. This is a philosophical method and also a scientific one, for in order to understand gravity the effects of friction must be discounted. Accountability cannot exist independently of a context, but it can be discussed that way.

Secondly, there is a difference between the concept of accountability and the various uses of the term, since language is often imprecise and more variable than ideas.

Most words that have been used for any length of time in a language have acquired a long and sometimes intricate series of significations, as the primitive sense has been gradually extended to include allied or associate ideas, or transferred boldly to figurative or analogical uses.<sup>3</sup>

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<sup>1</sup> P.D. King, Charlemagne: Translated Sources (Lancaster: King, 1987), 259.

<sup>2</sup> This thesis does not deal with mechanisms and systems, only with the records that are a common instrument in such systems.

<sup>3</sup> The Oxford English Dictionary, vol. I, xi.

The term accountability is used in a number of academic disciplines with regard to a variety of concerns about relationships, authority and responsibility. For example, in constitutional law the term has been used to describe the conventions and procedures that govern the relations between people and their representatives, representatives and their delegates.<sup>4</sup> In public administration, which has been influenced more by management disciplines than political science or law, accountability is used to mean systems for efficient, effective, responsive and responsible decision-making. Concern for professionalism has created an emphasis on the 'internal norms' associated with accountability of public officials.<sup>5</sup> Accounting, as its name suggests, was historically associated with accountability but theories in the last century have emphasized accounting as provision of information for decision-making rather than for stewardship. However, writings on the evolving role of public auditors use the term accountability to describe their function.<sup>6</sup> The literature on educational accountability is specifically concerned with the source of the authority for

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<sup>4</sup> British authors Ian Harden, Patrick Birkinshaw and Norman Lewis have written a number of monographs on this theme since the mid-eighties. For a general discussion of it, see Colin Turpin, British Government and the Constitution: Text, Cases and Materials (London: Weidenfeld & Nicolson, 1990), 75-79. See also, Ian Thynne and John Goldring, Accountability and Control: Government Officials and the Exercise of Power (Sydney: Law Book Company Limited, 1987).

<sup>5</sup> Ledivinia V. Carino, "Administrative Accountability: A Review of the Evolution, Meaning and Operationalization of a Key Concept in Public Administration," Philippine Journal of Public Administration 27 (1983): 118-148, links the use of the term with changes in the orientation of the discipline.

<sup>6</sup> The classic work is E. Leslie Normanton, "Public Accountability and Audit: A Reconnaissance," in The Dilemma of Accountability in Modern Government: Independence versus Control, ed. Bruce L.R. Smith and D.C. Hague (London: Macmillan, 1971), 311-345.

public education and the assignment of responsibility for its results, as well as the extent and nature of professional rights and duties.<sup>7</sup> Also, literature on corporate, political or moral responsibility sometimes uses the term accountability, giving to it various meanings.<sup>8</sup> Not only is the term used to describe such diverse issues, but authors have a tendency to distinguish among and categorise different kinds of accountability, such as 'legal', 'fiscal', 'program', 'process', 'moral' and 'professional', rather than analyse the concept itself.<sup>9</sup> As a result, the concept is associated with ambiguity and confusion.<sup>10</sup>

To understand the concept of accountability, it is necessary to resolve the ambiguity, focussing as closely as possible on identifying what accountability is and what it is not. Rather than relying on the various uses of the term we should begin by examining its etymology, that is, its origin and evolution. Etymology can explain how different definitions, and

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<sup>7</sup> Maurice Kogan, Education Accountability: An Analytical Overview (London: Hutchinson, 1986), 17-18.

<sup>8</sup> James T. Brummer, Corporate Responsibility and Legitimacy: An Interdisciplinary Analysis (New York: Greenwood Press, 1991); Rob Gray, et al., Corporate Social Reporting: Accounting and Accountability (London: Prentice Hall International, 1987); Charles E. Gilbert, "The Framework of Administrative Responsibility," Journal of Politics 21 (1959): 373-407.

<sup>9</sup> This approach originated with David Robinson, "Government Contracting for Academic Research: Accountability in the American Experience," in The Dilemma of Accountability, ed. Smith and Hague, 108-111, with his distinction of program, process and fiscal accountability. Administrative, legal, political, professional and moral are the five kinds identified in O.P. Dwivedi and Joseph G. Jabbra, "Public Service Responsibility and Accountability," in Public Service Accountability: A Comparative Perspective, ed. Joseph G. Jabbra and O.P. Dwivedi (Hartford, Conn: Kumarian Press, Inc., 1988), 5-7; while John Glynn lists 9 categories in Public Sector Financial Control and Accountability (Oxford: Basil Blackwell, 1987), 18.

<sup>10</sup> Robert Wagner, Accountability in Education: A Philosophical Inquiry (New York: Routledge, 1989), 1; Patricia Day and Rudolph Klein, Accountabilities: Five Public Services (London: Tavistock Publications Ltd., 1987), 1.

hence different uses of the term, came about. The recently-coined noun *accountability* derives from the verb *to account*, which has its origins in the French *conter*: to count as well as to tell. In the fourteenth century, *to account* meant to reckon for moneys given or received, to render or receive an account. Since the seventeenth century it has also meant to answer for the discharge of duty or conduct.<sup>11</sup> There are two more recent and somewhat different meanings of the verb: to give a satisfactory reason for, to explain, used in phrases such as *to account for*; and to estimate, to consider, as in *to take account of*.

It can be seen that one of the original meanings of the verb *to account*, to give an account of one's actions, still exists, and has been extended by analogy to mean to give reasons for any fact, act or event. But the other original meaning, to receive an account, exemplified in Matthew 18:28, "therefore is the Kingdom of Heaven likened unto a certain king, which would take account of his servants", has been lost, although an analogous meaning of the verb exists, as considering something. Instead of using the verb, we speak of *calling to account*. *Calling to account* should be distinguished from *holding accountable*, a phrase with wide connotations including controlling, blaming and punishing, with or without a calling to account. "It is not possible to hold an institution accountable without knowledge of what it is doing" is a common observation that makes little sense if 'holding accountable' were understood

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<sup>11</sup> Words are defined by means of other words. The verb *answer for* means to respond to charges, or generally; *to render* is to produce for inspection, submit, present, send in.

to mean 'receiving an account'.<sup>12</sup> For the purpose of conceptual clarity, we must distinguish accountability not only from the system to guarantee it, but also from the effort to enforce, compel observance, or act on it by whoever is holding someone to it. The latter is difficult to characterize abstractly, since it depends entirely on the tactics of those with power. That there are persons with the power to hold other persons accountable is all that can be implied by the concept of accountability.

Accountability, then, is a condition attached to the person who is to give account, not the person calling for it. Gerald Caiden has summarized the nuances conveyed by the term: "To be accountable is to answer for one's responsibilities, to report, to explain, to give reasons, to respond, to assume obligations, to render a reckoning and to submit to an outside or external judgment."<sup>13</sup>

As Caiden himself, and the Oxford English Dictionary note, in common speech, accountability has become a synonym for other terms which represent different concepts. One of these is *being amenable*, meaning being subject to legal jurisdiction and referring to the formal process of laying a charge. Another is

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<sup>12</sup> Law Reform Commission, Parliament and Administrative Agencies (Toronto, 1982), 121. Stewart distinguishes "the need for information, including the right to question and debate that information as a basis for forming judgements, which we shall call the element of account" from "the judgement, and the action taken on the basis of that judgement-which is an exercise of power-we shall call the element of holding to account," in J.D. Stewart, "The Role of Information in Public Accountability," in Issues in Public Sector Accounting, ed. Anthony Hopwood and Cyril Tomkins (Oxford: Philip Allan, 1984), 15. Brummer notes these senses of the phrase 'holding accountable', in Corporate Responsibility, 15.

<sup>13</sup> Gerald Caiden, "The Problem of Ensuring the Accountability of Public Officials," in Public Service Accountability, 25.

*being liable*, that is, "the duty of making good, to restore, to compensate, to recompense for wrongdoing or poor judgement."<sup>14</sup> The status of being amenable or liable is what lawyers usually mean when they speak of accountability. But accountability can exist without legal action or the duty of redress, as when, for example, ministers are obliged to answer questions and explain their actions to Parliament. Or, there may be redress without a giving of account, as when a suit is uncontested or settled out of court. Finally, the term *accountability* is often attributed the meaning of responsibility, a very complex notion. The relationship between these two terms will be discussed further, below.

While it is important to distinguish all the above concepts in order to understand accountability, the related terms are interchanged in common usage because the circumstances that give rise to them have many similarities. For example, legal actions are sometimes brought against accountable persons; legal procedures include some requirements to answer and to explain; and the notion of passing judgement is very close to accountability. However, these similarities should not lead to the assumption that accountability is embodied by legal institutions, since other elements of the judicial system, such as the right to remain silent and the requirement that there be a

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<sup>14</sup> Ibid.



substantial allegation of misconduct, are at odds with the concept of accountability.<sup>15</sup>

As stated earlier, the term *accountability* means the obligation to render an account or answer for discharge of duties or conduct. However, the definition of the term is not sufficient to explain the concept because, for example, it does not say why such an obligation should exist. The concept characterizes an element in human relationships which is not an observable thing but is a state thought to exist in certain circumstances. Few analyses of accountability have examined what those circumstances are, while most tend to believe that the perception of the existence of the obligation creates it, as when, for example, those affected by an action demand an explanation.<sup>16</sup> There may be good moral, social or political grounds for a requirement to explain actions to others, but it is also understood that free persons need not justify their actions, unless they are prohibited or interfere with the rights of

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<sup>15</sup> Wagner notes the distinction in Accountability in Education, 84-5. The primary role of the courts is "to provide a fair and just resolution of the various problems and conflicts that are brought before them" (Gerald Gall, The Canadian Legal System, 3rd ed., [Toronto: Carswell, 1990], 136). Their jurisdiction has been property and civil rights, and only very recently and in limited circumstances have administrative cases been heard. Because it is here argued that accountability is fundamentally administrative, it should not be surprising that it is not found in the legal system. The exception is the old action for account, which, from the thirteenth century could be taken by an estate owner against a bailiff who refused to render an account and allowed the sheriff to arrest the man and hold him until the account was heard by auditors. See Christopher Noke, "Accounting for Bailiffship in Thirteenth Century England," Accounting and Business Research (Spring 1981): 137-151. See also Ian Harden and Norman Lewis, The Noble Lie: The British Constitution and the Rule of Law (London: Hutchinson, 1986), 35-39, re: the absence in common law of a general duty to give reasons for administrative decisions. The courts themselves are scrupulous in giving reasons for decisions.

<sup>16</sup> Robert B. Wagner, Accountability in Education, 47; Brummer, Corporate Responsibility, 32-44.

others, in which case what is demanded is apology, punishment or redress, rather than simply explanation. Stewart suggests we distinguish *links of account*, or general duties to give reasons for our actions, from the stronger *bonds of accountability*.<sup>17</sup> His proposal presents accountability as a relationship, and this is incorrect because accountability is the condition of being under an obligation. However, it is true that accountability arises out of a relationship, that of delegation.<sup>18</sup>

The delegation of authority and resources for the purpose of accomplishing actions is fundamental to organized social life and forms the basis for the administration of affairs.<sup>19</sup> Authority is the legitimate capacity, or the right to perform an action and can be distinguished from power which is the means to do it, whether financial, psychological or physical.<sup>20</sup> There are some actions which persons can only do themselves, but those in authority often accomplish their purposes through deputies. A group of people usually finds it more convenient to select one of

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<sup>17</sup> Stewart, "The Role of Information," 16. Wagner also distinguishes between *accounting*, the provision of explanations to others, and *being obliged to account* (Accountability in Education, 14), but he includes moral and ethical considerations as grounds for such an obligation. The difficulty is that obligations cannot be enforced in the absence of authority structures.

<sup>18</sup> S.S. Khera discusses this in Government in Business, rev. ed. (New Delhi: National Publishing House, 1977), 372, 383.

<sup>19</sup> *To delegate*, according to the OED is "to commit [authority, powers, etc.] to agent." Weber, from a sociological point of view, observed that "every domination both expresses itself and functions through administration. Every administration, on the other hand, needs domination, because it is always necessary that some powers of command be in the hands of somebody" (Max Weber, Economy and Society, ed. Guenther Roth and Claus Wittich, vol. 3 [New York: Bedminster Press, 1968], 948).

<sup>20</sup> Hanna Pitkin (quoting Hobbes), in The Concept of Representation (Berkeley: University of California Press, 1967), 17. Hereafter the term 'authority' shall be used to mean both the right and the means to do something. One must have the authority to use another's money, for example.

their number to act for them all. The search for efficiency finds that similar and routine tasks can be accomplished by one person instead of many. Or persons with wealth want someone with skill and creativity to increase it for them. All these situations involve delegation, which can be distinguished from the granting of authority or the giving of resources, as when a landowner grants permission to hunt on his land instead of employing the hunter. The delegate must use the authority to act for the delegator (or principal), whose will causes the act and who is therefore its author. The delegated person is a substitute, charged with tasks or, in an ongoing relationship, with functions, who must not act according to his or her personal preference but under some form of discipline.<sup>21</sup> Such discipline may be imposed from outside, or be self-imposed.

A regulator may make the actual command which should be complied with, or provide the regulated with options for action, through the issuance of general guidelines for what action is expected or how a particular result may be generated. Or instead of issuing rules, the regulator may depend on one's value commitments (ethical, professional or similar rules) to get the desired result.<sup>22</sup>

These rules constitute the bounds within which delegated actions take place. Whether they are set strictly or loosely depends on the degree of *discretion* given to the delegate, that

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<sup>21</sup> Various terms are used to describe the accountable person, based on analogies with known circumstances: delegate, deputy, steward, trustee, servant or, for an organizational body, agency. The whole of the tasks is known as the competence of the agent. The authority is conferred and the tasks specified in a mandate. Pitkin discusses the notion of acting for another, in The Concept of Representation, 118-9. Note that *discipline* means behaviour according to established rules.

<sup>22</sup> Carino, "Administrative Accountability," 133. Precedents often provide important guides for action and agents must have good reason for ignoring them.

is, the liberty of deciding as one thinks fit, absolutely or within limits. In delegation, discretion arises from trusting the judgement (the discretion) of the delegated person and makes the difference between a servant and an agent. But some code of conduct, formal or informal, written or implicit, exists to guide the agent and keep the actions from being simply arbitrary. The form and nature of this code varies according to the individuals involved, their capacity, the nature of the actions to be accomplished, and the social context, but its existence implies subsequent evaluation, a comparison of the actions with the standard.

A person who has delegated authority to an agent has the right, and usually the interest, to know what has been done with it and to judge the action, because the delegator has caused it and its effects. Only in the delegation relationship is there a bond of accountability, where the authority of the principal creates the obligation of the agent to act according to standards, and the entitlement of the principal to judge the action.<sup>23</sup> Accountability has been associated with learning capacity,<sup>24</sup> because the principal acquires knowledge deriving from both the receipt of information and its evaluation. Subsequent to receiving the account and evaluating it, a principal may take various measures: recovering the resources

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<sup>23</sup> Norman Lewis suggests that, in modern society, all large enterprises acting in the public sphere are, in effect, acting with delegated public authority and are therefore accountable ("Corporatism and Accountability," in Corporatism and Accountability, ed. Colin Crouch and Ronald Dove, [Oxford: Clarendon, 1990], 80).

<sup>24</sup> Ibid.

that are due or forgiving the debt; punishing, disgracing or dismissing; rewarding; debating, revising standards or determining future tasks; or simply accepting, depending on the specific circumstances. For example, Khera argues, "unless error is in bad faith and unless it is too often repeated, delegation must be accompanied with support for error" as a risk that should be recognized.<sup>25</sup>

Where there is no discretion given to the delegated person, there is little need for accountability, since the delegate is merely an instrument for actions determined by the principal. Notwithstanding the fact that the term accountability is often used in relation to oversight or control, as the opposite of autonomy, there are ways other than calling to account to exercise these powers. Swearing of oaths, signing of contracts, direct supervision, coercion, bribes, spying or the ferreting out of facts through torture or detective work are all means of exercising control, particularly over those who are not trusted. But allowing for discretion requires trust, and trust must be sustained by rendering proof that it has not been abused. An individual is not accountable unless he or she acknowledges the obligation to give an account of actions. This is why accountability is usually associated with responsibility.

The concept of responsibility has been traced to the recognition of oneself as a creative agent who is capable of

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<sup>25</sup> Khera, Government in Business, 381.

making a difference by one's actions.<sup>26</sup> This links several meanings attributed to the term: causing something, tasks to be accomplished and a sense of the need to take care in one's actions. Granting discretion means trusting that the agent recognizes his or her responsibility, and accountability is the obligation to demonstrate that one does. Kogan writes that "accountability and authority are responsibility and power converted into institutional entities."<sup>27</sup>

An agent may be accountable for actions, for example by being required to show what expenditures were made; or for the extent to which the procedures used to carry out the actions conform to standards, for example by being required to show that bids were first obtained to get the lowest price. The different kinds of accountability discussed in the literature of various disciplines correspond to the different standards used to judge actions: legality, efficiency, morality, political worthiness, and so forth. While it can be argued that no one is accountable for what he or she thinks (since we cannot think for someone else), one may be accountable for one's expressions, because many actions, such as contracts or teaching, are accomplished by means of verbal or written words. As well, an agent, who has been given discretion, may be accountable for the foreseeable results of an action and thus must be prepared not only to explain but

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<sup>26</sup> Irell Jenkins, Social Order and the Limits of Law (Princeton, N.J.: Princeton University Press, 1980), 40.

<sup>27</sup> Kogan, Education Accountability, 30. "Accountability assumes institutional authority to call an individual or group to account for their actions. It is to be contrasted with 'responsibility' which is the moral sense of duty to perform appropriately" (26).

also justify it, because people are "capable of knowing not only what they wish to bring about but also why they wish to do so."<sup>28</sup>

The potential for accountability exists wherever there is delegation of authority and of resources, and therefore administration, but the forms and degrees of its enforcement depend on the social context and the institutions and individuals involved. As Harden and Lewis put it, "cogent ideas relating to order, rule-governed behaviour, opposition to arbitrariness, looser or stronger version of accountability gain expressions in different ways and conjure up different expectations at different times."<sup>29</sup> In ancient Athens, officials were required to report on their activities ten times annually to the council and were subject to a strict judicial scrutiny every year.<sup>30</sup> In modern times, the societal right to subject government actions to public review was asserted in 1789, in Article 15 of the Declaration of the Rights of Man<sup>31</sup>, not only in order to watch over the expenditure of tax money but because

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<sup>28</sup> F.M. Barnard, Self Direction and Political Legitimacy: Rousseau and Herder (Oxford: Clarendon Press, 1988), 69.

<sup>29</sup> Harden and Lewis, The Noble Lie, 26.

<sup>30</sup> Robert J. Bonner, Aspects of Athenian Democracy (New York: Russell and Russell, 1933), 14-15.

<sup>31</sup> "La société a le droit de demander compte à tout agent public de son administration" (Les Déclarations de Droits de l'Homme de 1789, Textes réunis et présentés par Christine Fauré [Paris: Editions Payot, 1988], 13).

a society has the right, by virtue of its sovereignty, to delegate to whom it chooses the powers it possesses. Thus, all who have been invested with any authority whatever, cannot be considered but as agents.<sup>32</sup>

In eighteenth-century England, Burke argued that governing authority did not derive from the public but from ancient social arrangements. Therefore, while the East India Company must be accountable to Parliament, the King, Lords and Commons, "in their several public capacities can never be called to an account for their conduct."<sup>33</sup> This was not because Burke's government was 'unaccountable' but because

Parliament is not a congress of ambassadors from different and hostile interests; which interests each must maintain, as an agent and advocate...Parliament is a deliberative assembly of one nation, with one interest, that of the whole.

He regarded the relationship between government and governed as one of trusteeship, not delegation, and so did not acknowledge it as one which gave rise to accountability.<sup>34</sup>

Discussion (rather than application) of the concept of accountability is quite recent, and is associated with its emergence as a problem that requires conceptualization to discuss and solve. The first collection of essays on the subject reflected concern about the extent of government contracting to

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<sup>32</sup> Gouges-Cartou, "Project de Declaration de Droits," (1789) in *ibid.*, 210. Translated by the author.

<sup>33</sup> Quoted in Pitkin, The Concept of Representation, 129 & n.

<sup>34</sup> From "Speech to the Electors of Bristol," in Hanna Fenichel Pitkin, ed., Representation (New York: Atherton Press, 1969), 173. In Burke's moral political theory, governors who abuse their trust are accountable to God. In a modern comparison of styles of government, Hugh Heclo writes that in Britain, "broad areas of discretion are granted and the trustee is called to account for the ultimate results of his stewardship," in "Whitehall and Washington Revisited: An Essay in Constitutional Lore," Politics in Britain and the United States: Comparative Perspectives (Durham, N.C.: Duke University Press, 1986), 107.



quasi-independent agencies, and the difficulty of asserting control in such an arms-length delegation.<sup>35</sup> Another concern derives from the fact that assertions of professional autonomy conflict with the idea that an accounting is owed by professionals and self-governing professional bodies. As well, the size and complexity of modern governments and the scope of their intervention in society appear to outstrip the machinery for accountability. The variety of approaches in the literature spring from different views about the kind of accountability these circumstances warrant.

However, the resolution of these problems is inhibited by the conceptual confusion described earlier. Demands for accountability often come from authors who are less interested in the obligation to render an account than in making people and organizations act as if they were going to be called to account, that is, responsively and responsibly.<sup>36</sup> In the field of public administration, accountability is considered to be "a strategy to secure compliance with accepted standards and a means to minimize the abuse of power and authority," that is, a technique to assert a barely acknowledged relationship of delegation.<sup>37</sup> Viewed this way, accountability appears less a matter of giving an account of actions than of behaving according to prescribed rules.

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<sup>35</sup> Bruce L. Smith, "Accountability and Independence in the Modern State," in Dilemma of Accountability, ed. Smith and Hague, 53.

<sup>36</sup> Pitkin, The Concept of Accountability, 57-58 and 119.

<sup>37</sup> Dwivedi and Jabbra, "Public Service Responsibility," 5.

Similarly, when writers use the term to mean holding accountable, the account becomes secondary or irrelevant.

For many, accountability appears to have no purpose except to hinder action, create unnecessary paperwork and impose unreasonable control. Also, it is often evoked where other concepts might be more appropriate. For example, in the literature that discusses educational accountability, it is not argued that parents delegate their authority to educate their children and therefore are entitled to accountability in return. While taxpayers who fund the system are entitled to receive an accounting from school boards, education professionals seem to be debating the need to be responsive to parents, which means to take heed of them and defer to their demands, pressure, or influence. In another example found in literature on this topic, the submission by all citizens of an annual financial report to the federal government should not be regarded as accountability for financial activities but as the provision of information for the purpose of computing the tax. The tax audit is to determine the accuracy of this information, not to receive justification or explanation for its contents.<sup>38</sup>

Conceptualization of accountability is further clouded by the emphasis in the past on accounting for the expenditure of funds, which reflected a foremost respect for property and efficiency. This has been balanced by the articulation of new

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<sup>38</sup> Wagner uses tax returns as an example of accountability (Accountability in Education, 9) although he himself notes that the vast literature on education accountability suffers from a failure to understand the concept and its implications.

political or moral standards for action which are less susceptible to easy reckoning. The first of a series of committees that addressed accountability in Commonwealth governments set a tone in trying to quantify accountable actions and measure the unmeasurable.

Accountable management means holding individuals and units responsible for performance measured as objectively as possible. Its achievement depends upon identifying or establishing accountable units...where output can be measured against costs or other criteria, and where individuals can be held personally responsible for their performance.<sup>39</sup>

In addition to the difficulty, or relevance, of measuring performance, this approach has come under criticism from some political scientists for its emphasis on the personal culpability of administrators, when what is needed is to make "questions of public importance and interest... as open as possible to electoral influence."<sup>40</sup> In Sutherland's view, accountability "should be addressed by strengthening the role of political ideas" rather than designing systems to identify personal failures in the civil service.<sup>41</sup> A recent reviewer complained that "the idea of accountability only as a matter of finding the appropriate scapegoat for a manifest failure is itself far too

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<sup>39</sup> United Kingdom 'Fulton committee' (1964-66), quoted in Dwivedi and Jabbra, "Public Service Responsibility," 8.

<sup>40</sup> S.L. Sutherland, "Responsible Government and Ministerial Responsibility: Every Reform Is Its Own Problem," Canadian Journal of Political Science 24 (1991): 120.

<sup>41</sup> Ibid. Sutherland argues that under the system of ministerial responsibility, the current minister is 'legally' accountable for any act of the crown, past or present, because that is the person to whom grievances should be addressed, from whom explanations should issue and whose explanations will be judged.

narrow: most of what accountability is about is simply the right to know what is going on."<sup>42</sup>

The difficulties in dealing with the concept of accountability seem to arise from the fact that it is being articulated in relation to rather abstract entities: offices rather than officers, functions and programs rather than tasks, constituencies rather than principals, not to mention 'the state', 'the people' and 'society', all far removed from the master-servant relationship. Institutional arrangements in the public realm are contrived to embody broad and general concepts such as justice, equality and democracy. Although it is a less known concept, accountability has a similar, metaphorical dimension. It affirms that government consists of representation, that authority derives from a sovereign and self-determining people, and that good government does not depend on "the discovery of some device for inducing into the masses a respect for their superiors and persuading them not to use the power of the majority to overthrow law and order."<sup>43</sup> In this sense accountability is asserted as a 'value' or ideal which must be instilled not only in government machinery but in the minds of all who are involved. Thus, it is understood that "public accountability is based on the belief that the taxpayer has a 'right to know', a right to receive openly declared facts that may lead to public debate by the citizens and their elected

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<sup>42</sup> Jack Waterford, "A Bottom Line on Public Service Accountability," Australian Journal of Public Administration 50 (1991): 416.

<sup>43</sup> Walter Bagehot, paraphrased in Harden and Lewis, The Noble Lie, 30.

representatives."<sup>44</sup> It then becomes less significant as a device for discovery and assigning blame for this or that instance of maladministration than as a means of supplying legitimacy and confidence to public institutions, to "transform arbitrary action into the legitimate exercise of governmental power."<sup>45</sup> As Pitkin says of representation, it is not the accounting for any single action but the overall structure and functioning of the system that makes accountability.<sup>46</sup>

Jean Jacques Rousseau was primarily interested in this aspect of accountability when he warned about the appropriation of authority that accompanies the growth of representative government.

Imperceptibly the commissioners form a body which is always active. A body which is always active cannot give an account of every single deed; it gives an account only of the principal ones; and soon it gives an account of none at all.<sup>47</sup>

Rather than just identifying who has done a thing and why, procedures and rules for accountability constitute a statement that the public good is government's highest authority, and act against the tendency of those with power to forget, or to delude

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<sup>44</sup> Government Accounting Standards Board, quoted by Robert Berne, "Accounting for Public Programs," in Handbook of Public Administration, ed. James L. Perry (San Francisco: Jossey Bass, 1989), 306.

<sup>45</sup> Stewart, "The Role of Information," 13.

<sup>46</sup> Pitkin, The Concept of Representation, 221.

<sup>47</sup> From "Letters from the Mountain" (1764). Translated in Andrew Likierman and Pauline Creasy, "Objectives and Entitlements to Rights in Government Information," Financial Accountability and Management 1 (Summer 1985), 48.

themselves that their own interests are a sufficient justification for their actions.<sup>48</sup>

The principle that underlies the concept of accountability in both its self-evident or more abstract form, that those who have delegated their authority or resources have the right to know what has been done with them and why, is linked to the conveying and evaluation of information. "The nature and usefulness of the information provided-its honesty and accuracy, completeness, specificity, relevance, adequacy and timeliness-have always been critical attributes of accountability."<sup>49</sup> The account that the agent must be prepared to give, in person or in writing, is a statement, report or description that shows, or explains, or justifies action or inaction, and may give reasons for decisions and the facts taken 'into account'. The form the accounting takes, its frequency, whether it is received by the principal or by another delegate, whether it involves questioning the agent, are all variables dependent on the particular relationship of delegation and the trust residing in it, just as does the form of the instructions given to an agent. For ongoing bodies, accountability required the development and refinement of procedures for carrying out actions and documenting them, "to ensure that everything was done according to rule and in proper

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<sup>48</sup> Barnard, Self Direction, 70-71. Other authors on the subject conclude: "accountability must be seen in terms not of individual institutions but as a system which is woven into the fabric of political and social life as a whole...Why not concentrate less on formal links or institutions and engage more in civic dialogue..." (Day and Klein, Accountabilities, 249).

<sup>49</sup> Frederick C. Mosher, The GAO: The Quest for Accountability in American Government (Boulder, Colorado: Westview Press, 1979), 234.

sequence, so that administrators could account...at any time precisely for anything that had been done."<sup>50</sup>

Effective institutional accountability has therefore depended on record-making, record-keeping and access to records, and it has influenced the procedures and timing of their creation, their form, their maintenance, their accessibility and their centralization. In the ancient world, 'commentarii' or the daybooks of official activity, as well as annual accounts, were displayed publicly after a term of office, and remained available in archives.<sup>51</sup> In Rome, Cato took steps to prevent fraud by ensuring "that his subordinates recorded their financial activities accurately, such matters as were too often permitted by other magistrates to take their course."<sup>52</sup> When literacy revived under Charlemagne in the eighth century, he exercised authority over his territories by sending correspondence and instructions out and receiving reports back.<sup>53</sup> European estate management, whether by kings or other landowners, required the use and preservation of records. Functionaries "centralized the scattered revenues of their territories and made them available to their masters. In doing this, they had to keep some sort of

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<sup>50</sup> E.N. Gladden, A History of Public Administration, vol. 2 (London: Frank Cass, 1972), 75. Writing itself may have originated from the need for accountability: "As levels of accountability for administrative transactions were recorded with ever greater precision...writing principles were developed to enable such precision." M.W. Green, "Early Cuneiform," in The Origins of Writing ed. Wayne M. Senner (Lincoln, Nebraska: University of Nebraska Press, 1989), 56.

<sup>51</sup> Ernst Posner, Archives and the Ancient World (Cambridge, Mass.: Harvard University Press, 1972), 140.

<sup>52</sup> Gladden, A History of Public Administration, vol. 1, 258.

<sup>53</sup> King, Charlemagne, 27.

records and subject themselves to some sort of accounting."<sup>54</sup> As well "exact accounting required not only accurate reporting by sheriffs, but also a careful record and precise formulation of the orders that authorized the sheriffs to pay out certain sums or to receive credit."<sup>55</sup>

The development of state bureaucracies in the eighteenth century was associated with writings that particularly emphasized the importance of records, in a manner that seems pedantic to those for whom recordkeeping is so routine as to be uninspiring. Yet,

praise and prescription of records, inspection and reporting as instruments of control are to be encountered in nearly all eighteenth-century writings on administration...The purpose of most of these devices was to provide the managers or directors of an organization with information about their subordinates' behaviour and its results.<sup>56</sup>

Jeremy Bentham wrote in great detail about the kinds of books and records that must be kept in effective management, and "the responsibility to prepare and publish reports or to allow open access to certain documents was a common feature of most of his schemes."<sup>57</sup> J.S. Mill similarly insisted that the machinery of good government should require that "a correct and intelligible

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<sup>54</sup> Joseph R. Strayer, On the Medieval Origins of the Modern State (Princeton, NJ: Princeton University Press, 1970), 29. As historians of accounting have noted, such records did not allow estate owners to determine the profitability of their enterprise or the costs associated with any particular activity (Nokes, "Accounting for Bailiffship," 147-149).

<sup>55</sup> Strayer, Medieval Origins, 41.

<sup>56</sup> L.J. Hume, Bentham and Bureaucracy (Cambridge: Cambridge University Press, 1981), 50.

<sup>57</sup> *Ibid.*, 151.



record" of its actions be kept<sup>58</sup> and wrote elsewhere that

a security against bad measures worth all others put together, and essential to the complete efficacy of every other, is the obligation of writing down the reasons of whatever is done. Our vast empire in India is governed upon this system.<sup>59</sup>

Of course, the Indian government prepared such documents for "the controlling authorities in England" rather than the Indian people.

When the British House of Commons sought to exercise systematically its authority over the administration of government, it found it was necessary to reform the record-keeping and audit machinery so that accounts could be "produced to the public with details intelligible by all."<sup>60</sup> The reforms included abolishing the old system whereby officials were required to account personally to the Exchequer for sums received and in which accounts might remain unheard for thirty years or more.<sup>61</sup> Parliament desired a view of government expenditure on a regular basis, so it insisted that accounts and records be treated as public property, not as the personal effects of

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<sup>58</sup> J.S. Mill, "Considerations on Representative Government" (1861), in Collected Works, vol 19, Essays on Politics and Society, ed. J.M. Robson (Toronto: University of Toronto Press, 1977), 391.

<sup>59</sup> Mill, "Taylor's Statesman," Essays, 628.

<sup>60</sup> George Rose (1806), quoted in J.E.D. Binney, British Public Finance and Administration 1774-92 (Oxford: Clarendon Press, 1958), 254.

<sup>61</sup> Basil Chubb, The Control of Public Expenditure: Financial Committees of the House of Commons (Oxford: Clarendon Press, 1952), 15; Binney, British Public Finance, 246. The problem of the delay in accounting determined reforms in France in the period leading up to the revolution. See J.F. Bosher, "French Administration and Public Finance in their European Setting," in The New Cambridge Modern History, vol 8, ed. A. Goodwin (Cambridge: Cambridge University Press, 1965), 589.

officers to be taken with them wherever they went, and that there be "Order and Regularity in making them up, and keeping them, which should be strictly adhered to in every Office of Account."<sup>62</sup> The position of Comptroller and Auditor General was created with access to departmental accounts and the right to question officials, and who reported the findings of the audit to the House. Eventually, the form of the accounts was standardized, and information recorded in such a way as to facilitate accountability for funds voted by Parliament rather than for sums given to individuals. So, wooden tally sticks were abolished and expenditures were assigned subjectively to 'votes'.<sup>63</sup> It also became standard practice for departments to publish narrative reports to Parliament, and reports such as those of the factory inspectors were printed and circulated.<sup>64</sup>

However, these measures towards the accountability of the administration to Parliament and the public were countered by government secrecy, enforced by the *Official Secrets Act*.<sup>65</sup> Only recently has this secrecy been undermined by access to information legislation that allows the general public, and not

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<sup>62</sup> Great Britain. Parliament. House of Commons. "Fifth Report of the Commissioners Appointed to Examine, Take and State the Public Accounts of the Kingdom" (1781), in House of Commons Sessional Papers of the Eighteenth Century, vol. 41, ed. Sheila Lambert (Wilmington, Delaware: Scholarly Resources Inc., 1975), 15. When the Commission tried to draw up a view of the finances it was sorely inconvenienced by dispersal of records throughout the country with the various officials.

<sup>63</sup> Chubb, The Control of Public Expenditure, 44.

<sup>64</sup> Patrick Birkinshaw, Freedom of Information: The Law, the Practice and the Ideal (London: Weidenfeld and Nicolson, 1988), 69.

<sup>65</sup> *Ibid.*, 71-75.

just the Auditor General (or more recently, the Ombudsman) to investigate government activities through scrutiny of records. Freedom of information initiatives have other purposes than accountability, such as allowing those with grievances to prepare a case. But it has also been argued that access to information legislation will encourage more accountable government.<sup>66</sup>

Records made in the course of activities, rather than those produced specifically to report, are recognized as valuable for all accountability purposes because of their impartiality and value as evidence, and because they allow every transaction to be shown and explained. As well, auditors are familiar with the way in which procedures are documented in records.

Tests of compliance or accuracy involve inspection of the evidential documents for signatures, initials, audit stamp or similar indications to determine who performed the procedure and to evaluate whether such performance was properly authorized.<sup>67</sup>

While there has been a great deal of attention given recently to obtaining simple access to records of public organizations, the need to prepare, organize and preserve operational records in order to facilitate accountability has been almost unrecognized. For example, judicial review mechanisms in the United States require courts to wade through a large body of not entirely relevant materials collected together

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<sup>66</sup> One American author has pointed out that "in general, information access is tied to private rights rather than to the public role...Individual liberty rather than public sovereignty is the constitutional basis for access to information" (David Sadofsky, Knowledge as Power: Political and Legal Control of Information [New York: Praeger, 1990], 43).

<sup>67</sup> Elise G. Jancura, "Electronic Data Processing and State Audit," in State Audit: Developments in Public Accountability, ed. B. Geist (New York: Holmes Meier Publishers, 1981), 242.

by the agency to prove that its decisions were made on a sound basis. Yet few have argued with William Pedersen that procedures are needed for "compiling an informal rule-making record prior to the adoption of the rule that will also be the record for judicial review."<sup>68</sup>

Doreen Wheeler has noted "there are many information handlers who do not appreciate the evidentiary value of records,"<sup>69</sup> although this is what is essential for accountability. In particular, designers of management information systems seem to conceive the role of records in the same way as Louis XIV did, "if only the government machine could supply the exact information, the royal common sense could be depended upon to do what was needed." But

this doctrine cannot appear other than naive, for even when the initial complexities of administering have been brushed aside, as they have so often been by pundits, there is still the problem of ensuring that execution is both expeditious and in conformity with the decisions reached at the top.<sup>70</sup>

Records are an important instrument of the 'account' that fulfills accountability and on which knowledge and evaluation of the performance of our delegates can be made. Therefore, it is important to examine the relationship between the concept of accountability, records, and archival theory.

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<sup>68</sup> William F. Pedersen, "Formal Records and Informal Rulemaking," Yale Law Journal 85 (1975), 88.

<sup>69</sup> Doreen Wheeler, review of Management of Recorded Information, in Archives and Manuscripts 18 (1991), 263.

<sup>70</sup> Gladden, A History of Public Administration, vol. 2, 150.

## CHAPTER 2

### ACCOUNTABILITY AND ARCHIVAL THEORY

#### Records as Evidence of Administrative Activity

Recordkeeping is an important means of meeting an obligation of accountability because records are evidence, or an 'outward sign', of the performance of the actions for which an account is owed. Records do not merely provide information, which may be available from many other sources; they are also a tangible trace of the transactions they were created to accomplish, and, when set aside for preservation, they constitute an agent's written memory and first-hand account. Records are created in accordance with procedures and forms which testify to the relationship of delegation, reinforce the standards which apply to the agent's actions, or acknowledge the successful discharge of an accountability obligation. An obvious example is offered by financial records, which have always served a strict accountability. Information about the activity may be summarized in a narrative or statistical account, but the original documents which authorized and accomplished each transaction, and from which the information has been drawn, must be preserved to allow for potential review. Individuals acting in a delegated capacity are usually reluctant to destroy evidence of their activities (unless of course, there is something they would like to conceal), because the actions, and their consequences, may be questioned.<sup>1</sup>

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<sup>1</sup> Laws that require the preservation of records for a limited period of time are usually seen as important because they also authorize destruction of records.

The complexity of twentieth century bureaucratic organization, and modern values such as individualism often undermine awareness of accountability and the recordkeeping that supports it. For archivists, responsible for the preservation or destruction, concentration, arrangement and description, and provision of access to archival documents, the concept of accountability can help in understanding the context in which records are created, their evidential qualities, and their role and value in administration and society. The use of the concept in archival theory has, quite naturally, reflected the extent to which it has been part of the administrative or social thought and practice of the day. But its employment has also been limited to writings which emphasize the importance of records as products of administration rather than as sources for scholarly research.

Archivists often regard archives almost exclusively as sources for the study of history, rather than as instruments of administrative action and the foundation of accountability systems. The creativity and intellectual effort of scholarship are more highly esteemed than a successfully functioning bureaucracy. As well, records creators instinctively regard their affairs as confidential, so that making even very old records publicly available may require, as Hugh Taylor put it, sundering them from their roots and labelling them 'historical'.<sup>2</sup> Archival theory since the nineteenth century has wrestled with

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<sup>2</sup> Hugh Taylor, "Information Ecology in the 1980's," Archivaria 18 (Summer 1984): 26.

the metamorphic character of records, not for intellectual stimulus, but to enable archivists to treat appropriately the material in their care. Nineteenth century European repositories often tried to meet the needs of their scholarly clients by adopting library techniques and classifying archival items by subject, until an archival theory emerged which opposed this practice, on the grounds that archives are groups of related records which, unlike other documents such as books, have an integrity as the evidence of activity preserved by those responsible for that activity.<sup>3</sup> As Ernst Posner observed, the two fundamental principles of archival science, *respect des fonds* and original order, stress the primacy of the administrative origins of records over their scholarly uses.<sup>4</sup> In fact, the former requires archivists to focus on the structure and responsibilities of the agency that created the records and the functions which they served, rather than on their subject content or possible historical uses; while the latter protects the administrative filing system, designed by the organization to serve its own structure and functions, against the various subject arrangements that historians might prefer.

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<sup>3</sup> Evidence is discussed in Heather Heywood, Appraising Legal Value: Concepts and Issues (Master of Archival Studies thesis, University of British Columbia, 1990), 53; with regard to the reliability of accountable records creators, 61-63. On the German debate about whether archives should be allied with libraries or registries, and the status of history in the nineteenth century, see Richard Klumpenhauer, Concepts of Value in the Archival Appraisal Literature: An Historical and Critical Analysis (Master of Archival Studies thesis, University of British Columbia, 1988), 24-5, 36-41.

<sup>4</sup> Ernst Posner, "Some Aspects of Archival Development from the French Revolution," in Archives and the Public Interest, ed. Ken Munden (Washington: Public Affairs Press, 1967), 32.

While Hilary Jenkinson argued that, by conserving the evidential qualities of records, archivists were also protecting their value to scholars, Muller, Feith and Fruin seem hardly to acknowledge the interest of scholarship at all. Fruin is reported to have said that, "archives are designed in the first place to clarify the administrative activities of government agencies."<sup>5</sup> Neither Jenkinson's, nor the Dutch archivists manuals,<sup>6</sup> refer to the concept of accountability by name, however its features, as well as the principles essential to its maintenance in practice, can be recognized in references they make to the administrative context of records creation and preservation. For example, in attempting to resolve the question of what constitutes a fonds, the Dutch archivists argued that the decision-making independence of the record creator should be the main criterion, because those who are independent preserve their own body of records for their own reference, while subordinate committees and officials create records for the information and control purposes of the larger administration.<sup>7</sup> Thus a subordinate committee will not keep resolutions or minutes, which constitute the backbone of a fonds, but will produce reports for the accounting it owes to the superior agency. Such reports will

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<sup>5</sup> Quoted in T.R. Schellenberg, Modern Archives, Principles and Techniques (Chicago: University of Chicago Press, 1956), 189.

<sup>6</sup> Hilary Jenkinson, A Manual of Archive Administration (London: Percy, Lund, Humphries, and Co. Ltd, 1937); S. Muller, J.A. Feith and R. Fruin, Manual for the Arrangement and Description of Archives (New York: H.W. Wilson Company, 1968). Muller, Feith and Fruin will hereinafter be referred to in the text as 'the Dutch archivists'.

<sup>7</sup> Muller, Feith and Fruin, Manual, 57, 135-6.



only be preserved as incoming documents in the fonds of the superior body.<sup>8</sup>

In another example, the Dutch manual refers to the importance of understanding accounting records and procedures: "The closing of an account is a double transaction; the accountant renders an account to his superior and is at the same time relieved of responsibility for it; both parties therefore need to be put in possession of a copy of it."<sup>9</sup> Journals or daybooks which served as the basis for the account were rarely preserved "because they had lost their significance after the closing of the account" and because they were considered private papers of the accountant. The same Manual also observes that the documentary form of minutes is a feature of accountable governance. Such records became common after 1795 when "the men called to the government by popular choice attached importance to having their words in the transactions of their board recorded."<sup>10</sup>

Hilary Jenkinson, in his Manual for Archive Administration, particularly stressed the concept of records as evidence, and he once defined the 'archivists creed' as "the sanctity of the evidence."<sup>11</sup> Archival documents accumulate because of the need for executive or administrative control and are therefore

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<sup>8</sup> Ibid., 137-9. Complex hierarchies have resulted in fonds within fonds.

<sup>9</sup> Ibid., 202.

<sup>10</sup> Ibid., 197.

<sup>11</sup> Hilary Jenkinson, "British Archives and the War," American Archivist 7 (1944): 16.

impartial, authentic and unique evidence of the activities of the creating agency. An understanding of the records creator and the purposes the documents served is necessary to the protection of their archival characteristics. Jenkinson observed that all administrators preserve firstly, originals of written instructions or information received; secondly, copies of similar documents issued; and thirdly, memoranda or diaries of their own proceedings. However, he insisted that such archives were purely a "convenient form of artificial memory" on which an administrator "relies for the support of his authority"<sup>12</sup> rather than also for support of accountability. But his own example of 'the archive history of the Exchequer of Receipt' revealed that officials have always preserved records partly to meet accountability obligations to others in their own administration:

When [the Exchequer] paid out it kept the King's writ which had authorized the payment. These foils and brevia were its Archives, and could be produced for the satisfaction either of itself or of the scaccarium at times of audit.<sup>13</sup>

Jenkinson believed that archives are unbiased because archive makers are indifferent to the judgement of 'posterity'. But accountability necessarily creates awareness of the potential judgement of others. In the second edition of the Manual, Jenkinson acknowledged as a problem the anticipation by officials of criticism of "the conduct or views which the writing reveals." Not only does such self-consciousness threaten the impartiality

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<sup>12</sup> Jenkinson, Manual, 23.

<sup>13</sup> Ibid., 226.

of the records, "we have to recognize the possibility that the actually responsible administrator may seek refuge in methods of communication (there are now plenty at his disposal) which leave no written remains."<sup>14</sup> The possibility of 'gaps' in the historical record because of a fear of criticism has been lamented by historians and archivists ever since. It is a consequence of the fact that, in the twentieth century, records are used for accountability in politics.<sup>15</sup>

European archival theory, by stressing that archives must be understood as products of administration, encouraged an awareness of the accountability that naturally results from the delegation of authority and of the use of records in achieving it. In applying this perspective to their work of arrangement and description, North American archivists have also used the concept, without articulating it, to interpret the purpose, significance and provenance of the records in their care.<sup>16</sup>

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<sup>14</sup> Ibid., 154-5.

<sup>15</sup> The use is particularly related to the competition for power and the spoils of power that constitutes modern political life. Those who have confidence in the rightness of their views or legitimacy of their actions do not fear criticism.

<sup>16</sup> Examples abound in published archival studies of records: "The Governor was required to make all his records and correspondence available for the inspection of the General Assembly," Robert W. Scott, "Governors Records: Public Records," American Archivist 33 (1970): 7; Agents of the Canadian Immigration Branch "were required to keep a log, showing inquiries received and action taken, and every few months they were required to submit extensive reports to the Minister..." Patrick A. Dunae, "Promoting the Dominion: Records and the Canadian Immigration Campaign, 1872-1915," Archivaria 19 (Winter 1984-85): 77. Two very interesting articles that do not discuss so much as reveal the complexity and various forms of recordkeeping for accountability are Bill Russell, "The White Man's Paper Burden: Aspects of Record Keeping in the Department of Indian Affairs, 1860-1914," Archivaria 19 (Winter 1984-5): 50-72; Peter J. Wosh, "Bibles, Benevolence, and Bureaucracy: The Changing Nature of Nineteenth Century Religious Records," American Archivist 52 (1989): 166-178.

Some North American writers on archival practice adopted the European theories in the twentieth century, and turned their focus to the administrative role of records. Margaret Cross Norton explained the value of government records in terms of their administrative context and legal importance: they are "used to justify an official action, to record proceedings, to explain and record policy decisions, and to establish rights under the law."<sup>17</sup> She insisted that archivists should not be scholars, but public officials "bound by law to protect the integrity of those records in such a manner that their value to the individual and government shall not be impaired." 'Historical' archives may appear to have no value for current affairs, but "that is not recognized by law and does not release the custodian from his legal and moral responsibilities."<sup>18</sup>

Among those responsibilities is the preservation of evidence of the functioning of agencies. The concept of accountability entered Norton's writing through her discovery that agency officials tended to think only of their own personal reputation when setting aside records for preservation, so that detailed financial records were kept but not materials such as correspondence and memoranda which often contain "too much dangerously controversial material."<sup>19</sup> Norton saw that democracy had implications for the care of public records, though this was

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<sup>17</sup> Margaret C. Norton, Norton on Archives: The Writings of M.C. Norton, ed. Thornton W. Mitchell (Carbondale: Southern Illinois University Press, 1975), 56.

<sup>18</sup> Ibid., 26

<sup>19</sup> Ibid., 9.

largely a matter of ownership:

In a monarchy or totalitarian system of government the people are creatures of the state, and the records of government belong to the rulers not to the people. In a democracy on the other hand, the people delegate the functions of government to their officials who do not own the records which result from their activities but merely act as custodians.<sup>20</sup>

Only democratically elected representatives could authorize the destruction of public records and they must be "open to any person applying to see them...except where the law specifically exempts certain records from public inspection as being of a confidential nature."<sup>21</sup>

While the concept of accountability can only be glimpsed through Norton's writings on the administrative and societal context of American public records, the idea was taken up and extended by archivists within the United States National Archives, who dominated North American archival theory until the 1960s. At its founding, the priority of the National Archives was to serve the administrative and legal needs of the federal government: "In determining what records it should accession and preserve, its primary consideration is their value to the Government. Any other consideration is secondary and incidental."<sup>22</sup> In writing his annual reports to Congress, the

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<sup>20</sup> Ibid., 135.

<sup>21</sup> Margaret C. Norton, "Some Legal Aspects of Archives" American Archivist 8 (1945): 7. She also wrote that "the knowledge that information can be obtained only by going through certain formalities also acts as a definite check to sensation mongers" (7).

<sup>22</sup> National Archives of the United States, Annual Report 3 (1936), 5. While the distinction between 'primary' and 'secondary' persisted with reference to values, it has not with reference to priorities.

National Archivist presented a grand and optimistic evaluation of archives as "preserving the record of human progress," but he noted at the same time that records "account for the expenditure of billions of dollars, document the rights and privileges and obligations of millions of people, show how a mighty administrative machine works, and record for the impartial judgment of history the aspirations, failures and successes of the nation."<sup>23</sup> The U.S. federal government rapidly expanded during the 1930s and 1940s and records proliferated. Archivists sought to encourage better recordkeeping and to reduce the volume of records, both endeavours requiring a focus on their administrative context. Solon Buck argued that "the National Archives must inevitably be concerned with the creation, arrangement and administration as well as with the appraisal, disposal, and preservation of Government records."<sup>24</sup> The Records Administration Program was an important initiative of the early 1940s, and archivists such as Helen Chatfield of the United States Treasury became specialists in the field. Chatfield taught courses to National Archives staff on "The Role of Records in Administration" and "Principles of Records Administration,"<sup>25</sup>

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<sup>23</sup> Annual Report 11 (1944), 6.

<sup>24</sup> Annual Report 7 (1940), 1.

<sup>25</sup> Donald McCoy, The National Archives: America's Ministry of Documents, 1934-1968 (Chapel Hill: University of North Carolina Press, 1978), 100.

combining the archival theory of records as evidence with the science of public administration.<sup>26</sup>

At the same time as archivists were developing an interest in records administration, accountability became an explicit issue of American public administration, and therefore of archival theory about records as evidence of public actions. The rapid expansion and decentralization of government that created challenges for the National Archives was an even greater problem for President Roosevelt, and he appointed a Committee on Administrative Management in 1937. The public administrators who formulated the 'Brownlow Report' identified "rapid institutional fragmentation coupled with confused lines of authority" as the source of difficulties, and advocated, in addition to efficiency and economy, "genuine accountability of the Executive Office to the Congress through adequate audit and thorough general supervision of broad policies of fiscal and other administration."<sup>27</sup> The report advocated a strong, centralized, active but responsible government. "The times demand better governmental organization, staffed with more competent public servants, more free to do their best, and coordinated by an Executive accountable to the Congress..."<sup>28</sup> Roosevelt enthusiastically endorsed the report and the Bureau of the Budget

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<sup>26</sup> A published example of this is Helen Chatfield, "The Problem of Records from the Standpoint of Management," American Archivist 3 (1940): 93-101.

<sup>27</sup> United States. President's Committee on Administrative Management, Report of the Committee (Washington, 1937), 52.

<sup>28</sup> *Ibid.*, 53.

in the Executive Office of the President became a central agency for achieving both control over administration and accountability to Congress.

The Second World War provided another impetus to bring the concept of accountability into archival thought. As Donald McCoy explains it, the American Historical Society in 1942 sponsored a conference

of the scholars and government officials most interested in recording the nation's war effort. Word of this meeting reached President Roosevelt, who enthusiastically requested the Budget Bureau on 4 March to establish 'a committee on records of war administration' with representatives from scholarly societies and federal agencies. Roosevelt hoped that such a committee would strengthen the Budget Bureau's endeavors both in improving public administration and in 'preserving for those who come after us an accurate and objective account of our present experience.' He also urged war agency officials to cooperate in this venture and to keep their records systematically.<sup>29</sup>

The committee included historians, political scientists and public administration scholars and had as one of its goals "to encourage federal agencies to 'maintain records of how they are discharging their wartime duties.'"<sup>30</sup> Of course, the committee worked closely with the National Archives.

The connection between these initiatives and archival theory can be seen in a paper by Fritz Morstein Marx, a political

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<sup>29</sup> McCoy, National Archives, 135.

<sup>30</sup> Ibid. Canada attempted a similar program after the Second World War, and the first organized records management by the federal government was also associated with the preparation of accounts of wartime activities of departments and agencies. See W.E.D. Halliday, "The Public Records of Canada: Recent Developments in Control and Management," American Archivist 13 (1950): 105.



scientist who joined the Bureau of the Budget during the war.<sup>31</sup> Morstein Marx's essay on "The Role of Records in Administration" was presented at the Society of American Archivists (SAA) meeting in 1946, and published in the American Archivist. It reflected the concern among the public administrators who had worked in the Bureau of the Budget for securing administrative and political responsibility as required by the Brownlow Report,<sup>32</sup> but it also specifically focussed on the use of records:

In any organization governed by the principle of responsibility, both planning and action must be a matter of record. This is axiomatic. Unless there is a way of reconstructing the genesis of past deliberations and determinations, responsibility may exist in name but is not insured in fact...Only by preservation of a satisfactory record of the events and considerations that led up to a given decision can those sharing in it be made to answer for their actions. A complete record is the most objective reporter, and hence the most effective means of exacting responsibility. This is also attested by the fact that the simplest maneuver to escape responsibility has always been the manipulation or even destruction of the record.

To put it differently, one of the essentials of responsible administration is transparency of the administrative process in terms of both what is going on today and what has gone on before. In the realm of government, the requirement of transparency relates to political as well as managerial needs.<sup>33</sup>

Representative democracy depends on various mechanisms to secure open government and public participation, including

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<sup>31</sup> Significantly, Morstein Marx, like Ernst Posner, was a European intellectual who introduced "broader European attitudes and perspectives into American political science" (Richard J. Stillman, "Changing Patterns of Public Administration Theory in America," in Public Administration: History and Theory in Contemporary Perspective, ed. Joseph A. Uveges, Jr. [New York: Marcel Dekker Inc., 1982], 25).

<sup>32</sup> See in particular Fritz Morstein Marx, ed., Elements of Public Administration (New York: Prentice-Hall Inc., 1946).

<sup>33</sup> Fritz Morstein Marx, "The Role of Records in Administration," American Archivist 10 (1947): 241.

"accountability of the executive branch" through "a minimum of reasonably well-understood procedures for drawing specific information from governmental officials." Such information must be based on records, since,

it would amount to a defeat of legislative inquiry should they be free to make up their stories as they saw fit. If they could not be pinned down to incontrovertible facts, their explanations would be of little value. Thus the state of administrative records is of vast significance to the efficacy of democratic control.<sup>34</sup>

Accountability was also an administrative necessity.

Morstein Marx argued that the ability to make informed decisions also requires a record system that supplies complete, timely and accurate internal information. Accountability is blocked by a lack of established routines or procedures for creating records, or by "the reluctance of policy-determining officials, especially political appointees who come and go, to allow all of the evidence of their own activity to become part of their agency's record system."<sup>35</sup> Morstein Marx suggested records officers set documentation standards and provide reference services to policy makers because they are important "custodians of the evidence of their agency's thought and action."<sup>36</sup>

Echoes of these ideas can be found in other literature of the same period. Phillip Brooks wrote in 1949,

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<sup>34</sup> Ibid., 242.

<sup>35</sup> Ibid., 244-5.

<sup>36</sup> Ibid., 247-8.

records are the means by which public officials in a democracy are accountable to the people. They are tools of administration, the memory of an organization, the embodiment of experience, protectors of legal rights and sources of many kinds of information,

and "they merit real attention if good government is to be realized."<sup>37</sup> The National Archivist Wayne Grover, in a 1950 speech to the American Historical Association, used the term to reassure the audience that the federal government had the most liberal access provisions in the world, arguing "we have a Government that is accountable to a free and democratic people and is reluctant to cherish secrets beyond the bounds of necessity and propriety."<sup>38</sup> The notion that archives serve public accountability also appeared in the work of a 1952 committee of the National Archives, whose report identified modern archives as source materials for "regulating the activity of government officials and agencies."<sup>39</sup>

The concept of accountability and role of records that Morstein Marx introduced are most evident in the work of Theodore Schellenberg, whose writings still form the basis of North American archival theory. Schellenberg promoted the scholarly and research purposes of archival repositories but he also identified "the importance of public records in defining various social, economic, and political relationships...public records

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<sup>37</sup> Phillip Brooks, Public Records Management (Chicago: Public Administration Service, 1949), 1; Morstein Marx and Brooks were quoted extensively by Pernendu Basu in "Why Preserve Records?" Indian Archives 3 (1949): 88-95, republished in Archives and Records: What Are They? (New Dehli, National Archives of India, 1960), 16-25.

<sup>38</sup> Wayne C. Grover, "The National Archives and the Scholar," Military Affairs 15 (1951): 10.

<sup>39</sup> Cited in Schellenberg, Modern Archives, 116.

obviously define the relations of the government to the governed."<sup>40</sup> While this referred mainly to protection of the rights and privileges of citizenship, elsewhere in Modern Archives there are references to the accountability that shows that rights and privileges of government have not been abused.

Schellenberg relied on European theory to explain the difference between library and archival materials: "archives must have been produced or accumulated in direct connection with the functional activities of some government agency or other organization...Their cultural values are incidental."<sup>41</sup> Archival methods must preserve the integrity and evidential value of records, by maintaining their provenance and original order and providing the basic information on the administrative and functional origins of the records that is necessary to reveal their significance.<sup>42</sup> Often their origin resides in accountability. In an example of archival description, Schellenberg cited a National Archives Guide entry which began, "the consular posts are usually represented by such items as instructions from the Department, instructions from the supervising post, and copies of despatches and reports to them."<sup>43</sup> He also discussed the accountability function of records directly, noting that they are "needed to transmit from above the

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<sup>40</sup> Ibid., 9.

<sup>41</sup> Ibid., 17.

<sup>42</sup> Ibid., 187-8, 206.

<sup>43</sup> Ibid., 207.

policies and procedures that are to be followed, and from below the reports of accomplishment and performance, and to record all phases of the government's dealings with the particular parties involved."<sup>44</sup>

Having been created and preserved partly to meet accountability in the administration of public business, the value of archives stems in part from the continuing requirement for accountability of government to the public. Schellenberg argued that records providing evidence on past "organization, functions, activities, and methods of procedure are indispensable to the government itself and to students of government" for, among other reasons, "they contain the proof of each agency's faithful stewardship of the responsibilities delegated to it and the accounting that every public official owes to the people whom he serves."<sup>45</sup> Therefore, "no archivist is likely to question that evidence of every agency's organization and functioning should be preserved" and appropriate records should be kept "regardless of whether there is an immediate or even a foreseeable specific use for them."<sup>46</sup> Particular categories of records that he identified as important were policy records, which constitute the authority and procedural guidelines by which the responsibilities of the agency were defined and directed, and reports. With respect to the bulky operating records, he

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<sup>44</sup> Ibid., 38.

<sup>45</sup> Ibid., 140.

<sup>46</sup> Ibid., 140-1.

believed that few of them needed to be preserved for accountability: "Normally most of the significant evidence relative to the operations of an agency is relayed upward through statistical or narrative reports, through correspondence and memoranda, and other summary records."<sup>47</sup> However, he elsewhere insisted that "periodic reports...are an important but an inadequate record of accomplishment" being a too brief and uncritical account of highlights, similar to official histories.<sup>48</sup> The distinction he was making, though he did not address it directly, was between the completeness and reliability of internal reports, produced to meet administrative or managerial accountability, and reports on the direction and the execution of the whole agency and its major programs, created for political accountability.

Schellenberg pointed out that those in the lower levels of an administrative hierarchy are subject to fairly stringent, procedurally defined accountability as part of routine management. Firstly, their activities are usually "conducted in accordance with orders, regulations, manuals of procedure, and other directives." Secondly, as Schellenberg quoted Philip Bauer, "significant variations of policy, methods, or procedure and notable occurrences usually manage to get themselves relayed upward through reports, correspondence, and complaints or else

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<sup>47</sup> Ibid., 146.

<sup>48</sup> Ibid., 246-7.

fail to get into the records of the subordinate office."<sup>49</sup> In an organization with an adequate and effective reporting system, "performance will be recorded in narrative and statistical reports for administrative purposes-to evaluate progress, to formulate or revise policies and procedures and the like." Since management created a reliable reporting system to supply the information necessary to its work, archivists and subsequent users can rely on it as well and "such reports often serve as an adequate substitute for vast quantities of detailed records on routine operations."<sup>50</sup>

Schellenberg's argument implies that archivists ought to evaluate the adequacy and effectiveness of an agency's internal reporting system before destroying the operating records. This argument was well expressed in an article by Robert Shiff on the role of records management in business, published in the same year as Schellenberg's Modern Archives and "The Appraisal of Modern Records." Shiff referred to the accountability role of records and linked it to their quantity:

[They] must provide a complete record of many transactions, and they must provide strict accountability for all phases of an operation. Unlike belles-lettres or private records, business papers must encompass a vast amount of detail on a daily operating basis.<sup>51</sup>

Routines and procedures are necessary to ensure accountability in

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<sup>49</sup> T.R. Schellenberg, "The Appraisal of Modern Public Records," National Archives Bulletin 8 (Washington: National Archives and Records Service, 1956), 253.

<sup>50</sup> Ibid., 252.

<sup>51</sup> Robert A. Shiff, "The Archivist's Role in Records Management," American Archivist 19 (1956): 116.

agencies with a large volume of transactions and 'armies of personnel'. Minutes, memoranda and reports provide accountability for decisions while elaborate accounting procedures have evolved for financial planning and auditing. The bulk of these records have only short-term value, however the preservation of an archival core is important to document and prove the value and legitimacy of business in society.<sup>52</sup>

Executive government officials, while theoretically accountable to the public or its representatives, are often free from the routine scrutiny that characterizes administration. Management actions, being general and discretionary, are less amenable to rules and procedures of accountability than are specific and routine operating transactions. As well, reports from this level are for political and public relations purposes and may suffer in accuracy and completeness. But the degree of accountability of the office depends on the degree of responsibility, so that senior officials are in fact under a greater and longer-term obligation to account for their actions than those lower on the hierarchy, and treatment of their records ought to reflect this. This was clearly understood by Schellenberg, who explained that the evidential values of public records "largely depends on the position of the office that produced them in the administrative hierarchy," and the degree of delegation of responsibility in the agency.<sup>53</sup> The importance of

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<sup>52</sup> Ibid., 115-116.

<sup>53</sup> Schellenberg, "Appraisal," 249.



the records as evidence is a direct reflection of the importance of the responsibilities they document. "Of fundamental importance to the archivist are the records produced in the administrative and staff offices of the agency where the policy, procedural, and organizational decisions are made, by which it is governed."<sup>54</sup> Thus, archivists should assess the discretionary and decision-making responsibility of those who created the records, and they should preserve evidence with the administrative level it documents rather than the one it reported to.<sup>55</sup> The particular forms of records that provide evidence of executive actions may include correspondence, minutes, official diaries, memoranda and directives.<sup>56</sup>

One problem for the preservation of such records, identified by Schellenberg, was the tendency of senior officials to remove them when they leave office, even if only "as a protection against possible attacks on their reputations or their work."<sup>57</sup> His comment reflects a general concern of the time. Frederick W. Ford, a lawyer with the Department of Justice, discussed it in similar terms in a paper to the SAA meeting in 1956. "Public officers usually sincerely believe that the policies they follow and the actions they take are sensible and honest," but from fear of criticism they take with them "a fairly

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<sup>54</sup> Schellenberg, Modern Archives, 142.

<sup>55</sup> Ibid., 142-46.

<sup>56</sup> Schellenberg, "Appraisal," 250.

<sup>57</sup> Schellenberg, Modern Archives, 123-4.

complete record of their action in office" as a potential defense.<sup>58</sup> The government needs to keep such records in its own possession because, for one reason, it "owes to the people a recognition of their right to be fully informed concerning its conduct." Certain matters must be kept temporarily confidential because of security or privacy considerations, but government in a democracy has a fundamental duty "to make available to any interested citizen the record of its activities. More is involved in this function than satisfying the needs of historians."<sup>59</sup>

In an interesting sidelight to this issue, Donald McCoy reports that in 1947 President Truman, "believed that government officials [particularly Presidential appointees] should see to it that a full record be made of their operations, that the record should not be destroyed, and that they should not take with them upon leaving office anything but personal papers and extra copies."<sup>60</sup> However a draft presidential directive to this effect was quashed by the Justice Department. Truman himself, rather ironically, "claimed almost all White House records as personal property."<sup>61</sup>

Schellenberg did not address the issue of ownership of public records in the strong terms Ford used, but he did insist

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<sup>58</sup> Frederick W. Ford, "Some Legal Problems in Preserving Records for Public Use," American Archivist 20 (1957): 41-42.

<sup>59</sup> Ibid., 42.

<sup>60</sup> McCoy, The National Archives, 204.

<sup>61</sup> Ibid., 205.

that access policies acknowledge accountability:

Records on the official activities of public servants, as distinct from records dealing with their personal lives, should not be withheld on the ground that access to them might hurt their reputations; for public servants, whether in the military, diplomatic, or civilian service, are not a privileged class and owe an accounting to the people they serve.<sup>62</sup>

Similarly, records that concern military strategy and tactics should not be shielded "even if the information contained in them may reflect adversely on the valor of an army, the strategy of a campaign, or the tactics of a battle."

They are proper subjects of study and criticism for political leaders and the public in a democracy. If a government is responsible to the people for its conduct in the area of defense, the record of its defense activity needs to be as freely open to examination as the necessities of defense will permit.<sup>63</sup>

He observed that after the first World War many governments gave unprecedented access to prewar archives in order to defend their own conduct or cast blame on previous governments. However, he did not believe that the democratic right of citizens to know their government's "major objectives in the conduct of foreign affairs" extended to "making every delicate move in these affairs a matter of public debate."<sup>64</sup> He trod a similarly fine line in his attitude towards political accountability:

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<sup>62</sup> Schellenberg, Modern Archives, 231.

<sup>63</sup> Ibid., 227.

<sup>64</sup> Ibid., 228, 227.

[The archivist] believes that in most circumstances the public interest is served best by making known the truth about matters...he is not a gravedigger who disinters the bones of rottenness and holds them up to public view.<sup>65</sup>

### Schellenberg versus Efficiency

It seems reasonable to suppose that awareness of the concept of accountability and its relation to archival ideas and problems would continue to develop through dissemination of Schellenberg's text. However it appears that other of his ideas proved more influential and actually undermined the role and significance of the concept of accountability in archival theory.

Schellenberg used the definition formulated for the 1943 United States Disposal Act to describe records as documents preserved by the creating agency or its legitimate successor either as evidence of its activities or because of the value of the information they contain.<sup>66</sup> However, to promote the cultural identity of archival repositories and the importance of archivists as appraisers of records, he insisted that archives "must be preserved for reasons other than those for which they were created or accumulated" and "are kept for the use of others than those that created them."<sup>67</sup> This argument represented a departure from earlier attitudes at the National Archives that the needs of the government were paramount and those of scholars

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<sup>65</sup> Ibid., 226.

<sup>66</sup> According to McCoy (The National Archives, 150-155), the Disposal Act was drafted by National Archives staff with limited input from the Bureau of the Budget. It is not clear who in particular created the definition, which introduced for the first time the concept of records as 'evidence or information.'

<sup>67</sup> Schellenberg, Modern Archives, 13.

incidental. It also undermined the concept of archives as records preserved as evidence by the agency that created them.

Schellenberg equated the primary value of records, that is, their value to the creator, with current administrative, legal, and fiscal uses.<sup>68</sup> While records officers "are mainly responsible for judging the primary values," archivists should have responsibility for judging secondary values, that is, the value of records to people other than the creator.<sup>69</sup> These 'secondary' values were as evidence or information. Despite the Disposal Act definition of records as evidence preserved by the creating agency, and despite the obvious use of records as evidence for fiscal and legal purposes, 'evidential value' was discussed as an exclusive concern of secondary users:

A record officer can provide helpful information for the appraisal of records that should be preserved for the evidence they contain...However, his attention is normally focussed by reason of his official duties on the primary value of records.<sup>70</sup>

Further, an agency and its records officer cannot be trusted to preserve reliable and useful evidence, unlike the archivist, who

is not an interested party with respect to the preservation of evidence, whether favourable or unfavourable to an agency's administration. He will not judge of its partiality, he is interested only in preserving all the important evidence.<sup>71</sup>

Schellenberg's distinction of primary and secondary values echoed

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<sup>68</sup> Ibid., 133.

<sup>69</sup> Ibid., 28, 30.

<sup>70</sup> Schellenberg, Modern Archives, 29.

<sup>71</sup> Ibid.

that of Phillip Brooks in a 1943 comment on "Records Administration", that records officers should know "how to evaluate records from the legal and administrative point of view, depending on archivists to define research uses."<sup>72</sup> However, Brooks had added that records officers could ensure "an adequate, well arranged record of the agency's war operations would be kept" and that both wartime historical programs and records administration were "designed to preserve evidence of the organization and activities of agencies engaged in the war effort."<sup>73</sup> In Schellenberg's Modern Archives, on the other hand, records managers

must preserve records until their value to the government has been exhausted, or nearly exhausted. And when that value has been exhausted, they must dispose of the records lest they get under foot and hamper the conduct of current business.<sup>74</sup>

The change in characterization was undoubtedly due to changes in the field of records administration since the end of the war. Emmett J. Leahy sold what he had renamed 'records management' to the Hoover Commission in 1949 as a cost saving measure, using the warning that "modern recordmaking is in a dangerous flood stage"<sup>75</sup> and that records management was an

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<sup>72</sup> Phillip Brooks, "Records Administration," American Archivist 6 (1943): 162.

<sup>73</sup> Ibid., 162-3.

<sup>74</sup> Schellenberg, Modern Archives, 29.

<sup>75</sup> Emmett J. Leahy, "Modern Records Management," American Archivist 12 (1949): 231. Leahy wrote that the purpose of records management is to reduce the mass to the small and manageable portion that "comprises our essential recorded experience" (234). There is some evidence Leahy understood the concept of accountability when he was records officer in the Department of the Navy, however his explanation is obscure. He wrote: "objectives we have at the management

efficiency technique to dispose of the unnecessary paper burden. The review of Leahy's ideas in the American Archivist complained that his emphasis on physical and financial costs of recordkeeping ignored the quality of records and of the systems that generated and preserved them.<sup>76</sup> The stress on records destruction also seemed to threaten future archives. Oliver Wendell Holmes cited the historical accountability that archivists were concerned to provide but that records managers neglected: "The power to say what may be destroyed is the power to say what shall be kept-to determine the content of the records to be available for the future for the people's audit, through their scholars, of the activities of their government."<sup>77</sup>

Records management discourse seems barely to acknowledge administrative accountability, much less the concepts of public or historical accountability.<sup>78</sup> By distinguishing records and archives, and primary and secondary values, Shellenberg was able to establish a boundary between records managers and archivists, which had become a wall by the 1960s. Records managers were

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level [are] in clarifying lines of authority, increasing clear-cut delegation of authority, and tightening up accountability for performance. It remains for records management staff...to pool their talents and influence in pursuit of such objectives" in "The Navy's 'record' in the Second World War," American Archivist 8 (1945): 240. McCoy (The National Archives, 220-229), unravels the complex story of the Hoover Commission and the National Archives.

<sup>76</sup> Martin P. Clausen, review of Records Management in the United States Government, a Report with Recommendations, in American Archivist 12 (1949): 287.

<sup>77</sup> O.W. Holmes, "National Archives at a Turn in the Road," American Archivist 12 (1949): 351.

<sup>78</sup> For example, a common justification for a records management program is its ability to reduce "legal exposure through routine identification and destruction of records...if the records no longer exist, the enterprise has no legal obligation to produce the information" (Fred V. Diers, "The Bankruptcy of Records Retention Schedules," Records Management Quarterly, 26 [April 1992]: 6).

driven by the imperative of efficiency, archivists turned their attention to serving scholarship. Although both professions dealt with the same material, their different perspectives seemed to renew the categorical distinction between an agency's records and 'historical' archives, which archival theory of the previous 100 years had been attempting to bridge.

Another reason why the concept of accountability seems to have disappeared from archival theory is that, while Schellenberg was well acquainted with the concerns of public administration in the 1930s and 1940s that had introduced the concept into archival thought, the North American archivists who interpreted his work were not. American public administration theory during the New Deal era and Second World War emphasized formal and institutional elements of organization and administration. This was swept away by an empirical, realistic orientation, heavily influenced by behaviour science and nurtured in the university, that was process-oriented and descriptive rather than action-oriented and prescriptive, and "focussed on the complex interplay of interest groups involved in the formation of public policy." It was also contemptuous of "the old, pious, prewar platitudes" and "by 1949 Yale Professor James W. Fesler wondered, in print, if nothing that had been learned about administration in the last generation was still usable."<sup>79</sup> The new school of thought was preoccupied with decision-making as the analysable result of negotiation and strategy. Accountability, which occurs after the decision has

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<sup>79</sup> Stillman, "Changing Patterns of Public Administration," 25-7.



been acted on and therefore seems unable to affect it directly, was simply irrelevant. As well, leading organizational behaviourists, "by substituting interaction for formal organization, dissolved the very object of their study...and drifted away on a Sargasso sea of wheeling, dealing, bargaining and fixing."<sup>80</sup> Organization, the social sciences asserted, was a social phenomenon, and formal elements such as authority, and therefore accountability, were purely symbolic.

An excellent illustration of the difficulty archivists have in applying this approach to their own field can be found in Michael Lutzker's article, "Max Weber and the Analysis of Modern Bureaucratic Organizations." Lutzker suggested, quite reasonably, that archivists might be able to use the insights of disciplines concerned with administration and organization "in order to understand more fully the inner dynamics of the institutions or agencies that create records and the various purposes of records creation."<sup>81</sup> He reviewed the formalist analyses of Weber, whose focus on structure and authority clearly identified the importance of accountability and records:

Decisions are made on the basis of the written regulations. The files documenting these decisions...record actions and decisions taken. These records provide a mechanism for monitoring an individual's performance and set precedents for future actions.<sup>82</sup>

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<sup>80</sup> P.M. Strong and R.W.J. Dingwall, "The Limits of Negotiation in Formal Organizations," in Accounts and Action: Surrey Conferences on Sociological Theory and Method I, ed. G. Nigel Gilbert and Peter Abell (Aldershot, England: Gower Publishing Co., 1983), 114.

<sup>81</sup> Michael A. Lutzker, "Max Weber and the Analysis of Modern Bureaucratic Organization: Notes towards a Theory of Appraisal," American Archivist 45 (1982): 120

<sup>82</sup> Ibid., 124.

Then Lutzker drew on the more recent behaviourist literature on human relations, conflict theory and power structures. Since they deny the reality of formal organization, his attention became necessarily focussed on "the informal structures within an organization that never appear on an organization chart and may not be clear from the records," and he discovered "the organization's own archival records may represent misperceptions of the real world."<sup>83</sup> Traditional archival theory, which is based on concepts of structure, authority and competence, provides no explicit guidance on the relationship between records and informal aspects of organizations; therefore, Lutzker assumed, archivists need a new theory. "The general principles will emerge gradually from the working models we construct while applying the knowledge of our sister disciplines to the process of records creation."<sup>84</sup>

However, the fact that post-war organizational and administrative theories have rejected formalist concepts and embraced logical positivism is not sufficient reason for archivists to do the same. The organizations and administrative practices that produce archives have not substantially changed, only the way that academics study them. Archival records are products of administration and not of scholarly research about it. Secondly, there is every reason to believe that positivism has not eternally triumphed over normative rationalism, even in

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<sup>83</sup> Ibid., 126.

<sup>84</sup> Ibid., 129.

the university. There is a small but growing body of literature that defends the "old political, legal and administrative doctrines" because "most of the important things in life cannot be empirically verified. That does not make them less real, although it may call to mind their problematic nature."<sup>85</sup> Some sociologists have argued that there should be recognition of the difference between the social phenomenon of organization and the institutional entities called organizations.

In addition to formal goals, formal organizations may also possess a variety of formal organizing devices: formal or written rules; the possession of a formal name...the vesting in certain positions or groups of the power to review, revise and superintend the workings of the rules; the formalization of membership...and finally, formal means of reward.<sup>86</sup>

Recordkeeping supports these formal elements, and as these authors point out, often distinguishes formal from informal organizations.<sup>87</sup>

Nonetheless, by the 1960s, public administration, records management and Schellenberg's theory indicated to archivists that there was no long-term or larger sense in which agencies might value their own records. Only archivists are concerned to select

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<sup>85</sup> Richard T. Green, "Constitutional Jurisprudence: Reviving Praxis in Public Administration," Administration and Society 24 (1992): 9, 17.

<sup>86</sup> Strong and Dingwall, "The Limits of Negotiation," 105-6.

<sup>87</sup> Ibid., 107. Elsewhere, the authors state that "the availability of written documents is important in distinguishing categories of occupations and organizations, as in modern societies both are ultimately legal formations with a basis in statute. They exist through a framework of legality that regulates their goals and procedures and confers legitimacy on their actions" (Robert Dingwall and Phil M. Strong, "The Interactional Study of Organizations: A Critique and Reformulation," Urban Life 14 [July 1985]: 217). In their ethnographic study of organizations, an 'account' is a verbal or documented reconciliation of individual action with formal organizational goals (219).

the records that serve as evidence of agency actions, and they should do so in accordance with the needs of scholarship. As Schellenberg put it, archivists, trained as historians, are the impartial judges who will "preserve records containing evidence of the development of the government and the nation that is valuable for historical research."<sup>88</sup> He did not contemplate how the selection of records for primarily cultural purposes might affect their evidential value or their connection with their context. In his bulletin he indicated that archivists should ferret out material that might otherwise be neglected, because "the story of these initial efforts often contains the most important lesson for posterity;"<sup>89</sup> they should attempt to document "actions that represent significant deviations from the norm, if not recorded at the policy level," by preserving a selection of operating records "as evidence of policy and procedure."<sup>90</sup> Aside from requiring more knowledge and time than most archivists can master, the prescription to document the agency as a historical topic was vulnerable to charges of irrelevance for, as Schellenberg acknowledged, historians had lost interest in the traditional study of government and politics that such evidence would directly serve.<sup>91</sup>

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<sup>88</sup> Schellenberg, Modern Archives, 30.

<sup>89</sup> Schellenberg, "Appraisal," 245.

<sup>90</sup> *Ibid.*, 253.

<sup>91</sup> *Ibid.*, 270.

Thus, another legacy of Schellenberg's work is an emphasis on the 'informational value' of records which has threatened to eclipse their identity as evidence. After the war, the patriotic enthusiasm for documenting government administration was replaced by concerns for other types of research that required new data. Schellenberg wrote:

the greater proportion of modern public records preserved in an archival institution are valued less for the evidence they contain of government action than for the information they contain about particular persons, situations, events, conditions..<sup>92</sup>

But while a researcher may value the information in records for its usefulness to his or her research project, this does not alter the nature of the records as evidence of government actions; and while a researcher can find another source for the information, whether archival or not, and can fit the research project to the data available, the recorded evidence of activity needed for accountability cannot be substituted. The 'primary' and 'secondary' value distinction emphasized by Schellenberg really only applies to the use of information in records, since an agency's interest in data for operational purposes is specific and limited in time, whereas the evidence of its activities is preserved for general, continuing and unforeseen purposes. In assessing informational value, the criterium to be applied is 'importance to whom and for what purpose', whereas the appraisal of evidence is based on the question, 'importance of what?'. While the latter can be determined within the values of the

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<sup>92</sup> Ibid., 254.

organization and society, the former is, as Schellenberg wrote, 'imponderable' because it depends on the individual user.<sup>93</sup>

The new orientation towards administration, records management and archives largely excluded from archival theory the concept that records are valued as evidence for accountability by both the accountable creator and those to whom accountability is owed. Only a few references to the idea can be found in North American archival literature in the two decades immediately following publication of Schellenberg's work.

The Chief of the Bureau of Records Management in New York State, Vernon B. Santen, referred to it in an address to the SAA in 1969. In his view, the obligations of accountability created obstacles to the efficient disposal of unnecessary records and was an unfortunate reality that had to be acknowledged in public records management practices. Financial records are created and maintained in great quantities by public administrations because they are

accountable for their expenditures and for the manner in which they exercise their duties as agents for the general public. Multiple legal safeguards exist requiring these records to be available for specific time periods as evidence that the public trust assigned has been properly executed, with honesty and integrity.<sup>94</sup>

However, the appraisal of these records for scheduling is a major problem because of "the fears and suspicions of the persons creating these records and of those auditing them, and the

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<sup>93</sup> Ibid., 257. Post-war Americans had great faith in the capacity of information and research to solve social, political and economic problems, which may explain this archival allegiance to the researcher and to secondary values.

<sup>94</sup> Vernon B. Santen, "Appraisal of Financial Records," American Archivist 32 (1969): 358.

public's lack of confidence in the integrity of elected and appointed public officers."<sup>95</sup> Accountability becomes an excessive preoccupation if the program has a high political profile. Fear of public criticism or of court review frequently leads operating personnel to retain records longer than the legal statutes require. Administrative and political officials "are reluctant to take even minimal calculated risks, and they protect their personal and political futures by insisting on unjustified, lengthy retention programs."<sup>96</sup>

Scheduling records in this environment, Santen explained, requires detailed knowledge of the administrative context of the financial records, including the legislative authority and significance of the transactions, and the recording and accountability procedures. If formal procedures have been followed through, "the audit trail is long and the transaction such that it will be subject to multiple review at numerous levels" and the records of individual transactions can be scheduled for destruction. Without criticizing the predominant records management philosophy, Santen did point out that because of public and government demands for accountability, a hard-line records management approach of short and rigidly enforced retention periods was often not possible.<sup>97</sup>

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<sup>95</sup> Ibid., 357.

<sup>96</sup> Ibid., 360-1.

<sup>97</sup> Ibid., 360.

H.G. Jones, in his 1969 monograph on the history and loss of independence of the National Archives, drew from Schellenberg in citing accountability as a metaphorical role for archives: "The records of the federal agencies, selected and preserved by the Archivist of the United States, must, in a larger sense, constitute the evidence by means of which the people can judge the performance of public officials and agencies."<sup>98</sup> But there is no indication that he or archivists at the National Archives were interested in exploring the concept further, perhaps because this 'larger sense' provided very little guidance for the practical matter of justifying the preservation of particular records against the pressures to destroy them. In the 1960s and 1970s, the United States General Accounting Office criticized agencies and the National Archives for failing to dispose of records promptly, citing the millions of cubic feet of paper in government possession and the cost of its storage.<sup>99</sup> Justification for preservation focussed on the value of the information in records for independent research. Martin Elzy titled his 1974 article for the general public "Scholarship versus Economy", characterizing the predicament that faced appraisal archivists: "Scholars and genealogists require that government records useful for their research be preserved; government cost analysts require rapid disposal of records that

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<sup>98</sup> H.G. Jones, The Records of a Nation: Their Management, Preservation and Use (New York: Atheneum, 1969), 257.

<sup>99</sup> Martin I. Elzy, "Scholarship versus Economy: Records Appraisal at the National Archives," Prologue (1974): 187.



are no longer of use to the agency of origin."<sup>100</sup> Because of the impossibility of reconciling these demands, the appraisal office had been divided into a 'Records Disposition Division', which had the primary function "to reduce government records holdings as speedily as possible in order to limit storage costs," and a review division to identify permanently valuable records. "These conflicting responsibilities require that appraisal archivists be firmly dedicated to preserving the nation's historical resources while remaining alert to the budgetary implications of their decisions."<sup>101</sup>

While this may have been the practical reality for the archivists in government institutions, the profession did not embrace it as an appealing theoretical position. Archivists within manuscript libraries or research institutions, who came to dominate the profession's discourse after the 1950s, did not respond to the argument for efficiency, and preferred a loftier view of the role of archives and archivists, such as that proposed by Maynard Britchford:

as the servant of truth and change, the archivist is no longer expected to be an anonymous public servant. He has one obligation: to lay the documentary foundation for humanistic and scientific research that will lead to a deeper understanding of man.<sup>102</sup>

This perspective can be seen in Britchford's 1977 Manual on Appraisal, which was based on Schellenberg's prescriptions but

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<sup>100</sup> Ibid., 183.

<sup>101</sup> Ibid., 187-8.

<sup>102</sup> Maynard Britchford, "Informing the Government about its Archives," American Archivist 30 (1967): 566.

did not include his references to the concept of accountability. In light of the obvious lack of scholarly interest in government institutions, Britchford interpreted Schellenberg's emphasis on evidential value as being the result of his own need to understand the administrative context of records creation. Although "the archivist's professional bias has produced misunderstandings among researchers more interested in economic development, social change, and the dynamic of interinstitutional relationships than organization, function, procedure, and authority," he or she has a "special obligation to promote the serious study of institutional records [which] makes the archivist an advocate of institutional history."<sup>103</sup> The interest of the general public in archival records was presumed by Britchford to be limited to the self-interest of genealogists or those concerned with documentation of their personal citizenship and property rights.<sup>104</sup> He urged archivists to identify closely with historians, because this would enable them to reach decisions "concerning the future usefulness of records." He cited the commonly accepted view that voluminous series preserved for their evidential value could be reduced by means of statistical sampling, to 'represent' or 'illustrate' agency activity, obviously for the use of scholars, since a random sample will only provide random accountability.<sup>105</sup>

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<sup>103</sup> Maynard Britchford, Archives and Manuscripts: Appraisal and Accessioning (Chicago: Society of American Archivists, 1979), 9-10. Michael Cook has repeated this point in The Management of Information from Archives (London: Gower Publishing, 1986), 71.

<sup>104</sup> Britchford, Appraisal, 10.

<sup>105</sup> Ibid., 13, 17.

Preoccupied as they were with their role as servants of history and with a view of archives as records which no longer had value to those who had created them, archivists were caught by surprise by the freedom of information movement, which gained a public profile in the 1970s. In the United States, extensive security classification of records had begun during the Second World War, and administrators were empowered by law to withhold information for vaguely defined reasons of 'secrecy in the public interest' or 'confidentiality for good cause' or 'internal management'. As one commentator put it, "officials just did not believe in a public need to know about mistakes or mismanagement." The 1966 United States Freedom of Information Act attempted to reverse the government's policy by proclaiming that "administrative actions, procedures, and related records are legitimately in the public domain and should not be shielded from public view."<sup>106</sup> Bureaucratic resistance and the events of the Vietnam War and Watergate kept the issue in the public eye and the law was strengthened in 1974. The American example was copied elsewhere in the late 1970s and in the 1980s.

Archivists did not at first feel that the legislation concerned them, since it appeared to be about 'current' records and not the 'historical' materials in archival repositories. In Canada, Wilfred Smith, the Dominion Archivist, urged in 1978 that

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<sup>106</sup> William H. Harader, "Need to Know-An Attitude on Public Access," Government Publications Review 10 (1983): 444.

freedom of information legislation is based on the needs of the general public for current information and the chief concern of archivists and their patrons is that there be adequate provision in the legislation for liberalization of access to records in the archives, primarily for a variety of research purposes.<sup>107</sup>

Archivists sought equitable access based on uniform restriction periods of, commonly, 30 years. But when they expressed a strong opinion on more recent materials, it was usually to disparage demands for access as interfering with the honesty and frankness of the records, thus impoverishing their future historical value. Schellenberg had expressed an opinion commonly held by archivists for a long time afterwards that,

the shortening of the time period during which records are withheld from the critical scrutiny of scholars may have an adverse effect on the quality of public records that are produced. If they know that what they write will be used shortly, perhaps within their lifetime, for historical purposes, public officials may produce records with an eye to history. They may put into their documents what they believe will reflect creditably upon them or the administration with which they are associated...By being too hasty in opening records for public use the archivist and, parenthetically, the historian may defeat their purpose of promoting objective research.<sup>108</sup>

According to the historian Arthur Schlesinger, the choice is between an honest and revealing record available in ten years and a distorted one available tomorrow.<sup>109</sup> The argument ignores the fact that the size and complexity of bureaucratic operations requires that actions be accurately committed to paper. As well,

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<sup>107</sup> Wilfred Smith, "Accessibility and Archives: A Response," Archivaria, 7 (Winter 1978): 146.

<sup>108</sup> Schellenberg, Modern Archives, 226.

<sup>109</sup> Anna Kasten Nelson, ed., The Records of Federal Officials: A Selection of Materials from the National Study Commission on Records and Documents of Federal Officials (New York: Garland Publishing, Inc., 1978), 69.

the demand for administrative accountability usually outweighs concerns about publicity. As one White House staff person put it, "writing memos is one way that officials protect themselves."<sup>110</sup> Nor did archivists and historians mean to argue that officials should be left to engage in corrupt activities because it makes for better history, but that is how such statements could be read. Attitudes changed, both about the need for a process of public scrutiny of government and about the public's right to knowledge taking precedence over the demands of historians on behalf of 'objective research'.<sup>111</sup> And not all historians recognized the primacy of the rich historical record or the clear distinction between current and historical materials. As one claimed, "the distinction between politics and history [is] one of academic convenience rather than of actuality."<sup>112</sup>

At the same time as the freedom of information movement addressed accountability of the administration, there were demands for accountability of public officials through preservation of and access to their documents. The establishment

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<sup>110</sup> Ibid., 41. Trudy Huskamp Peterson noted, with regard to the freedom of information's effect on documentation, "it is impossible to manage large federal agencies without issuing written instructions and documenting decisions and reporting on programs and problems" ("After Five Years: an Assessment of the Amended U.S. Freedom of Information Act," American Archivist 43 [1980]: 163).

<sup>111</sup> Schellenberg referred ruefully to historians as sometimes being "'as clouds that are carried by the tempest' of ideological prejudices" (Modern Archives, 236).

<sup>112</sup> Herbert G. Nicholas, "The Public Records: The Historian, the National Interest and Official Policy," Journal of the Society of Archivists 3 (1965): 4. Nicholas links the creation of the British Public Records Office with the passage of the Great Reform Bill, as a democratic initiative analogous to the creation of the Archives Nationales at the time of the French Revolution.

of presidential libraries had ensured the preservation of important White House records for historical research without confronting the issue of ownership. The legal and social traditions that had allowed politicians and their senior staff to decide for themselves whether the records of their office were public or private, and therefore whether access would be allowed to them, was challenged in some quarters, again through the catalyst of Watergate. In 1974 the Society of American Archivists rejected a resolution calling for public ownership of records of public business, as too politically biased and unrealistic; but that same year Nixon's attempt to remove White House records became a public scandal and was quashed by Congress.<sup>113</sup>

Their neglect of the concept of accountability when it had become an issue of public concern made archivists and archival practices targets of criticism within and outside the profession. Frank Cook attacked the failure to address "the people's right to know what their government is doing long before a historian may research the topic."<sup>114</sup> To the argument that the quality of the historical record would be damaged by premature access, he responded that perhaps officials might learn "to govern more responsibly because of the realization that their activities and policies would soon face public scrutiny" and that "it has become essential to insure a greater public access to the decision-

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<sup>113</sup> J. Frank Cook, "'Private Papers' of Public Officials," American Archivist 38 (1975): 317.

<sup>114</sup> Ibid., 319.

making process, if our democratic form of government is to survive."<sup>115</sup>

The new policy of freedom of information not only had access and ownership implications, but raised expectations that the records would not be destroyed. Again in the United States, a coalition of historians and public activists protested against the destruction of Federal Bureau of Investigation (FBI) field office files, which had been approved by the National Archives on the grounds that the records were either duplicates or substantially incorporated into reports to headquarters, although archivists had not been allowed to examine the records for themselves. In 1980 a federal court ordered the Archives to "devise a new plan, after consultation with historians and archivists, which would ensure the preservation of a complete historical record."<sup>116</sup> No doubt with an awareness of this precedent, in 1984 Australian archivists made a submission to the Royal Commission on Australia's Security and Intelligence Agencies stating that "government may be seen to be most accountable to Parliament, and in a wider public sense, when it promotes maximum public disclosure of its activities" through legislation which spells out rights of access to records. Secondly,

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<sup>115</sup> Ibid., 324.

<sup>116</sup> Athan G. Theoharis, "The FBI and the FOIA: Problems of Access and Destruction," The Midwestern Archivist 5 (1981): 70

accountability in a more limited sense, expressed through either Ministers or ultimately through the Courts, imposes some code of conduct in matters of disposal of public records. Specifically, it suggests that disposal of public records shall be systematic, rather than arbitrary or subject to caprice.<sup>117</sup>

"If government is to be held responsible for its mistakes, then crown documents should be protected."<sup>118</sup> The archivists promoted archival legislation supporting systematic records disposal.

The fact that accountability has become an issue in relation to political scandals and the actions of secretive and invasive agencies may make it appear to many archivists as 'muckraking' rather than a genuine and challenging philosophical concern about the role records play in documenting and preserving the relationships of government to the governed. There are problems yet to be addressed in archival theory regarding the ability of modern records to serve public accountability. For example, what constitutes reasons for decisions and how well ought they to be documented for the public; what is the nature of the distinction between working papers and official records; what type of description is necessary to inform the public of government activities and records; and in general how to reintroduce controls over recordkeeping in order to ensure that each request for information can be dealt with quickly, inexpensively and with assurance, and so that those creating records know what is going to constitute evidence of their actions and therefore what their obligations are in that respect.

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<sup>117</sup> Mark Brogan, "The Royal Commission on Australia's Security and Intelligence Agencies," Archives and Manuscripts 12 (1984): 106.

<sup>118</sup> *Ibid.*, 107.



Public accountability, in the form of access to information legislation, must rely for its success on good recordkeeping for administrative accountability. Yet the latter concept is not currently well understood in archival theory, or even generally. Archivists and others have declared that freedom of information may lead records creators to avoid making records, to falsify them, remove them from the context that would reveal their significance or even keep 'phantom' or secret registries.<sup>119</sup> But such possibilities exist in all attempts to obtain accountability through records, which is why procedures and routines for records creation exist in administration. Such procedures have not yet been devised especially to obtain public accountability through original records: there should at least be concern to ensure that standards of administrative accountability are sufficiently high to serve the additional purpose.

Gradually, some of the more philosophical aspects of accountability have re-entered archival thinking. Michel Duchein observed in his 1983 RAMP study on Obstacles to the Access, Use and Transfer of Information from Archives, that the opening of archives for research could be traced to the "rebirth of the idea of democracy, according to which sovereignty is derived from the people, and the people, consequently, have the right to control the action of the leaders they have chosen to govern them,"<sup>120</sup> but he noted that by the twentieth century,

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<sup>119</sup> Quoted from an unnamed archivist by John Smart in "The Professional Archivist's Responsibility as an Advocate of Public Research," Archivaria 16 (Summer 1983): 145.

<sup>120</sup> Michel Duchein, Obstacles to the Access, Use and Transfer of Information from Archives: a RAMP study (Paris: UNESCO, 1983), 3.

nowhere, with the sole exception of Sweden, was the right of access to archives explicitly linked to the exercise of democratic rights...laws and regulations were formulated exclusively to facilitate historical and scholarly research...but never to provide the public with information on recent or current governmental or administrative procedures.<sup>121</sup>

A writer on the Canadian 'access dilemma' referred to the recent reappearance of the concept of accountability as "an important feature of public jargon about the operation of government," but added that "the impact of this thinking on archivists would probably have been minimal if it had not been for two parallel developments, the increase in the number of researchers and in the collection of materials."<sup>122</sup>

The argument that it was new demands for recent and unmanageable materials that created archival concern with accountability is not entirely supportable. In the late 1970s a desire for a more secure position for archival repositories led some archivists to question their status as purely scholarly adjuncts, and to argue that archives have a broader societal role than simply as sources for history. Although the approaches varied, they all stressed the administrative values of archives and some evoked the concept of accountability. Most writers on the theme emphasized the theoretical ideas expressed by Jenkinson and questioned the distinction between records and archives created by Schellenberg. In 1978, Andrew Raymond and James O'Toole reviewed the two theorists and argued that the "middle

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<sup>121</sup> Ibid., 4-5. Duchéin was more familiar with the European context than the U.S. National Archives of the 1940's and 1950's.

<sup>122</sup> Don Page, "The Access Dilemma," Archivaria 8 (Summer 1979): 135.

ground established by Norton," which retains the view of archivists as responsible professionals but emphasizes the relationship between archives and public administration, could bring repositories "up from the basement."<sup>123</sup> They argued that

good record-keeping bears directly on the accountability of public officials to the people, a subject of increased popular interest in recent years...[it] requires the preservation and accessibility of the records containing information on their conduct in office.<sup>124</sup>

If archivists were to turn from their preoccupation with secondary uses towards all phases of the life-cycle of records they would be able to make unique and important contributions to the implementation of better recordkeeping and of the policies needed for the management of public records. In the same year, the Association of Canadian Archivists rejected the purely scholarly role conceived for archives in the Symons Report and stressed the need to preserve the connection between records and their context of creation, preferably through agency-sponsored records management and archives programs rather than the collection of documents by research repositories. Those responsible for the creation of records having archival value should provide archival care for them. "In today's world, the principal motive for government archives should be to fulfill the obligation to be accountable to and protect the interest of the people governed."<sup>125</sup> David Bearman also cited accountability in

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<sup>123</sup> Andrew Raymond and James O'Toole, "Up from the Basement: Archives, History, and Public Administration," Georgia Archive 6 (Fall 1978): 26-27.

<sup>124</sup> Ibid., 29.

<sup>125</sup> The Association of Canadian Archivists, "The Symons Report and Canadian Archives," Archivaria 11 (Winter 1980-81): 9.

1986, in claiming a broader purpose for archives and archivists:

To claim a social role, to demand our share of resources, we point not to the needs of the indeterminate future and the nostalgia of the unappreciated past, but to the immediate requirements of today. These are the requirements for accountability, for applicable knowledge, and for cultural connectivity.<sup>126</sup>

The role of records in helping to "ensure the accountability of government and its officers" has been recently cited in arguments for local and state records programs. Howard P. Lowell urged that "archives are fundamental to government administration in a democratic society," but archivists need to explain their role to the public and administrators and institute programs that "mirror cardinal canons of representative democracy and good public administration."<sup>127</sup> In 1990, accountability was identified as a primary purpose of the records management programs of American colleges and universities:

public expectation and requirements of legal and fiscal accountability clearly help explain why 75 percent of respondents with campus-wide records management programs are from publicly supported colleges and universities... state legal mandates or records management requirements were cited almost as often as the expected institutional desire for better archives, improved records retrieval, and savings of space and filing equipment.<sup>128</sup>

Outside North America, the accountability purpose of

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<sup>126</sup> quoted in David B. Gracy, "Is There a Future in the Use of Archives?" Archivaria 24 (Summer 1987): 8.

<sup>127</sup> Howard P. Lowell, "Thoughts on a State Records Program," American Archivist 50 (1987): 398. See also Bruce W. Dearstyne, "Principles for Local Government Records: A Statement of the National Association of State Archives and Records Administrators," American Archivist 46 (1983): 454.

<sup>128</sup> Don C. Skemer and Geoffrey P. Williams, "Managing the Records of Higher Education: The State of Records Management in American Colleges and Universities," American Archivist 53 (1990): 537.

archives has been linked more closely to the foundation of archival theory, that is, the nature of archives. Peter Sigmond, presenting a European perspective to Americans, referred to a government obligation,

that some part of all records should be preserved to provide the possibility for citizens to oversee the administration. It is not only the historical value that counts...The extra dimension that archives do have [as compared to books], is this legal value.<sup>129</sup>

The same point was made recently by Australian archivists in a submission to the 'Inquiry into Australia as an Information Society' conducted by the House of Representatives. Concerned about "the relative invisibility of the recordkeeping professions" and the lack of a policy framework for managing records, the submission argued that "the effective creation and management of the archival document is a precondition of an information-rich society and underpins the public accountability of government and non-government organizations..."<sup>130</sup> This is because "archival documents first and foremost provide evidence of the transactions of which they are a part" and they retain this value as long as their integrity is protected. The submission argued that "because the archival document is created naturally in the course of our transactions, it provides a much better means of controlling our inter-relationships than information reporting," and advocated, for cost-efficiency,

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<sup>129</sup> J. Peter Sigmond, "Divergences and Convergences of Archives: A European Looks at North America," in Proceedings of the Second European Conference on Archives (Ann Arbor, Michigan, 1989), 7.

<sup>130</sup> Sue McKemmish and Frank Upward, "The Archival Document: A Submission to the Inquiry into Australia as an Information Society," Archives and Manuscripts 19 (1991): 18-19.

"greater use of records audits to regulate our organizations."<sup>131</sup> It outlined the threats to the completeness, accuracy and reliability of archives, which include the general lack of recordkeeping principles in organizations, unregulated destruction, few archival authorities, limited integration among those responsible for managing records, uncoordinated access and privacy regulations and electronic technology.

Unlike the Australians or Dutch, North American archivists who have recently referred to the concept of accountability in its abstract, public sense, have not generally related it to the concept of records as evidence, although this link is implied in Roy Turnbaugh's reflection on appraisal criteria in American state archives. He found that respondents to a survey "considered informational value to be at least as important as evidential value," reflecting perceptions about why and for whom records are appraised: "Many respondents placed more weight on research or historical values than they did on protecting the rights of the state and its citizens, this despite the rather slender use scholars make of public records."<sup>132</sup> He urged "understanding and accepting the idea that we exist to make sure that the records of the significant actions of government are preserved...The resulting holdings comprise a sort of giant ledger, in which the accounts of the public trust are entered."<sup>133</sup>

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<sup>131</sup> Ibid., 26.

<sup>132</sup> Roy Turnbaugh, "Plowing the Sea: Appraising Public Records in an Ahistorical Culture," American Archivist 53 (1990): 563.

<sup>133</sup> Ibid., 565.

### Historical Accountability

While the concept of accountability through preservation, management and access to records of government has become, if not common, then at least recognizable in literature about the role of public archives in society, it has not found similar acceptance among archivists in non-government archives such as manuscript libraries and historical societies. In some instances a notion of 'historical accountability' has been evoked as a rationale for the preservation of wartime records, private archives and the records of public officials. Oliver Wendell Holmes used it to decry the destructive tendencies of records management. John Hall Archer, a Canadian university archivist, explained in a 1969 article that it was "another term for a sense of history and tradition," by which he urged the preservation of business records: "I think that a strong case can be made for the argument that a corporation not only is responsible for living within the law of the host country but should contribute to the country's general welfare."<sup>134</sup> Public officials have also been urged to preserve and make their records available to fulfill a historical accountability to society. Anna Kasten Nelson introduced a 1978 volume on the records of United States federal officials by arguing that they

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<sup>134</sup> John Hall Archer, "Business Records: The Canadian Scene," American Archivist 32 (1969): 252. Interestingly, the same article notes that it was not a sense of history but the accountability of provincial government departments to legislative committees that ensured preservation of their records and the establishment of public records programs (254).

must come to understand the importance of government accountability through history as well as journalism, for the citizens of this country must be provided with sufficient information to understand the decisions of the past in order to understand those of the present.<sup>135</sup>

The same volume, however, revealed considerable confusion about exactly what the concept meant, and how it should guide practice. For example, one historian, speaking on "the burden of accountability to history", borrowed from administrative and political ideas to stress that it was no mere service to historical curiosity:

[no] public official, whether judge, executive or legislator, can claim any right to privacy in how he or she performs a public function...As long as we, the general public, are affected by these decisions, I think it is a public function.<sup>136</sup>

The preservation of records of their actions is not only to prevent such officials from acting wrongly, but also to "have them know there will be something of a record kept, that we want to encourage them to operate as close to the highest ideals of their profession as they can."<sup>137</sup> But as another panelist pointed out in response, the requirement that one leave an account for the distant future is unlikely to affect current behaviour. Further, if historical accountability is owed because of the effect of one's actions on contemporaries, restricting access to current records, that are yet preserved for the future, is hardly the way to meet it. Clearly, the concept of historical accountability is tied to the idea of a relationship between

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<sup>135</sup> Nelson, ed., The Records of Federal Officials, xxi.

<sup>136</sup> Professor Murphy, quoted in *ibid.*, 224.

<sup>137</sup> *Ibid.*, 259.



future and past, which cannot be a relationship of control. Another difficulty encountered by the panelists was the purely voluntary nature of records creation and preservation for historical accountability. As was repeated by several contributors, important officials should be encouraged to document their actions and thoughts, but could not be obliged to do so. Archivists would sift the remains to determine which documents should be preserved. However, as a manuscript curator complained, the volume of routine and uninteresting records that members of Congress donate to repositories makes this very difficult. Another panelist argued that preservation for historical accountability could not take precedence over current needs. "I think we are saying that anything that is important to history ought to be called public records, so that we hold it, control it, and perpetuate it...so the historians will have a field day later on."<sup>138</sup> He advocated instead that the records that are important to significant activities be designated as public records. Thus, for example, notes of the debate among judges prior to rendering a judicial decision would not be required to be preserved, since they are irrelevant once the decision has been reached and framed.

Historians would not be satisfied by the retention of only those records required for current administrative and public accountability. They want a historical record that will reveal more than the published information and to have evidence from

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<sup>138</sup> Mr. Buchen, quoted in *ibid.*, 258.

behind the scenes, not just the formal deeds and justifications. They would argue that history has privileged needs, because the historical perspective is a disinterested overview of an extensive period of time, and therefore a more honest assessment. But this does not today provide a sufficiently convincing argument that historical accountability should be seen as accountability to historians.

Historical accountability may be, more broadly, a need to provide and receive explanation and understanding from one generation to another. Groups of individuals often derive their cohesiveness, legitimacy and the authority for their actions from their understanding and evaluation of the past. Families, nations and institutions endure beyond the lifespan of any one member, as do their relationships with other groups; history is the memory that gives members their understanding of the group and helps it to endure and act. In the modern world there is a belief that history should be based on written evidence and research, rather than on oral legend and opinion, thus the importance of preserving archival sources.

Many current examples of this historical accountability can be cited: the vicissitudes of the reputation of Louis Riel, for example. Variousy regarded as hero and traitor, madman and saint, the Metis, English and French Canadians have used their understanding of his role in Canadian history to explain to themselves relationships in the present. For Australians, the discovery that Winston Churchill betrayed their government during the Second World War reinforces a desire for independence from

Britain today. Political philosophers seek a truer understanding of the American constitution through the recorded debate of its founders. It is impossible to state whether a particular understanding of history justifies a group disposition or forms it: it may be a mutually strengthening interaction.

An individual's sense of historical accountability must be distinguished from mere egotism, or an Ozymandias syndrome. It is rooted in a belief in an obligation to account to the future members of the group, either by describing, explaining or justifying what one has said or done. Of course, there must first be a belief in the group as more than a collection of autonomous individuals, in common values and a common good, and in responsibility to the community. Such beliefs are not currently part of dominant North American conceptions of society, however "most regimes in history have viewed public life as prior to and constitutive of individual life,"<sup>139</sup> and no doubt individuals hold these views and act on them in their own lives, for example when they donate their papers to a repository because of a sense of responsibility for their actions and a need to explain their intentions to the future, which they affect.

Where there is no sense of public responsibility to the future, archivists cannot engender a true historical accountability. They must instead rely on demands for present-day administrative and political accountability to ensure the

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<sup>139</sup> Green, "Constitutional Jurisprudence," 17. The author comments that "the differences between public and private law and between public and private administration are as important as that between individual and community. Yet most current legal and administrative education is based in the private dimension."

preservation of records, and point out that accountability endures beyond the immediate needs of the moment, potentially for as long as the relationship that it serves persists. This argument can be made for the records of government, as their public nature has now been accepted, and there is a general understanding of the state as a formal and continuing entity. But there are significant obstacles to applying the concept of accountability to records which are defined as 'private'. Richard Berner noted with regard to corporate records that, "as business becomes increasingly political and 'public' in its impact, the more secretive and arbitrary it must become - or so it seems."<sup>140</sup> As noted, past attempts have been made to argue that while there may not be an obligation to provide access to current records, important officials and institutions have an obligation to preserve their records for the future. But another philosophical issue has undermined even this argument for accountability.

The 1960s and 1970s were dominated, in most of the Western world, by a "general challenge to the existing system of authority, public or private...in the family, the university, business, public and private associations, politics, the governmental bureaucracy and the military."<sup>141</sup> This was reflected within the historical profession by an attack on the elitism of

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<sup>140</sup> Richard C. Berner, "Business Archives in Perspective," Journal of Forest History 18 (1974): 33.

<sup>141</sup> Stillman, "Changing Patterns of Public Administration," 29, terms this period "the revival of Romantic Jeffersonianism." Each of the three phases in American public administration history identified by Stillman has been reflected in archival theory.

the assumption that only powerful people are important in history. The attitudes were carried into print in archival literature by the historian Howard Zinn, who challenged archivists to reorient their acquisition focus to meet the new historical perspective. He pointed out that the control of information is a means towards the maintenance of power. "One of the ways in which information is controlled and democracy denied, is by the government withholding important documents from the public, or keeping secret their existence altogether."<sup>142</sup> He argued that contemporary archival collections of private papers, which usually document the lives of those in authority, represented a similar control over information by those in power:

The existence, preservation, and availability of archives, documents, records in our society are very much determined by the distribution of wealth and power. That is, the most powerful, the richest elements in society have the greatest capacity to find documents, preserve them, and decide what is or is not available to the public.<sup>143</sup>

This results in a bias in archives "towards the important and powerful people of the society." The bias is not just in collecting policies, but in recordkeeping itself, because the written word favours the "top layers, the most literate elements in the population," and favours static situations over "dynamics of social interaction." The net effect is "to protect governmental authorities from close scrutiny...To glorify important people, powerful people...to keep obscure the lives of

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<sup>142</sup> Howard Zinn, "Secrecy, Archives and the Public Interest," Midwestern Archivist 2 (1977): 21.

<sup>143</sup> Ibid., 20.

ordinary people in the society."<sup>144</sup> The solution that Zinn proposed was for archivists to lose their passivity and act against these biases by acquiring or creating records of less powerful segments of society.

While few have addressed the issues as strongly as Zinn, his conclusions, or the social attitudes that informed them, had a significant influence on archivists. Zinn was quoted approvingly by Gerald Ham in his influential essay "The Archival Edge", to argue against the "passivity and perceptions that produce a biased and distorted archival record."<sup>145</sup> Ham blamed traditional archival theory for producing archivists who were "passive, uninformed, with a limited view of what constitutes the archival record."<sup>146</sup> This radicalism seems to appeal especially to archivists from manuscript libraries or other repositories that were vulnerable to the accusations of elitism.<sup>147</sup> For a number of reasons, therefore, there is little acceptance of the idea that the records of those with authority and power in the private sphere should be preserved because they are evidence of actions which affect others and for which they are responsible.

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<sup>144</sup> Ibid., 21, 25.

<sup>145</sup> F. Gerald Ham, "The Archival Edge," American Archivist 38 (1975): 5.

<sup>146</sup> Ibid., 13.

<sup>147</sup> For example, Frank Boles has applied this activist stance to appraisal of public and private records, writing, "an archives may be legally mandated to retain records of a governmental agency and may choose to implement this mandate by a strategy consciously focused upon the records of senior administrators" ("Mix Two Parts Interest...", American Archivist 50 [1987], 359). However, this is not a matter of the archivists' choice because accountability requires the retention of such records.

### The Rediscovery of Accountability in Administration

Although contemporary archival theory has linked the purpose of public archives with the accountability of government, it does not provide a complete explanation of the relation between accountability and archives, because archivists do not always understand the administrative need to preserve evidence of activity. The problems posed by electronic recordkeeping systems have reintroduced the administrative aspects of accountability into archival thinking in the 1990s. This happened because archival theory has had to be re-examined in light of the challenges electronic records pose to archival methods, and because it has forced records managers and archivists to consider becoming involved in the design and administration of electronic recordkeeping systems.

When archivists first acquired machine-readable records, it was for their value as information and, particularly, as large aggregates of data. However, by the 1980s, computers had come to be used in all aspects of administration, not merely for statistical functions. It could no longer be assumed, as Katherine Gavrel put it, that "documents relative to policy formation, program management, and other organizational activities [are] in hardcopy form."<sup>148</sup> Archivists have had to examine archival theory on the nature of records and their values, and their methods of arrangement and description, in light of the manipulability and transience of electronic

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<sup>148</sup> Katharine Gavrel, Conceptual Problems Posed by Electronic Records: A RAMP Study (Paris: Unesco, 1990), 21.

information, the software and hardware dependency of systems, and the failure of the information technology profession to understand and protect the integrity of records created by these systems. The concept of accountability has been used to explain and reinforce the importance of the traditional archival view of records as evidence of administrative action preserved by the agency responsible for it.

The most thorough treatment of the subject is in the report prepared by the United Nations (UN) on Management of Electronic Records. It takes as a fundamental premise that "managing large, complex organizations and ensuring that they are accountable for their actions requires that administrators, and those to whom they are responsible, have access to records documenting official activity."<sup>149</sup> It states further that this is the fundamental purpose of records and archives programs:

Records and archives management are administrative functions of organizations created to meet their need to account, to themselves and to society, for their actions. The job of records managers and archivists is to ensure that all the records necessary to document the actions of the organization, but only those records, are retained, and that they are retained as long as they continue to have value.<sup>150</sup>

The report stresses the nature of records as evidence of the transactions of which they formed a part. In the appraisal theory that has evolved from Schellenberg's bulletin, records with evidential value are those which contain useful or important

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<sup>149</sup> United Nations Advisory Committee for the Co-ordination of Information Systems (ACCIS), Management of Electronic Records: Issues and Guidelines (New York: United Nations, 1990), 17.

<sup>150</sup> Ibid., 19.



information about the agency that created them. But actual appraisal to determine which records have that value rely upon the paper-based record system in which documents are grouped in an orderly manner into files, with titles that identify their significance, and series that are usually based on function and that distinguish, for the agency's convenience, between policy and information files, administrative and operating records, and which maintain the internal and external correspondence of each office as a unit. No such arrangement and indexing system exists for most electronic records, which are stored randomly, and generally with obscure document titles that rarely identify origin, function, or status. It has become apparent that 'evidential value' refers to more than simply information about the agency; it signifies the capacity of the record to serve as evidence of the actions of the agency, which is not found in its content as much as in the formal elements that give it authenticity and completeness, and its relation to other records, that is in its context in the recordkeeping system.

The United Nations report argues that the preservation and management of evidence of actions must be governed by a recordkeeping system that is a product of organizational policy and systems design. In a complex organization, accountability is secured by procedures and routines governing recordkeeping. As the report states, "both work and communications are conducted by individuals, but they take place within well understood, if not always well defined, systems. Systems for work and communication

lead to regularized, predictable and accountable outcomes."<sup>151</sup>

This point was made by Paul Marsden against those who argue that the value of new information technology is its ability to put control in the hands of the individual user. Corporate bodies

must maintain control over their information holdings both for legal and corporate reasons. This means knowing who created what, when it was created, and where it is. In the same way that churches and governments created and adopted ledgers and then filing systems to bring control over their records, organizations will search out the ways to do the same with electronic created documents.<sup>152</sup>

As the UN report points out, "each system must distinguish official from purely private information" depending on the purpose it served in the agency:

Spreadsheets reflecting departmental or sub-unit budgets kept by line managers for day-to-day control purposes do not substitute for the accounting system, but spreadsheets developed for purposes of submitting proposals or of rescheduling debt may be of long-term value for accountability.<sup>153</sup>

Similarly, if organizations require accountability from individuals for the information that was consulted in making decisions, systems are required that document "all information seen by an individual."<sup>154</sup>

Schellenberg, in the pre-computer era, had referred to the value of evidence about the process and information that contributed to decisions: "Research and investigative records are

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<sup>151</sup> Ibid., 20.

<sup>152</sup> Paul Marsden, "The Electronic Records of the Trade Negotiation Office and the Future of the Automated Offices in Archival Acquisition," unpublished paper delivered at Association of Canadian Archivists Annual Meeting (Banff, 1991), 17.

<sup>153</sup> Ibid., 20-1.

<sup>154</sup> Ibid., 25.

of undoubted importance, for they often contain the rationale of government programs-the reasons why they came into being and were handled as they were."<sup>155</sup> He may well have assumed that these were of significance chiefly to historians. Chester Guthrie was certainly taking the scholarly perspective when he wrote,

we are often left with the spectacle of capable, dedicated historians speculating as to why an important decision was made. Perhaps some speculation is inevitable; but, as better information systems are developed, we shall have better histories.<sup>156</sup>

In 1972 Meyer Fishbein also raised the possibility of identifying and accessioning the computerized data sources for policy decisions.<sup>157</sup> The 1990 UN report assumes the need to document the process leading to a decision through preservation of "the software facilities and data access permissions and views available to any given user in order to provide evidence for purposes of accountability."<sup>158</sup> Michael Miller has argued there is no necessity for this:

if the decision-maker is to be accountable for the process of decision-making this can, and should, be captured in memos for the record, or as part of the supporting documentation for a decision...For important decisions, an agency could require that all supporting data be retained in a separate electronic file as part of the adequate and proper documentation of the decision.<sup>159</sup>

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<sup>155</sup> Schellenberg, "Appraisal," 250.

<sup>156</sup> Chester Guthrie, "New Data to Shape History," American Archivist 30 (1967): 331.

<sup>157</sup> Meyer Fishbein, "Appraising Information in Machine Language Form," American Archivist 35 (1972): 35-43.

<sup>158</sup> ACCIS, Management of Electronic Records, 25.

<sup>159</sup> Michael L. Miller, "Is the Past Prologue? Appraisal and the New Technologies," in Archival Management of Electronic Records, ed. David Bearman, Archives and Museum Informatics Technical Report No. 13 (Pittsburg: Archives and Museum Informatics, 1991), 46.

The requirement to retain the actual information used in decision-making depends on the circumstances and the amount of discretion allowed to the decision-maker. For example, decisions concerning entitlement to benefits are made on the basis of rules applied to information supplied through approved sources: the signed application, or documentary proof such as a birth certificate. The official who approves the entitlement is not expected to rationalize the decision but is required to preserve the evidence on which it was based. Some information systems are designed to support this type of decision; among these, expert systems, which eliminate the human evaluation of the evidence, are the most advanced. Other information systems, however, are a means of conveniently providing information to support what is still within the discretionary judgement of an individual or group. It is unlikely that policy decisions will ever be made by expert systems, simply because the final decision remains a matter of human choice and not of following rules. In these cases, organizations have always distinguished between working papers and official records, regarding the former as essentially private because the decision-maker's accountability is for the ultimate justification given, not for the method by which that justification was reached. However, what is crucially important is that information systems designers understand the degree of formality that attaches to the process of decision-making, so that they can meet its requirements.

Increased use of electronic systems will directly affect archival methods. The appraisal of documents transmitted by

electronic mail cannot be made by an archivist after they cease to be of current use, as has often been the case with paper records. Not only would it entail a time-consuming item level examination and comparison with other record holdings to determine the uniqueness and significance of the documents; but most of the records may very well have long since been destroyed. Administrative systems of control, suited to the new media, will affect records creation, classification, description, indexing, preservation and access. Because of the renewed importance of control over electronic recordkeeping, Paul Marsden observed "there will still be need for the traditional principles and practices of the archivist."<sup>160</sup> But it will require their involvement in the administrative aspects of recordkeeping, not just the subsequent scholarly uses. As the UN report states, the need to secure the integrity and authenticity of electronic records,

will of necessity involve records managers and archivists in the design of the application systems before their implementation. The objective of such involvement here is to harness software capabilities to generate (and segregate) records required for organizational accountability.<sup>161</sup>

"Records managers and archivists must therefore develop close working relationships with, and play part of the role of, systems designers."<sup>162</sup> Archival methods cannot be confined to the inactive phase of the lifecycle of electronic records, nor can

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<sup>160</sup> Marsden, "Electronic Records of the Trade Negotiation Office," 17.

<sup>161</sup> ACCIS, Management of Electronic Records, 23.

<sup>162</sup> Ibid., 30.

records managers continue to focus on efficiency. Once again, archivists are finding they must become involved in the creation and administration of records.

Both archivists and agency staff need to acknowledge accountability as a primary value for organizations. Those who are accountable for their actions are responsible for ensuring that the evidence needed to discharge their obligations is preserved. "The fate of electronic records will depend on the degree to which line managers perceive records management as their responsibility, rather than the future responsibility of a records management and archives staff."<sup>163</sup> However archivists, with their understanding of records and archival methods, can provide guidance and support in records administration "and build widespread understanding of the organizational need for records and the organizational vulnerability to bad records practices."<sup>164</sup> David Bearman has argued that in the future archivists will be records experts, rather than custodians or appraisers.

Bearman has also brought the concept of accountability into the more traditional archival concern of description. Archivists are defining descriptive standards and systems that will allow them to use new technologies to provide better access to the materials in their care. But, as Bearman argues, before an information system can be designed, its purpose must be identified. If the purpose of archives is to preserve

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<sup>163</sup> Ibid., 26.

<sup>164</sup> Ibid., 51.

administrative, public or historical accountability, archival information systems should support this purpose and provide 'documentary accountability'. "The information recorded in the system...is about activity for which there is documentary accountability, not about the documentation which happens to reflect that responsibility."<sup>165</sup> This can be seen in the registers that are published in association with access to information legislation: they document the functions of agencies, rather than simply describe the records. As well, accountability for actions is transmuted into accountability for documents, since the documents serve as the evidence of the actions. Therefore government archives should consider themselves to

be a repository of primary data on the activities of organizations and an audit trail of the documentation resulting from such actions. Its focus is on the organization and its activity, including its records handling activity, and not on the content of the fonds.<sup>166</sup>

While 'documentary accountability' seems conceptually complex, it is the basis of what archivists know as provenance-based description and search methods. Rather than classifying the subject of documents, archivists identify the functions that the agency was responsible for, because accountability requires that it predictably record and preserve information about its actions and their object. As the nineteenth century Europeans discovered with regard to arrangement, "the requirements of

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<sup>165</sup> David Bearman, "Who about What or from Whence, Why and How: Intellectual Access Approaches to Archives and their Implications for National Archival Systems," in Archives, Automation and Access: Proceedings of an Interdisciplinary Conference, ed. Peter Baskerville and Chad Gaffield (Victoria: University of Victoria, 1985), 44.

<sup>166</sup> Ibid., 43.

control are identical with those of access and the task of archival description is integral to the task of records management."<sup>167</sup> Again, when archivists are faced with a choice between library and administrative methods, they find the latter supports archival goals of preserving the integrity and value of records as evidence, as well as the accountability that is owed by those who act on behalf of others in organized social life.

References to accountability have appeared in many writings by archivists on their discipline, and accountability is not a new concept in archival theory. In the context of direct organizational relationships, it has been used to characterize the origin, role and value of records in administration; as it has come to be applied to abstract relationships such as 'the people' and their government, archivists have used it to describe the nature, role and value of archives and archival repositories in society. As well, the tension between the desire to serve scholarly purposes and the need to preserve and protect the context and integrity of archives can be illuminated and perhaps resolved by an understanding of the role accountability plays in recordkeeping. David Bearman has claimed, "what is important about accountability and its documentary requirements is to understand that they are, and have historically been, the essential purpose of archives," but archivists have paid little attention to understanding the source of their *raison d'être*.<sup>168</sup>

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<sup>167</sup> Ibid., 41.

<sup>168</sup> Ibid., 42.



The lack of a conceptual grasp of the issue can lead to 'dysfunctional' archival systems and methods which fail to support the accountability that organizations owe.

If records provide the evidence that supports accountability, recordkeepers become accountable for their actions with regard to that evidence. The next chapter, therefore, will examine how the concept of accountability applies to archivists.

## CHAPTER 3

### THE ACCOUNTABILITY OF ARCHIVISTS

The records that are preserved for accountability enable individuals and organizations to maintain legitimate relationships of delegation, and to uphold the rights and obligations that flow from those relationships, by providing evidence of what has been done and why. Persons who keep such records are required to act responsibly by both ensuring and demonstrating that the records and their valuable qualities are protected.

The fact that accountability through records implies accountability for records was recognized by American archivists in the 1940s, as when Phillip Brooks wrote that, "government in a democracy involves accountability to the governed for records of its actions."<sup>1</sup> More recently, the Canadian Treasury Board has required that government departments assign responsibility for their information holdings "to help ensure authenticity, accuracy and availability of information" and that they "provide a centrally co-ordinated inventory of corporate holdings to: provide knowledge of what is held; provide access to the holdings ...[and] provide traceability of information flows."<sup>2</sup> The policy is linked to the new Access to Information Act, because, as John Smart has pointed out, "once there is federal legislation which

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<sup>1</sup> Phillip C. Brooks, "Planned Archival Procedures for Records Retirement," American Archivist 11 (1948): 315.

<sup>2</sup> Canada, Treasury Board, Office Systems Standards Working Group, "Information Management in Office Systems: Issues and Directions" (Ottawa, 1990), 8.

gives Canadians the right to ask to see files created and held by their national government, that government must be able to say what records it holds and what has happened to any records it once created but does no longer hold."<sup>3</sup>

While it is becoming a more familiar concept in public records management, archivists have rarely discussed their own accountability. Its existence can be inferred by considering what their behaviour might be if they were not accountable for the records in their care. Individuals could follow irrational impulses in preserving, disposing of and providing access to the documents, in the same way as do private collectors of art or manuscripts. There would be no published or unpublished guidelines for practice because they might inhibit the exercise of archival autonomy and creativity. Archivists would not consult one another for advice, criticize another's work, or explain their actions to others. Since records creators and the public would be uncertain about whether fonds existed and were accessible, or about their authenticity or completeness, the records could not be used for accountability.

Fortunately, archivists have not behaved this way, partly because, as it has been examined in the second chapter, they have recognized the importance of records in accountability systems, and partly because the institutional context of their own activities has only delegated to them their authority and resources. Were archival repositories merely storehouses,

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<sup>3</sup> John Smart, "The Archival Records of Labour Canada," *Archivaria* 27 (Winter 1988-89): 117. The Treasury Board has its own interest in departmental accountability.

archivists would simply guard the materials. But in the twentieth century they have sought, or found it necessary to take, a more active role in managing records than the image of 'keeper' implies, and they have claimed the knowledge, skill and impartiality necessary to control the public and private records of importance to institutions and society. One result of increased archival authority over records has been a requirement for responsiveness to external interests and needs. Archivists have also had to develop theories, policies and procedures so that their actions will not be capricious. They have created systems of documentation to record their record keeping activities and have had to accept and respond to criticism of their actions from both inside and outside the profession. Examples from the history of archival practice can illustrate the development of these aspects of the accountability of archivists.

While decisions to acquire records have often been made ad hoc, using subjective and intuitive insight,<sup>4</sup> the decision to destroy them usually has required responsible judgement and documentation. In fact, in direct contrast to the appraisal philosophy of *fingerspitzengefühl*, the archival finger held up to the wind, Phillip Brooks insisted that "in no case does the Government depend upon the judgment, which may be humanly subjective, of any one person to decide what is to be kept and what destroyed."<sup>5</sup> Public records that had no value to archivists

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<sup>4</sup> Klumpenhauer, Concepts of Value, 44.

<sup>5</sup> Brooks, "Planned Archival Procedures," 313.

were important to others for accountability, therefore procedures of records scheduling were developed to enable consultation with those who could assess administrative, operational, fiscal, legal and audit values of records.<sup>6</sup> The schedule itself documents the reasons for the disposal decision and the process of consultation, ensuring accountable records destruction. The formal procedures still require archivists to judge and justify the permanent value of records, and the intense scrutiny of appraisal theory in the United States in the 1940s and '50s reflected a need to meet this new responsibility with rational standards. Shellenberg's theories were not only published as archival literature, they were also official policy of the National Archives of the United States and continue to guide the appraisal judgements of its staff today.

Archivists usually work as employees rather than freelance practitioners, in repositories that delegate authority for designated functions and require an identifiable archivist to account for the expenditure of funds and for actions taken on records. Repository policies, whether official or unwritten, have always subordinated the practice of individual archivists to institutional needs, beginning with the archival principles of *respect des fonds* and original order, first issued as directives in the national repositories of France, Prussia and the Netherlands. Large repositories develop systems to manage the care of records, carefully allocating limited time and resources

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<sup>6</sup> Although accountability of archivists has not been often articulated since the 1940s, the methods and practices that support it are still used.

to specific tasks and documenting actions, for example through accessioning forms or appraisal reports. As one archivist explained, the latter serve "to document and support the archivist's recommendations" and are permanently preserved as evidence.<sup>7</sup>

The recent experience of the National Archives of Canada with the Commission of Inquiry on War Criminals (the Deschênes Commission) underlines the importance of policies, procedures and documentation for delegated disposal decisions. During the course of the inquiry, witnesses and newspaper reports challenged the destruction of immigration records by the Archives as being suspicious and improper, alleging that the records could have assisted investigation of the entry of Nazi war criminals into Canada after World War II. As Robert Hayward has explained, "fortunately for all concerned, every action in this case taken by Archives officials was adequately documented: notes to file, memoranda, copies of forms, letters exchanged with the Department."<sup>8</sup> Staff could show, also, that they had followed repository policies in their actions and even though the policies may have been inadequate, staff members could not be blamed. The unusual experience of outside scrutiny proved that, for the Archives as well as other departments, "playing by the rules of

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<sup>7</sup> Kathy Roe Coker, "Records Appraisal: Practice and Procedure," American Archivist 48 (Fall 1985): 420. Kogan argues that, despite contemporary biases against hierarchy, a managerial structure is as compatible with 'benign' professional and public initiatives, as with totalitarian ones, and "reduces ambiguity about objectives and [increases] accountability because those in charge are identifiable" (Education Accountability, 40).

<sup>8</sup> Robert J. Hayward, "'Working in Thin Air': Of Archives and the Deschênes Commission," Archivaria 26 (Summer 1988): 127.

the bureaucratic book, particularly rules authorized by someone else, is critical when administrative decisions are questioned."<sup>9</sup> Hayward particularly emphasized for archivists, "the crucial importance of both carefully justifying appraisal decisions and recording all acquisition activity, and...leaving clear paper (audit) trails to document their actions in these areas."<sup>10</sup>

The Deschênes Commission also highlighted the role of records in government accountability, raising complex implications for those who keep them. In the 1940s and 1950s, the federal government only preserved such documentation of immigration decisions as it needed for its own operations. But the Commission recommended that, for the future, new procedures ensure that the Department's questioning of applicants on past activities, "is reduced to writing and signed by the applicant. Where the application is granted, the forms should be kept until either it is established or it can be safely assumed that the applicant is no longer alive."<sup>11</sup> The Archives has been concerned to keep records on government immigration policies for accountability and samples of immigration files for social history research, but it does not preserve the evidence needed to challenge or affirm government action in individual cases. And

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<sup>9</sup> Ibid., 130.

<sup>10</sup> Ibid., 131. Jerome O'Brien discusses briefly the implications of archival accountability on appraisal methods in "Archives and the Law: A Brief Look at the Canadian Scene," Archivaria 18 (Summer 1984): 43-44. Attempts by the Australian Archives to "meet the new standards of consistency, efficiency and accountability" are described by Beverly Hart, Stephen Ellis and Ian Pritchard in "The Appraisal and Scheduling of Government Records: A New Approach by the Australian Archives," American Archivist 50 (1987): 591-597.

<sup>11</sup> Quoted in *ibid.*, 129-130.

yet, if these applications are to be kept as evidence for a hundred years or more, the Archives would have to adjust its practices to protect the accountability purpose of the records. Nor is this an isolated example. The past ten years have witnessed unprecedented revisions of past decisions affecting human rights, justice or environmental matters, and there is no reason to believe the trend will not continue in the future.

While the increased accountability of archivists can be easily illustrated, archival writings do not provide a clear indication of to whom the accountability is owed. Archivists have relationships with the donors of the archives, with the sponsors of their repositories and with the users of their holdings. They also perceive themselves to have obligations to society, in both the present and the future, to their profession, and to the valuable records which are their principal concern. At different times archivists have regarded certain of these relationships as analogous to delegation, and therefore requiring some form of accountability.

Archivists in the past usually saw themselves as acting on behalf of the creators of the archives, who had delegated to the repository the care of their records. This is evident in contemporary institutional and corporate repositories, as well as early in the history of government archives, when departments had not completely relinquished authority over their records. Solon J. Buck generalized his position in the National Archives of the United States to the whole profession in 1947:



The archivist is essentially the servant or representative of the agencies that created, not the individual documents, but the bodies of archives or official records that have been placed in his custody. It is his responsibility to preserve the integrity of those bodies of official records, to make them or the information in them available to those agencies or their successors, and to render such service on them to others as does not interfere with his primary responsibilities.<sup>12</sup>

Manuscript libraries and similar historical repositories also accepted that a donor would place conditions on the care and accessibility of 'private' records. One manuscript curator explained in 1929 that his relationship with donors was paramount because "our institution...stands in law and in ethics in each case in the shoes of the individual who originally received as well as him who deposited with us the missives."<sup>13</sup> It was appropriate, therefore, for the archivist-curator to ensure that any researchers who used the documents did not interfere with the interest of the donor or damage the relationship of trust.

He reviewed their notes, judging the accuracy and propriety of quotations, and made researchers sign a statement pledging that they had a serious motive, free of malicious intent, and that no trouble would ever arise for the institution as a result of their work in its holdings.<sup>14</sup>

Presumably, the signed statement not only reinforced appropriate behaviour by the researcher, but also protected the repository in case of donor dissatisfaction.

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<sup>12</sup> Solon J. Buck, "The Archivists 'One World'," American Archivist 10 (1947): 10. This is also Jenkinson's position.

<sup>13</sup> Edgar R. Harlan, quoted in Raymond H. Geselbracht, "The Origins of Restrictions on Access," American Archivist 49 (1986): 146.

<sup>14</sup> Ibid.

A new attitude towards researcher rights has led non-institutional repositories to claim ownership over the records in their care and has weakened their concern to serve record creators. However, while repositories have attempted to rationalize access restrictions, they still respect them. Before the articulation of public rights of access, Dominion Archivist W. Kaye Lamb saw the role of the Public Archives of Canada as that of trustee of the records on behalf of the creator:

The relationship of a responsible and conscientious archivist to much of the material in his care is essentially trusteeship...the archivist makes the material available, or restricts its use, in accordance with rules of access laid down by the department...so far as private papers are concerned, strict observance of the conditions of a deposit is the cornerstone upon which the integrity of the institution rests.<sup>15</sup>

Rules of access to public records are now laid down by legislation, but the observation probably remains true for most repositories holding non-government records.

A repository often receives the funding and authority that supports its actions from a source other than the creators of the archives, and it owes some form of accountability for the way the funds are spent. For example, since its founding the Public Archives of Canada has acquired and preserved non-government records. While the preservation, destruction and accessibility of federal records is governed by laws, Parliament has never specified which non-government records should be preserved, except through the Archives mandate to support Canadian history

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<sup>15</sup> W. Kaye Lamb, "Presidential Address," Canadian Historical Association Annual Report (Toronto, 1958), 8.

and identity. Nor has Parliament ever set standards for care or accessibility of non-government archives, leaving such matters to the discretion of the Dominion Archivist, who accounted for the funds received with annual reports describing the Archives' accomplishments. Modern archival reports often cite use or acquisition statistics that measure the effectiveness of the repository, while others emphasize the high quality or efficiency of the archival service, but like all reports they must be based on records supporting the claims. According to Hilary Jenkinson, an archival description of records is also evidence with which an archivist "renders account of his stewardship,"<sup>16</sup> revealing the care and skill brought to the work, and its completion. Similarly, published descriptive tools, such as guides, do not simply disseminate knowledge of particular archival holdings, they also serve to account for a project or repository to 'resource allocators' and the public from whom tax dollars derive.

Archivists are accountable to their sponsoring organization, whether a government, university or historical society, and may be under pressure to meet its goals by encouraging research in a particular field or being directly relevant to contemporary scholarship. The orientation towards research has meant that many archivists, rather than seeing themselves as trustees on behalf of record creators or officials fulfilling their sponsors' mission, regard themselves, as Herman

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<sup>16</sup> Jenkinson, Manual, 120.

Kahn put it, as partners to historians "in the great enterprise of research and writing."<sup>17</sup> That a partnership entails some form of accountability, became apparent in the early 1970s, when new expectations of scholars and the public were voiced. Kahn and other archivists at the Roosevelt Library were accused by a user of 'serious abuse of archival power', in not making available material that was being used for a repository research project.<sup>18</sup> One historian described the more general user dissatisfaction as "a growing conviction that custodians of Government archives, at best, are overworked and hobbled by bureaucratic procedures or, at worst, are lazy, capricious, and inefficient."<sup>19</sup> The same historian advocated bureaucratic procedures to deal with users' complaints, and reporting by archivists to users to 'restore mutual trust'.<sup>20</sup>

In response to such assertions of the rights of researchers, archivists became conscious of the need to provide accessible catalogs and finding aids for all of their holdings, even restricted ones, and to announce acquisitions or special projects. In light of the increased volume of holdings and of requests, many repositories now try to provide the means whereby users can search descriptions of the holdings for themselves,

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<sup>17</sup> Herman Kahn, "The Long-Range Implications for Historians and Archivists of the Charges Against the Franklin D. Roosevelt Library," American Archivist 34 (1971): 267.

<sup>18</sup> Richard W. Leopold, "A Crisis of Confidence: Foreign Policy Research and the Federal Government," American Archivist 34 (1971): 141.

<sup>19</sup> Ibid.

<sup>20</sup> Ibid., 152, 154-5.

rather than attempting to inform each, individually, of the sources that might meet their needs, thus escaping blame for inadequate assistance.<sup>21</sup> Criticism from within and outside the profession has also led many archivists in research repositories to distinguish their role more sharply from that of users, and rather than seeing the relationship as one of partnership, regard it as one of service. For example, it has only recently become an important principle of archival practice that researchers be treated fairly and equally, and be given the opportunity to use the resources of the repository in whatever manner, or for whatever purpose, they desire.

The recent emphasis on public rights to government information and researcher rights has led some archivists to argue that the relationship between a repository and its users is more important than that with its archives creators or sponsors. Mark Hopkins has written that "our supporting role as archivists in relation to a society's right to information and research must keep us at arm's length from the interests of the creating agency and closer to the interests of our research clientele."<sup>22</sup> Other Canadian archivists have argued in favour of "a new recognition of the importance of archivists' responsibilities with respect to the public and to the necessity of clearly defining our

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<sup>21</sup> Kahn, for example, complained that "time and money spent in trying to keep everybody informed about what is going on everywhere is almost certainly going to be wasted," in "The Long-Range Implications," 273.

<sup>22</sup> Mark Hopkins, "'There's a Hole in the Bucket, Dear Liza, Dear Liza': Archivists' Responsibilities Reviewed," Archivaria 16 (Summer 1983): 136.

obligations and goals in this area."<sup>23</sup> Some archivists perceive accountability to users or to the public as one such obligation, arguing that archival theories and practices should be designed to meet public standards and obtain public approval. Tom Nesmith has written that "archivists must be able to account above all for the history of the documentation they turn over to the researcher since they have been solely responsible for its place and care."<sup>24</sup> Hans Booms devised his documentation theory in the early 1970s because "it is necessary for archives actively to promote public scrutiny of, and input into, their work as much as possible."<sup>25</sup>

Documentation strategies and plans, which have been prominent in archival theory in the 1980s, are designed to obtain public authorization for acquisition decisions, reducing the archivists' responsibility for appraisal. Like the theories of selection developed in the 1940s and 1950s, these proposals respond to a perception that archivists should not be the sole judges of the permanent values of records, and that rational standards are needed to meet new, extremely varied and unpredictable research interests in documentation for social history 'from the bottom up'. However, as Booms and others discovered, public participation or approval of archival

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<sup>23</sup> Gabrielle Blais and David Enns, "From Paper Archives to People Archives: Public Programming in the Management of Archives," Archivaria 31 (Winter 1990-91): 103.

<sup>24</sup> Tom Nesmith, "Archivaria After Ten Years," Archivaria 20 (Summer 1985): 15.

<sup>25</sup> Hans Booms, "Überlieferungsbildung: Keeping Archives as a Social and Political Activity," Archivaria 33 (Winter 1991-92): 29.

decision-making has not been possible and there have been no publicly sanctioned documentation plans on either the German or the American model.<sup>26</sup> Nor has the assumption of accountability to the public gone unquestioned. For example, at least one of Booms' colleagues argued that "first of all, state archivists have a primary responsibility to document the structure and functions of the administration which sponsors their activities..."<sup>27</sup> Similar arguments have been made in North America. A municipal archivist has written that, because local governments have statutory obligations for record keeping, archivists must serve those obligations first, and do so effectively and economically, for "if we ignore accountability to our sponsors...we do so at our own peril."<sup>28</sup>

As explored earlier, administrative and political accountability requires the preservation of the records that provide evidence of actions, although particular users of archives might be interested in the information for other reasons. The accountability purposes of the records require adherence to archival principles of *respect des fonds* and original order, despite the frequent criticism of provenance by users wanting subject and problem-oriented arrangement and

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<sup>26</sup> Ibid., 28; Richard Cox, "A Documentation Strategy Case Study: Western New York," American Archivist 52 (1989): 192-200.

<sup>27</sup> Quoted in Klumpenhauer, Concepts of Value, 148.

<sup>28</sup> Anthony L. Rees, "Masters in our own House?" Archivaria 16 (Summer 1983): 59.

description.<sup>29</sup> Archival strategies for public relations have not addressed how archivists might deal with the experience, proven in other areas of social life, that public involvement includes criticism and demands, as well as support.

Finally, schemes for direct public accountability, whether in archives or other institutions, overlook the fact that the authority which allows the repository to be organized and to operate legitimately does not derive directly from the public. Although archivists, like others, believe in the abstract concept of public sovereignty, there are no mechanisms for establishing an ongoing relationship of delegation directly with users or society, nor should there be. If the public has information and research rights with respect to archives, it is the obligation of the accountable individuals and organizations, not just archival repositories, to fulfill them. It may be that a stronger sense of accountability is needed among archive creators, so that they acknowledge their obligation to preserve or delegate the preservation of their records for the information of others, thus reducing the need for repositories to rescue neglected records that are considered to be important to society. However, archivists cannot meet the accountability obligations of records creators behind their backs. No organization would delegate care of its records to an archivist or repository that it regarded as irresponsible. Archivists have been caught in the contradictions

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<sup>29</sup> See for example, Peter Baskerville and Chad Gaffield, "Shifting Paradigms and Emergent Technologies: Archives in the Modern Research World," in Archives, Automation and Access, ed. Baskerville and Gaffield, 15-25; and Philip Goldring, "Some Modest Proposals: A Public Historian Looks at Archives," Archivaria 24 (Summer 1987): 121-128.



of a political philosophy that allowed government business in a democracy to be conducted privately, and which did not acknowledge public rights to public records. In formerly Eastern Block countries archivists acted in accordance with the political philosophy of the governments whose records they preserved. Those previously secret archives are now being used, in the new political climate, to discover, denounce and revise the past because they are authentic and complete evidence of the actions of the archives creators. Archivists ought not to be blamed for preserving the evidence.<sup>30</sup>

What distinguishes public archives in North America from those in formerly communist countries of Eastern Europe, is that while they derive their authority to act from the government or from their sponsoring institution, they do so in order to serve the public. Resource allocators, donors and transferring departments provide the repository with its mandate, which may be service to the records creator, service to the sponsor, service to scholars or the general public, or service to the records. The repository owes accountability to its sponsoring institution for how it fulfills that mandate. The nature of the accountability, whether for results such as the number of users, or for efficient and effective archival practice, will reflect the relationship of delegation and the needs of the records creator or sponsor. If rights to information and research have become first principles in society, this should be reflected in

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<sup>30</sup> Vladimir Kajlik, "Czech Archives at the Crossroads," American Archivist 54 (1991): 412-422.

the repository mandate, and thus in policies and procedures for open and responsive archive keeping.

While repositories may receive a clearly articulated mandate from their sponsor, for adherence to which accountability is owed, the authority and legitimacy of the work of archivists, in many cases, no longer derives simply by delegation from that mandate. The ambiguity and complexity of the relationships between archivists, creators and users has been heightened by the professionalization of archival work. There are many analyses of the characteristics of a profession, but an examination of its accountability obligations must consider the delegation relationships it entails. One analysis has posited that clients delegate decision-making authority, in a particular area of their lives, to professionals, because the latter have theoretical knowledge which is difficult and time-consuming to acquire and which is necessary to solve practical problems. In theory, professionals promote only their clients' interests, as opposed to their own or that of the system in which they work, and they act in as unbiased and objective a manner as possible.<sup>31</sup>

Generally, professional archivists are employed, by an archives creator or a repository, as specialists in the identification and care of permanently valuable records.<sup>32</sup> Users

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<sup>31</sup> Carolyn J. Tuohy and Alan D. Wolfson, "The Political Economy of Professionalism: A Perspective," in Four Aspects of Professionalism (Ottawa: Consumer Research Council Canada, 1977), 47. Professionalism first emerged in those areas of people's lives - legal, health and spiritual matters - where an objective and highly competent agent acting in one's best interests was most critical.

<sup>32</sup> In archive work, as in society generally, the use and promotion of professionals has developed as an alternative to patronage.

consult archivists for reference advice, but employ research assistants when they require agents. Yet it is in the nature of their work for archivists to regard current and future users as their clients, and to try to promote their interests by preserving and protecting valuable records. As has been shown earlier, the division between records management and archival work has been based on rigid allegiance to different interests, while a perspective compatible with archival principles and accountability needs to be based on a recognition that records serve multiple and changing interests.<sup>33</sup>

Another important relationship characterizing a true profession, which may be inappropriate for archivists, arises from the existence of the profession as an institution which empowers individual members, such as lawyers and doctors, to act, provides them with considerable autonomy and sets limits to their action.<sup>34</sup> Because of the esoteric knowledge required for the work, it is commonly argued that only colleagues can judge each others actions, and professionals are almost exclusively accountable to their professional associations. Professionals 'internalize' standards of conduct through codes of ethics. A code of ethics is

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<sup>33</sup> See for example, Felix Hull, "The Appraisal of Documents-Problems and Pitfalls," Journal of the Soceity of Archivists 6 (1980): 291.

<sup>34</sup> "The providers of a service stand in a professional relationship to consumers to the extent that the provision of that service is regulated by an organization of providers excercising authority delegated by the state" (Tuohy and Wolfson, "The Political Economy of Professionalism," 48); John Kultgen, Ethics and Professionalism (Philadelphia: University of Philadelphia Press, 1991), 38.

an articulation of the terms of reference within which particular agency relationships are established between individual practitioners and their clients. It constitutes not only a set of prescriptions, but is treated as a set of enforceable rules governing individual practitioner-client relationships.<sup>35</sup>

However, the profession does not wish to scrutinize actively the work of its members, so that, in general, "clients trust to professional traditions and professional ethics" to instill the high standards that they require.<sup>36</sup> Therefore, as Kogan points out, professionalism tends to be associated with responsiveness, or areas of "morality, influence and power rather than authority and accountability."<sup>37</sup>

Archivists, like other occupational groups, are seeking a professional identity partly in order to increase their status in the eyes of their sponsors and society, which is important to obtain the authority to manage archives. They are placing a greater emphasis on self-criticism and explanation within their discipline and there is a concerted movement to create descriptive, acquisition and other standards of practice, to accredit practitioners or repositories, and to establish codes of ethics, following the pattern of all developing professions of preventing the inadequate performance of individuals from undermining the legitimacy of the entire group.<sup>38</sup>

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<sup>35</sup> Tuohy and Wolfson, "Political Economy of Professionalism," 56.

<sup>36</sup> Quoted in Kultgen, Ethics, 91.

<sup>37</sup> Kogan, Education Accountability, 32.

<sup>38</sup> Kultgen, Ethics, 102. Other typical strategies, including establishment of professional associations and recognition in the university curricula, can found in current initiatives of North American archivists.

However, the institutional setting which archivists occupy, the lack of a clear practitioner-client relationship, and the fact that their work is not essential to individual members of the public, make it very unlikely that archivists will ever be fully self-governing professionals. Nor should this necessarily be regretted. Kultgen argues, "experience shows that accountability of members of a profession to one another is not sufficient to protect the public interest."<sup>39</sup> The pursuit of a professional image for an occupation can be a self-serving desire for status and remuneration. The professions have been criticized as a 'self-accrediting elite', a privileged aristocracy based on education instead of birth.<sup>40</sup> Efforts to make professionals more accountable to society or to the government that, increasingly, funds their activities, have not yet been successful, nor have all professional groups acknowledged their accountability.<sup>41</sup>

In claiming a professional role for themselves, and thus job security, autonomy, status, good pay and interesting work, it is not sufficient for archivists to cite their knowledge and skill. Richard Cox writes, "The essence of professionalism is

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<sup>39</sup> Ibid., 164.

<sup>40</sup> Quoted in *ibid.*, 277.

<sup>41</sup> For example, Peter Aucoin, "Public Accountability in the Governing of Professions: A Report on the Self-Governing Professions of Accounting, Architecture, Engineering and Law in Ontario," unpublished working paper prepared for the Professional Organizations Committee, Ministry of the Attorney General, Toronto, 1978.

having power within society"<sup>42</sup>, but archivists should not assume that power comes without corresponding responsibility. Nor is the achievement of a more professional and authoritative position merely a matter of marketing and persuasion. Archivists need to accept and demonstrate an increased sense of responsibility, for example, to manage records efficiently, and a willingness to document their actions. In addition to adopting standards for actions, professionals should accept the right of others to scrutinize, receive explanations and judge actions by those standards.

Whatever the wisdom of establishing an archival profession, all archivists can cultivate what Kultgen terms the 'ideal of professionalism'. For example, archivists can recognize that since they have been delegated the care of records on behalf of organizations, in order to serve society, they should do so according to organizational and social needs, and not to serve their own interests or a narrow interpretation of those needs. They can set and meet high standards for archival work, and attempt to inform and influence record creators to act in ways that not only meet their own needs, but also reflect values such as good government, accountability and freedom of inquiry. Archivists can be knowledgeable about the ethical standards and social obligations of their work.<sup>43</sup> One particularly important value in archival work, as in other fields, is 'communicative

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<sup>42</sup> Richard J. Cox, "Professionalism and Archivists in the United States," American Archivist 49 (1986): 47.

<sup>43</sup> Kultgen, Ethics, 269-73.

integrity', involving both respect for individual privacy and strict veracity.

The organic society is not unified by controls over its members. It does not require prying and peeking into every cranny of private life...This requires the proper balance of protection of the right to privacy, where privacy can be allowed, and insistence on publicity, where publicity is necessary.<sup>44</sup>

Finally, professionalism requires a service ethic, which can be defined simply as promoting the good of the one served.<sup>45</sup>

While the concept of accountability has a special significance for archivists because of the use of records as its instrument, like other professionals operating in the public sphere, archivists are concerned with their own accountability. But, as Blais and Enns point out, "archives operate in a fluid environment, in which resource allocators, donors, supporters and various user groups play an increasingly prominent role."<sup>46</sup> No clear and simple resolution of the issue of to whom, and for what, archivists owe accountability can be expected, because relationships in our society are no longer sharply drawn, universally accepted or clearly hierarchical. Archivists are involved in a network of relationships and seem to owe accountability in various directions and to various degrees. As well, archivists are closely associated with archival repositories, and act in ways that will protect and promote both the archival resource and the institution. It is not surprising

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<sup>44</sup> Ibid., 344.

<sup>45</sup> Ibid., 352.

<sup>46</sup> Blais and Enns, "From Paper Archives to People Archives," 110.

that there are conflicts between the accountability archivists owe to the institution that funds and supplies administrative legitimacy to their work and whose records they care for, to the colleagues and institutions that provide them with their professional legitimacy, and to 'society' on whose behalf they care for the records. An understanding of the concept of accountability cannot resolve these conflicts, but it can clarify the debate by focussing on the nature of archival authority, the functions delegated to repositories, the discretion given to archivists, the standards by which archival actions should be judged, and how any accounts should be rendered. Kutgen argues that "an effective system of responsibilities would define exactly who is responsible, for what sort of actions, for what groups of people or aspects of people' welfare, and to whom,"<sup>47</sup> but such a system could only exist in an ideal world. By contemplating the features of an accountable archival system, and understanding what inhibits its achievement, archivists can at least strive for the ideal.

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<sup>47</sup> Kultgen, Ethics, 163.



## CONCLUSION

Archivists are accustomed to discussing the ethical, legal and political issues that relate to their field in terms associated with individual rights, because that is the common language of our times. Accountability, on the other hand, is fundamentally a duty. It is the obligation of a delegate to account for what has been done. Delegating can be distinguished from both a grant outright and an appropriation, because it creates a continuing relationship between the principal who delegates authority for some purpose and the agent who accomplishes the task. The agent's role in this relationship requires that information and explanation about that action be available to the principal, without whom it could not have occurred and who has the right to know of and judge it.

Organizations and their administration are founded on delegation of authority, and accountability is therefore a feature of most administrative relationships. By involving others to accomplish actions, people organize themselves to meet purposes and needs that would not be possible if each acted on their own. Accountability provides reliability to such organized actions, sustains trust in the relationships involved, and enables delegation to succeed.

The concept of accountability is an abstraction from familiar circumstances of delegation. The concept can be found in a range of contemporary writings on political theory, constitutional law, administration and certain professional fields, however few sources use it unambiguously or in a manner

that is immediately relevant to archivists. In particular, although the concept originates in direct and concrete relationships between individuals, it is more often applied to indirect and abstract ones, such as political representation. Within the idea that governing authority is delegated to the state by citizens, the concept of accountability implies the need to acknowledge that relationship.

The connection between accountability and records forms the basis for the role of the concept in archival theory. The account required by accountability is information about actions taken. While verbal accounts are still important in direct relationships, written accounts have long been essential where delegation lines are complex or the agent is removed from daily contact with the principal. Agents who respect their duties of accountability preserve written records of the actions that were taken with delegated authority, while those who destroy, conceal or alter their records, whether through lack of awareness of their obligations or specifically to avoid detection, are not making themselves accountable, even if later they may be 'held accountable' through legal action. It is the creation, preservation and accessibility of information compiled in order to meet the obligation to account, rather than the subsequent use of that information, that truly reveals accountability. In practice, therefore, accountability is often achieved through procedural and routine creating and setting aside of evidence of actions, records.

Thus, accountability has many implications for archives and archival theory. An obligation to account results in actions being documented and in documents preserved that would not otherwise be kept. The source of delegated authority often requires documentation according to standard forms and procedures, providing the resulting records with a characteristic of predictability that is less often found in products of independent action. The timing of any call for account, and the records that will meet it, depend on the particular relationship of delegation and the significance of the actions; however, if the creator of an archival fonds has acted in a delegated capacity, then the arrangement, function, form, value, accessibility and ownership of the records may all be determined by accountability.

Archival theory has long recognized the importance of archives for preserving the rights of individual citizens, but has less generally acknowledged the role of records in ensuring accountability. Nonetheless, the concept of accountability has frequently appeared in archival literature. In discussion and examples of arrangement and description, the ubiquity of accountability in the conduct of affairs and the use of records as its instrument provide an understanding of the context of creation of the archival material, explaining the function of certain records and predicting their subject matter. In the specific areas of records management and electronic records theory, the concept of accountability explains the organizational need for preservation and access to records, and for controls

that ensure the existence and integrity of evidence. In appraisal theory, the concept has been evoked with regard to the value of public records and the timing of their archival acquisition or destruction. Routine records produced in volume to meet administrative accountability have only short-term value, because the actions they document are relatively peripheral to the primary functions of an organization and because procedures exist to summarize and audit them. On the other hand, minutes, reports, policy documents and the records of decision-making officials have longer term value because they record actions of considerable consequence for the organization, its constituency and clients, while there is rarely a formal means to discharge the accountability they serve.

The concept of accountability has also been used to link systematic preservation of archives and liberal access policies to the legitimacy of institutional authority. It is most often applied to public records because citizens in a democracy have an acknowledged right to call their government to account, and because government actions seem to determine many aspects of modern society. Deliberate preservation of and provision of access to public archives is a means of ensuring accountability of the state to the citizens, because destruction of records after a limited period of time would deny the opportunity for knowledge of what the state as agent has done. Unless it has been explicitly discharged, accountability endures as long as the relationship of delegation continues, which, for public institutions embodying ongoing relationships, is indefinitely.

At times, archivists have expressed the opinion that historical and other scholarly work serves an audit function on behalf of the general population, but the assumption underlying that view, that scholars should be in a privileged position with respect to use of archival sources, has lost acceptance, on the grounds that the general public is entitled to equal and more timely access to material.

Seminal writings on modern public archives and records management considered accountability a principle which should guide archivists. However, after the 1950s, the volume of modern records and apparent changes in the needs of users divided the profession between the records managers who destroyed records and the archivists who rescued them for secondary uses unrelated to their origin. The administrative nature of archives and their value for accountability largely disappeared from the theory guiding the two professions. As well, the concept of accountability and its relationship to records can hardly be found in other scholarly disciplines after 1950, because the legitimacy of authority was challenged, and information came to be studied as a means of decision-making rather than decision-judging. Still, the high resonance of archival access, ownership and destruction issues in the past two decades has meant that, while some archivists question whether evidence of the organization and functioning of public agencies is worth preserving, others have the conviction that such evidence has an organizational and social value. But, without a solid and

accepted basis in archival theory, this point of view is difficult to articulate.

The significance of accountability increases with the responsibility of the agent. In proportion to our belief that authority for certain actions in society is not a matter of inherent right but of delegation, the deliberate preservation and accessibility of evidence of those actions should become important. The concept of accountability implies that publicly available archives are not a status symbol or privilege, but the recognition of an obligation to account for what has been done. The concerns that some archivists have manifested, that accountability results in biased or incomplete records, can only be resolved ethically when those who owe the duty of accountability accept it. This might be encouraged if the concept were emphasized as an acknowledgement of the rights and interests of those who provide authority, and thus legitimacy for actions, rather than as a mechanism for the control of agents.

The concept of accountability complements, rather than contradicts, the idea of personal privacy. Individuals do not have the same right to privacy with regard to the actions that they perform as agents as they do for their self-determined activities. However, the information required by a principal differs in particular situations: Every detail of financial transactions is subject to review, while the process of reaching policy decisions may be essentially private. As access to information laws acknowledge, an individual's entitlement to privacy must apply to personal information that has been

collected in order to carry out actions for which public accountability is owed.

Accountability to the public does not require preservation of every document created or received. Access to information initiatives make available records that have already been created and preserved for the functioning of the state as a bureaucracy, rather than as the agent of the people. These records serve the need for accountability within the organization, documenting decisions, procedures, and results in carrying out each action. To reduce this volume of information there needs to be a conscious assessment of the extent and reliability of the recordkeeping system, and authorized discrimination between significant and insignificant actions, important and unimportant evidence for public accountability. This is what records management and archival appraisal can accomplish.

Archivists have also applied the concept of accountability to their own professional obligations. Authority over archival materials appears to have changed hands. Except where claims for personal privacy must be respected, the original creator of archives no longer sets the standards for preservation or destruction, arrangement and description, publication or reference use of the records. Both the users of repositories and the archival profession have claimed a right to set those standards, the former on the basis of their needs, the latter because of its knowledge. Yet the institution sponsoring the archival repository, which provides it with its mandate, still provides considerable authority and carries responsibility for

actions on archival materials, especially if the records are used for accountability. In the absense of a clear delegation of authority to archivists, they cannot owe exclusive accountability either to their profession, to archives users, or to records creators, but the concept remains a useful reminder that a professional is not self-determining, or absolved from responsibility to others.

Archivists are concerned with the need to preserve records in their context, and part of that context is accountability. The concept is only really meaningful for archival theory in conjunction with the understanding that the nature and meaning of archives lies in their origin as means and evidence of action, rather than in their subsequent uses as sources of information, and the concept is only found in the archival literature which asserts this view. Archives are unique and valuable because of their nature as written evidence. Archivists do not create evidence, they protect it on behalf of organizations and society, in accordance with administrative and social values, including the need to maintain confidence in relationships of delegation and supply legitimacy to institutions acting in society. Accountability is important to archival theory because it is one of the purposes that records, and therefore archives, serve.



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