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The Footprint and the Stepping Foot: Archival Records, Evidence, and Time

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Abstract: This paper provides an analysis of the archival concepts of “record” and “evidence” as socio-cultural constructs arising out of a particular view of time. Archival records are usually characterized as having certain relationships to evidence in its temporal aspects – specifically, the requirement for a temporal disconnect between creation and use. This disconnect also necessitates a break between knowledge and the knower in which the record must be externalized and set-aside from its creator in order to have “recordness.” This paper explores how Western concepts of time impact concepts of records and archival evidences and proposes an alternative framing. Since records have such power in our lives and societies, practitioners must begin to work with an expanded concept of record and sensitivity to differing time frames and worldviews. The paper proposes a new definition of “record” as an intentional, stable, semantic structure, which is used to identify three broad categories of record types, based on event-orientation or object-orientation, that are flexible enough to account for differing cultural and spiritual understandings of time.

Keywords: Evidence, Time, Records, Fixity, Archives

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The relationship between time, evidence, and record is of significance in human society – all three greatly impact the way the world is perceived and experienced. In particular, notions of evidence and record impact opportunities and agency within formal social systems. Entitlement to live in one's home, right to have custody of a child, etc. all formally rely on evidence found in, and supported by, records. The full variety of Cosmological, i.e. non-dominant metaphysical, conceptions of time and record may not receive adequate consideration because the legal definition of evidence is situated within social systems and institutions having particular notions of time or record which is usually grounded in a physical (as understood in Western science) rather than religious or spiritual cosmology. Thus, concepts of evidence may exclude some ways of knowing. Underlying the discussion is a belief that religious and spiritual experience is as valid as physical experience of the world. Consequently something as important as recordkeeping should accommodate and record the various ways of experiencing life. Although post-modern critiques of the archive are well-established, practitioners still need conceptual tools for carrying out pluralistic work. Consequently, the concept of record should be expanded.

This paper seeks to explore the concepts, contexts, and connections between record, time, and evidence within the archive. This exploration will reveal world view assumptions that are built into legal and social evidence and recordkeeping systems and will respond by reformulating the concept of a historical record to include forms not “fixed” through physical capture. Social systems of evidence and recordkeeping are those systems of behavior and meaning that govern the creation, maintenance, and interpretation of evidence. Legal systems are a particular kind of social system, however the social systems of evidence concept is intended to broadly refer to various social and cultural constructs concerned with evidence and recordkeeping. The goal of reformulation of the historical record is to provide a heuristic for practitioners in identifying records for appraisal and acquisition, particularly in the context of social documentation strategies and electronic records. The goal of the specific records schema proposed here is to recognize the recordness of existing cultural forms rather than to identify a narrow standard which cultural forms must meet in order to qualify as records. If the record is reconceptualized, archivists can seek out already existing records in various forms, rather than creating or instigating new recordkeeping practices, and/or trying to fit some cultural forms into an inappropriate structure.

The intent of the paper is to map the nexus between record, time, and evidence, and to draw conclusions about the sufficiency of popular and/or existing concepts of record within the archive for acquisition and appraisal practices. Underlying the argument and analysis is a belief that social recordkeeping systems should reflect the breadth and range of human experiences. Therefore, there is a further goal of developing “mainstream” recordkeeping concepts and applications that promote and allow inclusiveness and participation.

I. BACKGROUND

Post-Modern Critiques of the Archive and Archival Practice

Major thrusts of the post-modern critique of the archive and archival practices are the need to be self-aware (Cook 2001, Hardiman 2009), declinations and/or problematization of historical truth(s) (Brothman 1993, Dodge 2002), the illusion of fixity (Biesecker 2006, Freshwater 2004, Cardin 2001), and the acknowledgement of the limitations of insisting on logographic forms (Rylance 2006, Rekrut 2006, Schwartz 2002). Although the topics of ethnocentrism in archival practice, the limitation of legal requirements for evidence, and the temporal constructs of the archive have all been separately broached before (Frogner 2010, Lemieux 2001, Klopfer 2001, McRanor 1997, Pylypchuk 1991), an investigation of the effects of temporal constructs on evidence production as a means to identify an inclusive sense of recordness for mainstream archival practice has been absent.

The Records Continuum Model, developed by Frank Upward and based on earlier Australian practice, has attempted to incorporate non-linear concepts of time. Upward argues for creation as a continuing process rather than a singular moment (2000). He also speaks of cyclical patterns of recordkeeping, of change, and alterations. The primary difference between the archival concepts described here and those in Upward's Continuum are this work's rejection of the requirement of externalization and physical capture for "recordness." Upward's Continuum, while incorporating multiple temporalities and recognizing various actors involved with the record, still refers to "recordkeeping containers" and describes these as "the objects we create in order to store records" (2000, p 123). The Continuum may be compatible with the reconceptualization of record described here, but further work is needed to investigate the mapping of the records concepts here into the Continuum as conceived by Upward.

Victoria Lemieux is critical of the question "What is a Record" itself and instead argues that the proper question is "How does this particular individual or group perceive and understand a record?" (2001, 91) While Lemieux's position may seem to be in direct opposition to the arguments in this paper, both have at their core a desire to shift the decree of objective "recordness" away from specific forms and into understanding records within social and technological contexts (Lemieux 2001, 94). Much of this work on subjectivity, limitations, and deconstruction in and of the archive has furthered the aims of archival studies via deep analyses of the cornerstones of archival theory. Despite these advances in the field, on-the-ground practice still works with a simplistic understanding of "record" and has not yet engaged with the nuances of evidence and ethnocentrism discussed in the literature. One reason for this may be the necessity of providing practitioners with concepts or definitions that can be applied in day-to-

day practice. The definition and typology of record provided here have utility for both critical analysis of archival studies as well as applied appraisal, acquisition practice, and donor relations. This paper is an attempt to recognize that some definition of record will still be used to simplify introductory teaching and practice through providing a socially-contextualized structure that is not entirely format-driven.

Constructs of Evidence in History and Law

In a broad sense, evidence can simply be considered “that which justifies belief” (Kelly 2006). Michael Buckland adds the element of utility to the concept in Information Studies so that evidence is “something which, if found and correctly understood, could change one’s knowledge, one’s beliefs concerning some matter” (1991, p 353). Geoffrey Yeo makes a similar assertion regarding utility, but identifies the record as the provisioner of evidence (2007). The framing of belief, the premise of that which needs justification, and heuristics of evaluation and understanding all depend on the exact domain in which the evidence is used. Evidence has different meanings in legal, philosophical, social, and historic frameworks. Because archives and recordkeeping practices are primarily concerned with historical and legal evidences, those settings will be described here.

The requirements fall into two broad categories: those for human opinion and testimony, and those for objects and documents. Evidences provided directly by people can be further subdivided into those which reflect direct observation, and that which reflects expert or specialist knowledge. In the United States, Federal Rules of Evidence for direct personal testimony require that witnesses speak only of what they know firsthand and that they may only testify to facts, not opinions or inferences (Rothstein et al. 2007, p 303). The rules for evidence supplied by personal testimony reflect an underlying value on empirical observation, direct knowledge, and a belief in, or reliance on, an objective external truth.

Rules for expert testimony are likewise situated within an objective framework. Here the link to the scientific approach is made explicit: “Depending on the jurisdiction, the admissibility of scientific evidence is determined either by (1) the common-law test (the “*Frye*” test), requiring general acceptance by the relevant scientific community; or (2) the new test (“*Daubert*” test), requiring that the evidence derive from application of the “scientific method” (*Federal Rules of Evidence* 2010). Federal Rule of Evidence 702 also allows the inclusion of “specialized knowledge” provided that a witness has expert “knowledge, skill, experience, training, or education” and the testimony is based on “sufficient facts or data”, “the product of reliable principles and methods,” and the principles and methods have been applied “reliably to the facts of the case” (2010).

Legal frameworks for evidence give greatest credibility to that which can be empirically observed, logically tested, or that which is vetted by a “relevant” scientific community. Given that two of

the three criteria are based on the scientific method (empirical observation and logical tests), the concept of scientific community is unlikely to be extended to include an expert indigenous community using other ways of determining knowledge. Scholars Gegeo and Watson-Gegeo, specializing in Indigenous knowledge, describe Kwara'ae epistemology in a 2001 article. They indicate that among the Kwara'ae, anyone can be the expert knower. Gegeo and Watson-Gegeo write "All knowledge is subjective knowledge in Kwara'ae: there can be no detachment of the knower from the known as in mainstream Anglo-European epistemology...Thus the scientific notion of *objectivity* as classically defined in positivism does not exist in Kwara'ae. To the Kwara'ae, knowledge is socially constructed by communities of knowledge-makers" (2001, p 62). Although the Federal Rules for Evidence do allow for personal observations, the inclusion of Kwara'ae experts into such a legal setting would be very difficult. Kwara'ae knowledge, as described by Gegeo and Gegeo-Watson, is developed as a community and it would be difficult to vet one person as an expert while others are not. The legal framework of experts described in the Federal Rules of Evidence necessitates a contrasting concept of a large body of people who are not experts. It is also not clear if Kwara'ae methods of knowing would be deemed "scientific," "sufficient," or "reliable" because such concepts must be judged subjectively. The decision makers in such a juridical setting are unlikely to follow Kwara'ae epistemology.

Historical evidence is also used for interpretation and inference, but may not be considered outright proof. Rather, it is the task of the interpreter (usually a scholar) to analyse and deduce larger scenarios from the evidence that remains. Historical interpretation is highly subjective and scholars offer varied suggestions on appropriate methodology. Modern historians find value in the evidential quality of primary sources but are not sure that these evidences can ever be conclusively interpreted. In his treatise on historical evidence, David Henige offers the following (2005, p 7):

The more evidence that became available, and the more critically it was examined, the less certain historians have had to become. Not that the use of evidence itself, even 'good' evidence, guarantees that sound historical investigation will ensure. While we cannot write good history from bad evidence, it is all too easy to write bad history from good evidence.

Because historical evidence is not definitive and requires subjective interpretation, the accumulation of evidence can have the effect of increasing uncertainty, as Henige points out. In response to this problem, some historians suggest developing a kind of sufficiency test: "While perfect certainty is never achievable, there are gradations of plausibility – some kinds of evidence are better than others, some kinds of interpretations are easier to support" (Howell and Prevenier, 2001, p 79). While the concept of historical evidence does not map exactly to legal notions of evidence, both require some kind of pragmatic heuristic to determine sufficiency for inference.

The judgement of evidence starts from the standpoint that: 1) proof is needed, 2) that it is appropriate to insist on evidential value, and 3) that an individual knower or group of knowers are capable of the evaluation. Clearly these parameters will have different interpretations in different worldviews. Thus, we can infer that evidence is closely tied to deeply held beliefs – religion, knowledge of being, and perceptions of reality. Evidence is consequently a metaphysical subject.

Time and Externality

Archives have been particularly concerned with dispositive (largely legal) evidence and knowledge-making secondarily. There are pragmatic reasons for this hierarchy of focus – there is a long-standing belief amongst archivists that it is the unconscious evidence that results as a by-product of business, legal, or social transactions that ensures neutrality and objectivity. Thus, archives accommodate, at least on some level, an underlying worldview of a shared, rational, external, objective world in which that which is removed from the person (the unconscious by-product) can be truth-telling. Although this construction has been roundly critiqued, it still exists in the principles and mechanisms of archival practice in the American (U.S.) tradition. In contrast, in the Kwara'ae way of knowing the separation of knowledge and the knower is not possible.

An understanding of a shared external world that has elements of truth is crucial to the understanding of archival evidences. Sir Hilary Jenkinson argued that the "Archive is *ex hypothesi* an evidence which cannot lie to us: we may through laziness or other imperfection of our own misinterpret its statements or implications, but itself it makes no attempt to convince us of fact or error, to persuade or dissuade: it just tells us" (1984, pp 19-20). James O'Toole explains the particular way in which archival records (documents) are seen as carriers of this truth: "Since the document is a version of the information set down outside the memory or understanding of any of the parties involved, and since the record is made before any dispute arises that might affect the memory, whether deliberately or unconsciously, all concerned may count on it" (1990, p 13). The externalization of the record is still seen to create trustworthiness not otherwise possible. It is this untouched, external record that "just tells us."

Archivists have primarily been concerned with preserving and ingesting these kinds of transactional records. The transactional record has been the speciality of the archival world, given that it spans the division between historical record and legal record, dispositive and knowledge-making. As Frank Upward and Sue McKemmish note, transactionality does not exclude the social or personal, but rather includes the "many forms of human interactions and relationships that are documented in records of all kinds at all levels of aggregations" (2001, p 27). Thus, a transactional record could include personal correspondence as well as a signed employment contract.

Transactional records are believed to represent an actual historical activity, event, or moment in time. The record is the natural, unconscious result of the completion or processing of the event or activity. Heather MacNeil explains "The preference for primary sources over secondary sources, for unintentional evidence over intentional evidence, and for evidence given by a more or less neutral observer over that provided by an interested observer, are all based in an assumption that such evidence is the most credible testimony concerning the event to which a record refers" (2000, p 64). Unconsciousness is an important element to the authenticity of evidence since an unconscious creation is assumed to be without intent to deceive.

Archival records of transactions were intended to have meaning to fulfil a specific function through a certain amount of time. Because they were ingested and preserved by the archive, their temporal reach has been extended and they can now serve as new kinds of evidence other than that which was originally planned. This concept corresponds to Theodore Schellenberg's notions of primary and secondary value, as well as somewhat to informational and evidential value (1984, pp 58-59.)

While Schellenberg does not discuss the temporal aspects of recordkeeping, a temporal break is implied by his distinction between primary and secondary values. The disconnect of time is important because it points to a notion of linear time as underscoring archival and recordkeeping practices. This archival worldview has been expressed in the past through the concept of the Records Life Cycle. The Life Cycle is the idea that records pass through distinct stages in their "lifetimes": creation, use, and disposition (Yusof and Chell, 2000). Disposition can equate to either destruction or retention in an archive. The Life Cycle concept maps neatly onto a past-present-future framework where past is the creation, present is the use of the record by the creator, and future is the eventual deposit of the record into an archive.

Creation equates to the necessary externalization of the record mentioned earlier. Disposition serves to set aside the record – to make it an objective witness to an action or event. This externalization and objectivity allows transactional records to easily fit within Western legal systems. Consequently, textual documents can serve as legal proof. In her discussion of the admissibility of documentary evidence, MacNeil observes that "...the rules of relevancy governing evidence are rooted in the Lockean tradition of rationalist empiricism and, more specifically, in the theory of logical relevancy" (2000, p 36). Relevancy in this context refers to the applicability of evidence to the matter at hand. For transactional records, such relevancy may come about through explicit linkage between the content of the record and the reliability of the recordkeeping system in which it was created (Hedstrom 1996, p 46).

To fully understand both the positive uses and difficulties of archival evidence, it is necessary to understand who uses archives and why. In his guide on appraisal, F. Gerald Ham observes:

Archives even have importance for people who never use them. Records protect rights, privileges, and property of individuals by establishing citizenship, ownership of property, eligibility for benefits, and participation in public life. Records enable individuals to trace their family history and to gain the satisfaction that comes from pursuing and understanding their own personal heritage (1993, pp 1-2).

Records perform the functional service of ensuring rights and protecting social structures, but Ham also points to their value for individual and community identities. Given this broad range of functions, it is critical that archival evidence does not privilege some cultural understandings of time to the exclusion of others.

II. PROBLEMS

Fixity

One of the most obvious failings of archives in this regard is the narrow emphasis on the physically captured or “fixed” transactional record. As discussed earlier, fixity and externality increase the reliability and trustworthiness attributed to records. Even amongst archives that try to incorporate personal life, records that are retained are still transactional in the way described by McKemmish and Upward – they reflect a social interaction. However, many social transactions are not physically captured, and thus the records retained in the archive will tend to emphasize institutions or communities that communicate or conduct interactions in ways that can be captured. The focus on physical capture consequently skews the body of evidence retained in the archive. As Ham notes, archival evidences have implications in both legal and personal settings. Therefore, this emphasis on physical capture is problematic.

Physical capture has several important elements: it is possible with only selected forms of recordkeeping, it allows for the separation of record and record-creator, it provides for some level of fixity and repeated access, and it is tied to a notion of time that can be frozen rather than time that is ever unfolding. The first three all have to do with the object-orientation of the physical record.

Walter Ong makes a distinction between an event-world and object-world – an object world is one which primarily uses sight and is oriented towards study of objects that are not time-bound (1969). In contrast, the event-world incorporates sound and is oriented towards time- and space-bound events. Ong observes (1969, p 638):

An oral culture, we must remind ourselves, is one in which nothing can be "looked up." Words are sounds, and sounds exist only as they are going out of existence. I cannot stop a word as I can a

moving picture in order to fix my attention on an immobilized part of it. There are no immobilized parts of sound. If I stop sound, I have only its opposite, silence.

This observation of the impossibility of capture is highly relevant to the exploration of archival records and evidence. Physical capture requires the exclusion of the living and dynamic because, like sound, the living and dynamic become their own opposites (dead and static) when fixed in time. From a records perspective, this means that archives can only capture dynamic practices such as oral tradition, dance, or ritual by translating them into a fixed snapshot of a specific performance or a specific narration. If dynamic practices are frozen, they are no longer dynamic practices but static examples of such a practice.

Translation is chosen here purposefully in that “translation” is an accurate term for the attempt to represent fluid and living events in fixed and static ways. In *Singing the Land, Signing the Land*, Helen Watson, David Chambers and the Yolngu community examine several texts (records) created about the Cycad tree (1989). In Yolngu texts, the Cycad is the focus of *bungul* (ceremonial life) in which a number of activities involving the Cycad take place. In contrast, a scientific paper published in *Psychochemistry* is offered.¹ The two texts are created in, and intended for, very different contexts. One is intended to be enacted in real-time and space by a gathered community, the other is intended for distributed individual reading. The first would fall into Ong's event-world and the second into Ong's object-world. Watson, Chambers, and the Yolngu community note that “Because the context of their production is so different, we are not surprised to find that the meanings which become encapsulated in the two kinds of text are also very different” (1989). Translations may or may not be well-intentioned, but they always result in a text that is not an exact representation of the original.

In some cases, physical capture may be entirely inappropriate or will destroy the meaning and intent altogether. Shauna McRanor's analysis of 'oix recordkeeping practices describes the close relationship between oral transactions and totem poles, or *pts'aan* (1997). In this example, the problem of capture is not between oral and textual or audio-visual, but in attempting to apply fixity to that which should be allowed to decay and/or change over time. The spatial location and age of *pts'aan* attest to their authenticity. McRanor argues that this significance “is lost for those who believe that preservation is only attainable in sterile, climate-controlled museums...Denied their context of creation and their place on the land, *pts'aan* are effectively eviscerated of their archival nature and their probatory power as proof of action” (1997, p 71). If the *pts'aan* is moved or “salvaged” in some way, it loses its authenticity. Thus, interference in the form of capture has a negative effect on this kind of record.

These two scenarios illustrate that certain forms of recordkeeping are not suitable for physical

1 This paper is not fully cited in Watson et al, but it appears to be P. A. Gadek (1982) Biflavonoids from the Seed

capture. The separation of record and record-creator makes physical capture problematic in other ways. When a record is separated from its creator, its creator loses control over its access and its use. This has obvious implications for records of sensitive or secret material, but it also has implications for historical knowledge in general. Again, philosophical considerations come to the fore. Is there a right to use a record of the past in a new way or with a new degree of access? What is the responsibility to the record-creator? Theatre and performance scholar Helen Freshwater observes that "Any figures we encounter in the archive are ghosts, mere shadows of the past. Their actions are complete, and their original significance will remain undetermined, open to interpretation." (2004, p 738) She continues with "...responsibility to the dead requires a recognition that the reanimation of ghostly traces—in the process of writing the history of the dead—is a potentially violent act" (2004, p 738). Freshwater's observations underscore the great responsibility of interpreting, access, and representing those who cannot speak or represent themselves.

However, use of historical evidence does not have to be negative. Eric Ketelaar has written several pieces on the importance of archives for accountability to the general populace. He has a more hopeful interpretation of the uses of the past: "Words remain dead, when not heard and recorded. We archivists, too, preserve sleeping words, seemingly dead, waiting for some future moment when somebody retrieves them in our repositories and kisses them alive" (2000, p 11). Because physical capture allows for the separation of record from creator, it also allows for access to the record across space and time. Such improved access is very helpful as it supports the development of historical knowledge, accountability to external parties, and the sharing of knowledge in general. However, some information is not intended to be shared. If such information is cultural or religious in nature, it may be detrimental to the communities in question to remove the records from their control.

Evidence and Breaks in Time

The final problem with physical capture is that physically-bound records are tied to a linear viewpoint of time. The creation of a physically-bound record requires a temporal disconnect. Time has been stopped within the record. Historical evidence as a whole is also concerned with the disruption of time. Evidence in the historical context always indicates a break from some previous moment in time. The past and present blend and merge, but there is a disconnect from the present moment in order for the past to be perceived as "past." Even eye-witness testimony is a historical evidence of sorts – it is a recounting, in a courtroom or other public forum, of something that was directly observed in a different time and

Testa of Cycadales. *Psychochem* 21, no. 4: 889-890.

place.

It is through this temporal disconnect that physically-bound records provide evidence. A record is a kind of subsidiary of evidence – there are more evidences than records, yet records are a particular carrier of evidence. A record is always tied to evidence because a record is intentional. It is intended to have meaning through time, no matter how small the unit of time. Thus, a record is evidence of an intention, if nothing else. Because of the connection between time, record, and the creation of evidence, concepts of time have strong implications for the identification and interpretation of evidence.

The break between a record's moment of creation and the time when it is accessed reflects the teleological ordering of Western historical knowledge. “Western” is used here because the concept of Western knowledge or Western epistemology is common and has a fairly standard meaning. However, Islamic Studies scholar Aziz Al-Azmeh points out that the term “Western” when referring to linear historical understandings is somewhat misleading. He writes that the linear concept of time is “a Zoroastrian, Jewish, Manichean and late antique notion of history, which predominated in medieval Muslim conceptions of history no less than in that of Orosius” (2002, p 61). Political philosopher Wolfgang von Leyden described this teleological ordering as follows: “The order of historical happenings relates to an irreversible process through time, in which the battle of Waterloo followed the battle of Trafalgar and keeps this order for us in the present and likewise for all future generations. This unidirectional feature of the historical process is ultimately based on the logical property of time being confined to one dimension only” (1984, p 63). The order of events is set and remains the same – what *was* comes before what *is*.

Spiritual and Religious Understandings of Time

This understanding of the movement of time is not reflected in all worldviews. Conceptions of the movement of time are crucial to a recordkeeping analysis. This is because the physical record, as described above, requires temporal movement – a difference between creation and access. The linear understanding of time as described by von Leyden above incorporates a movement of time that unfolds sequentially. It is not repeated and occurs in an order from past to future. Other concepts of time also move sequentially – both the spiral and the cyclical models of time incorporate this sense of order. However, a cyclical model repeats the past and future, while a spiral model re-enters the domain of past and future, but on a different trajectory each time. The other major variant of time, the eternal present, reflects a constantly moving target.

Al-Azmeh describes cyclical understandings of time as “eddies within a grander linear flow of time to a meeting with destiny” (2002, p 61). He distinguishes further between linear cycles and eternal

cycles: "That history is not habitually recidivist does not necessarily give time a cyclical structure with no end, as in Brahminical Yugas (Ibid.)." The notion of time as equivalent to *Brahman* is found in some Indian thought. This is the notion of time as the eternal. It often takes a cyclical, "wheel of time" form, but it may also be considered an endless amorphous continuum. G. R. Malkani offers a view of time from an Advaitic Hindu perspective in which time is eternal and has no beginning. He writes "Once we accept a cosmos, we must suppose that its rhythm at least is beginningless. There might be a cycle of evolution and involution, creation and dissipation, but there can be no beginning to this process as a whole" (1992, p 700). Malkani points to a concept of time in which time is a process rather than a movement from one point to another. This process of time is constantly occurring, but does not equate to a forward movement as in the linear sequential models.

Other concepts of time focus on the present moment in contrast to all other moments. Buddhist scholar Alan Watts explains this concept in several of his books (1968, p 42):

If you look at it carefully, you will see that consciousness – the thing you call "I" - is really a stream of experiences, of sensations, thoughts, and feelings in constant motion. But because these experiences include memories, we have the impression that "I" is something solid and still, like a tablet upon which life is writing a record.

Watts focuses on the experienced moment which contributes to an aggregate of individual, moving moments. In this concept of time, the moment itself is the only meaningful measurement. Watts' description is similar to Malkani's eternal time, but in focusing on the present moment, larger questions of ordered versus amorphous time and linear versus cyclical become irrelevant.

Underscoring a number of these worldviews is a distinction between time as experienced every day and the metaphysical or spiritual nature of time. Buddhism and Hinduism both point to illusory elements of time and experience – *maya* as the illusory nature of the world and *samsara* as the cycle of rebirth within it (Grimes 1996). An ordered linear everyday time is recognized, but such time is not considered "real" in a metaphysical or spiritual sense. In terms of evidence and recordkeeping, such a distinction is important, as are the different conceptions of the feasibility of past/present/future. What does evidence mean when past may not come before future? What if time is an illusion, or all time occurs simultaneously as the Eternal? Can a textual or otherwise fixed record that provides evidence by capturing and carrying moments of time retain its meaning when looking at it from a spiritual or metaphysical perspective? If a record relies on its "pastness" and physical capture to be authentic and reliable, it may fall short in a paradigm where "pastness" is not understood in the same way.

This discussion has focused on the differences between concepts of time because it is these differences that matter in regards to exclusive concepts of the record. However, there are also important

continuities, such as the passing of time and the presence of different time scales for different facets of life. Maureen Perkins warns us to avoid exoticising temporal practices, in particular to avoid using “time” as means of “imposing order on disorder” (1998, p 349). Without veering too far into the realm of colonizing behaviors, archival studies should attempt to understand time more broadly and the interactions of time, evidence, and recordness. We need to recognize that different time scales exist both within and across cultures (including Western cultures), and that archival studies temporal framing has thus far been primarily linked only to conceptions of time that arise out empiricism and the scientific method. Since archival evidences and records are coupled with time, one way to do this is to reconceptualise what counts as “recordness.”

III: RECONCEPTUALISING THE ARCHIVAL RECORD

Definitions and a Prototype

Western archivists have, as Geoffrey Yeo asserts, a culturally-specific prototype of the record – most likely a written document created for business purposes (2008, p 122). Some things are records, some are not. Depending on the particular worldview of the archivist, records can be differentiated from documents which are differentiated from papers and so on. In his piece on archives as a kind of time machine, Eric Ketelaar argues that archiving “has always been directed towards transmitting human activity and experience through time and, secondly, through space” (2002, p 578). Ketelaar's description of archival activity corresponds to Edward Higgs' identification of the representational definition of records as texts that describe events or decisions in a storable form for subsequent remembrance. Higgs identifies a total of four traditional conceptions of archival records: a legal definition (record as codified in law), a bureaucratic definition (record as a result of a creation and transfer process), a physical definition (record as a textual physical form), and the representational definition similar to Ketelaar's description (1998, p 102). The traditional view of archival records can be found in Luciana Duranti's discussion of diplomatics. She identifies records as arising “from administrative activities which manifest themselves in series of acts. Those acts and their documentation are governed by written or unwritten rules of procedure, which are revealed in the forms of the records” (“Part II,” 1989, p 10). Thus, archival records are dependent on formal processes of creation, or transactions as discussed earlier. Duranti's definition spans the bureaucratic, physical, legal, and representational concepts of record as described by Higgs.

Duranti's definition is actually very broad. If a relevant cultural or community context is used for the designation of which rules of procedure are used, such a definition has the possibility of being fairly

flexible and working within multiple frameworks. However, such a view is problematic. The failure of the definition ultimately occurs due to its requirements for fixed capture. Theo Thomassen offers a definition similar to Duranti's but with a subtle difference – he argues that a record is “information generated by coherent work processes and structured and recorded by these work processes in such a way that it can be retrieved from the context of those work processes” (2001, p 374). Thomassen indicates that the criteria for capture here is only that it is recorded so that it can be retrieved within context. However, he continues on to argue that retrieval comes in the form of a document, thus negating the inclusiveness hinted at by the beginning of his definition. Traditional concepts of the archival record share a requirement for physical capture – preferably textual.

As discussed earlier, physical capture is inherently framed within a context of linear time and it fails to recognize recordkeeping forms that cannot be captured. Given these limitations, how is it possible to develop an inclusive archive? The solution can be found in the reconceptualization of the record. Rather than asking records creators to change their recordkeeping practices or to submit to the possibly inappropriate static translation of dynamic lifeways, archivists can broaden their understanding of what constitutes a record – looking for and recognizing already existing records as they appear within different contexts.

Currently, archivists practice translating activities as a means of acquisition. Dynamic non-fixed records are translated to a fixed form so that they can be recognized as having recordness. Instead, archivists should begin to recognize the forms of records specific to the community with which they wish to engage. Many times there will already be fixed forms of records which the archivist can work with. However, there may also be non-fixed forms and it is inappropriate to force a translation when such a translation may remove the records from their existing recordkeeping structure. If archivists can learn to recognize records in all their forms, perhaps archivists can stop trying to acquire or create records that can be separated from their community of origin. If we move towards the citizen or community archivist model, the archives becomes a clearinghouse of sorts in which seekers are referred to the community for access, rather than capturing or translating records for use in an archive.

My call here is for archivists to 1) reframe their scope to include event-oriented records, 2) be just as active in identifying living practices as they are with fixed records, and 3) think of the event as another evidential resource for patrons. This could become a concrete part of practice through providing reference services to event-oriented records such as ceremonies by referring patrons to the proper office or community member for permission, as well as provision of the logistics for witnessing (e.g. directions to the site, calendar of events) and continued access to non-event records, whether logographic or not. Some archivists may already provide this information to interested researchers and this proposed practice would

be very similar to the referral to other archives that archivists already do as part of their routine reference work. In order to provide referrals outside of the archive, archivists must take an active role in identifying and appraising the expanded record as it exists *in situ*. Not all event-records would be “acquired” (by determining their value to the archive and maintaining contact to the community holding the record), but known event-records could be appraised to determine if reference and “acquisition” or access processes should follow.

New Definition

The element that traditional thinkers such as Duranti and Thomassen are trying to get at by defining the record partially in terms of capture is an element of externalization, fixity, and stability. Stability is critical from an evidential perspective as it is the record's stability that transmits the evidence over time. However, stability in archival records has been largely understood to be stability of physical form and archives have not recognized stability in non-externalized forms such as oral tradition, dance, or ritual. Archives have required that the concept of stability be linked to the act of separation of record from record keeper. While this is a pragmatic approach for textual records, many kinds of records cannot be separated from their creators because they are not texts but performances or events. A requisite part of the reconceptualization of the record is to perceive semantic stability and structure in records rather than merely stability of form and content. Therefore, the following definition of record is proposed:

The record is an intentional, stable, semantic structure that moves in time.

Intentionality is a core component of a record as it indicates that something was created or embodied for some purpose or access beyond the present moment. Its intentionality indicates that it is intended to pass through time and therefore a record serves as evidence of intention. This is not intentionality in the sense of remembering for posterity, but rather intention to make available in the future. The intention to access again or to serve a future transactional purpose is not the same as conscious shaping of the historical record in the broad sense. As discussed near the beginning of this paper, it is unconsciousness that is believed to ensure the authenticity of evidence as unconscious creation (where consciousness is meant to refer to creation for shaping the historical record) is believed to be without the intent to deceive. In short, intention to create a record for passage through time is not the same as the intention to historically deceive via record creation. A record is evidence of its own intentional creation. It is this basic evidence from which historical and other inquiries extrapolate further evidences.

Stability as invoked in this definition of record is not equivalent to the fixity implied by physical capture. First, true fixity of form is simply not possible in any way. All records decay over time and their physically perceivable form always alters. Even a text document or a stone carving ages and changes. The semantic stability of the record does not correspond to fixity of physical form, but rather to a set of relationships between sign and meaning that can be processed, accessed, and interpreted at times in the future. For example, decaying paper texts still have a “fixed” semantic configuration because the means of interpretation and decoding have been adjusted to match the physical circumstances at any given time, not because the physical aspect is unchanged. For letters written in iron-gall ink, the semantic content is originally understood to be perceived through the reading of ink marks on a paper substrate. Over time, the leap is made to understanding the same semantic content through the reading of holes in the paper where the marks once were. The understanding of sign has been adapted from “ink mark” to “hole” in order to perceive the underlying semantic structure. A stable semantic structure thus transcends immediate form.

Semantic in this definition denotes a system of signs, indicators, and/or symbols that are combined or placed in ways so that meaning or purpose is communicated. However, communication does not equate to understanding and successful reception. It may be that the way to decode or process the meaning is lost over time. The importance to the proposed definition of the record is that some semantic structure is in place, even if the structure is not understood by the receiver or viewer. Structure in this definition also has a specific meaning: structure refers to relationships between parts. The configuration or ordering of the parts may change, thus changing the overall form, but the relationships remain between the individual parts. Thus, the relationships are the core of a structure. If the relationships do change, then a new structure is created.

This definition of record is similar to some definitions of data, but “record” is more exclusive – all records are data, but not all data are records. Based on a 45 participant Delphi study, Chaim Zins posits that the definition of data needs to be understood in two senses – the subjective domain and the universal domain (2007 p. 487). Data in the universal domain may in some cases be records as data “are represented by empirical signs (i.e., signs that one can sense through his/her senses). They can take on diversified forms such as engraved signs, painted forms, printed words, digital signals, light beams, sound waves, and the like” (Ibid.) In the subjective domain, data are an empirical perception such as sense stimuli (e.g. loud noises, the perception of a running car) (Ibid). This subjective sense of data cannot be classified as a record as it does not move through time. Some of the forms of data in Zins universal domain are already embedded in some kind of recordkeeping system which preserves a stable semantic structure and would therefore qualify as records.

The Three Types of the Reconceptualised Record

This concept of a flexible system of meaning (an autopoietic recordkeeping system) has been addressed before by Brien Brothman (2001) and the definition I propose above is an expansion on his theme. By further defining the flexible “record,” it is possible to identify manifestations of this definition. If a stable semantic structure can exist without a stable physical form, the concept of “record” opens up to three broad types: documentary, oral, and kinetic. This definition of records can include events such as storytelling, dance, activity, or ritual that bridge past and present but may have shifting physical manifestations or embodiments. These forms are not mutually-exclusive and one record may inhabit several of the categories. The traditional definition of record focused on the documentary, but could be expanded to include the visual. As the oral and kinetic are event-based, they were excluded by the previous definition.

The *documentary* record described here is identical to traditional documentary forms of archival records, except that it also includes audio-visual materials and actions in physically captured form. This is because “document” is being used to describe a record that has been “set-aside.” It is something that is external to its creator, can be separated from its creator, and that is a representation of an action, act, or event. For example, a footprint is a record representing a single moment, while a piece of pottery is a record representing a series of moments. This kind of record is not a kinetic record since it is not accessed as an event. The documentary record thus includes audio files of oral histories and films of physical performances as these are translations and thus representations of an event that have been separated from their carriers or creators. In physically-captured audio-visual materials, the event has been transformed into the object.

The documentary record also includes the visual. The visual record as an image, whether artwork or a photograph, is evidence of a dynamic moment fixed into one dimension. The singular image implies other moments, but is only actually evidence of one. Like documentary texts and moving images, a textual/visual record is object-oriented and can be separated from its creator. This understanding of “documentary form” includes all of the presentation features listed in the findings of InterPares I: text (words, numbers, or symbols), graphic (“A representation of an object or outline of a figure, plan, or sketch by means of lines. A representation of an object formed by drawing, image, sound, or a combination”), Image (“An artificial imitation or representation of the external form of any object, or an optical appearance or counterpart of an object, such as is produced by rays of light, refracted as through a lens, or falling on a surface after passing through a small aperture.”), or Sound (“Aural representation of words, music, or any other manifestation of sound”) (Authenticity Task Force 2005, p 1).

The object-oriented documentary record types mingle in several ways. The important distinction in the textual/visual subset of the documentary record is between the image itself and its physical embodiment. The physical manifestation of the image (i.e. the silver gelatin print or the painted canvas) is also a physical record, but the image itself forms a documentary record. Textual/visual records are also physical records in that they represent a series of actions (writing or filming) applied to a physical substrate (paper or film).

The oral and the kinetic are event-oriented records. The oral record is equivalent to oral tradition and is impossible to capture without losing meaning. The event must be reperformed to access it across time. The oral record passes through and transcends time by being remade each time it is summoned through oral performance. Oral tradition does not equate precisely with the literate/oral split often mentioned in academic literature. As Ong points out (1963, p 640):

Even today the "feel" of an oral tradition for unchanging themes and formulas is still accessible to the post-typographic man who is familiar with the telling of fairy stories to children. Here there is no question of an original author or of originality or of telling the story each time in exactly the same words. But the story remains in its basic elements quite stable, and the audience expects the story as a whole and its formulary elements to be the same each time it is told.

Oral records occur in many contexts and coexist with documentary recordkeeping within communities.

The kinetic record may be the most difficult for archivists to recognize as a record as it is the furthest removed from captured forms. Kinetic records include dance, ritual, craft, and sport – all of which are activities that have historical lineages and are performed in semantically stable ways. Dance serves as a kinetic record both for the performer and the observer. For the performer, "remembering, or 'feeling' movement memory as immanent kinesthetic sensation, is essential to dancing itself and to its continuation and transmission over time" (Sklar 2006, p 99). For the observer, the moving body may be perceived as "a repository of cultural meanings both past and present" that "may be a source to be observed and documented from the outside" (Buckland 2006, p 12). The kinetic record provides both phenomenological internal evidences and external, observable evidences.

Event-oriented records require a shared space-time between creator and perceiver for transmission. Thus, they exist only within the control of a record carrier or creator. Furthermore, they are polysensory – they can include all kinds of bodily perceptions, not just those associated with sight or sound. As is the case with the object-oriented records, the event-oriented records also overlap. An oral record can also be a kinetic record as it may be a performance requiring precise movements or rituals. A kinetic record may incorporate verbal components. The difference is mainly one of emphasis. The kinetic record emphasizes embodiment, form, and perception of kinetic "correctness" while the oral record

emphasizes verbal content, pacing, and presentation.

Geoffrey Yeo carefully dissected archival concepts of the record in his excellent two-part work that introduced his conception of the record as persistent representation (2007 and 2008). He comes to a reconceptualization of records that is similar, although not identical, to the one offered here: "records can be characterized as *persistent representations of activities, created by participants or observers of those activities or by their authorized proxies* (2007, p 337.)² This paper's requirements that records have stability, structure, temporal activity, and meaning all resonate with Yeo's assessment of representational systems which require variety or flexibility of representation, structure and constraints, consistency, and symbolism (2007, p 336). Yeo also discusses specific attributes that the record as persistent representation must have. It must be persistent, which distinguishes the record from that which is fleeting. It must be representational of an activity. It must have been created by persons or devices participating in or observing the activity represented in the record. It is not clear from Yeo's work how far the concept of activity extends. For example, could it entail phenomenological realities such as physical sensations or emotional reactions? If so, then the type of kinetic record discussed in this paper could be folded into his understanding of activity.

The main difference between the definition proposed in this paper and that described by Yeo is that Yeo's definition implies a linear passage of time in which "temporal endings" are possible and there is a distinction between past and present. He writes "Records are persistent in the sense that they endure beyond the temporal ending of the activities they represent. Their durability gives them the potential to be shared and passed on across time and space" (2007, p 337). Similarly, there is a "pastness" necessary in his requirement that records be created by people or their proxies who either participated in or observed the activity being recorded. He does note that the record can be made while the activity is in progress, but there is no allowance in the definition for an enduring present that exists outside of the conceptual break between past and future (2007, p 338). Consequently, Yeo's definition addresses many of the problems of the archival record as commonly understood, but it does not get around the implied requirements for fixity and externalization present in all other records definitions. It is these requirements that limit the archival worldview to one in which time progresses linearly and in which evidence relies on pastness for assessment.

IV: RECONCEPTUALIZATION AND INCLUSIVITY

² Emphasis in original.

How does recognition of the record forms suggested in this paper improve the evidentiary inclusiveness of archives? Archival records provide evidence through a specific relationship to time. Object-oriented records capture a moment as in photographs or signatures. But records also capture series of moments such as completed official documents that finalize a series of actions. In both instances, records are believed to freeze moments in the past and bring them forward into the future to serve as evidence and proof. The event-oriented records instead transmit processes through time – there is no freezing, rather there is a channelling of a continued series of moments.

As Philosopher José Ortega y Gasset explains, rather than see a record as evidence of a specific moment, we can instead see a record as action and process (1975, pp 200-201):

Each bit of pigment is the enduring testimony of a resolve made by the painter: to place this bit of paint here instead of another. This decision is the true meaning of the pigment and therefore what we must learn to perceive...Thus one must be ready to see the act of resolving to make a brushstroke as an *act*, that is, "in execution," as being carried out, and not in its result – the pigment selected, which is already inert matter. To put it another way: instead of seeing a painting we must take a step back and "see" the painter painting. In the footprint we must rediscover the stepping foot.

Seeing the painting in this way enables the perception of not only the moment of the completion of the painting (the final brushstroke), but also the act of painting itself.

The expansion of the concept of record allows for the expansion of temporal evidences that the archive can support. The traditional document-oriented record definition allows only for temporal evidence of past moments that are then frozen and carried through time via the record. This form of evidence is desirable and has many uses, but it is also limiting. It cannot capture processes in time and it doesn't reflect the translation effect that happens when an event-oriented record is captured as an object-oriented record. In such a capture, the translation point occurs at the point when time is frozen and carried forward via the record. Event-oriented records have a different relationship to time – they travel with time and the record itself fluctuates. Content and form may change – including the decay of no longer relevant portions – but the structure remains throughout time.

Records secure evidence through connection to time, however evidence is also tied to concepts of change and difference. Evidence is the thread that runs through changing elements. In sequential views of time, this thread moves along the trajectory of past, present, future. In amorphous views of time, this thread appears as a web or network of relationships and connections. That which has no change associated with it cannot be evidence – either time, or viewer, or the structure itself must change in order for the resultant difference to be perceived.

At the beginning of this text, legal and historical notions of evidence were discussed. In both cases, a mode of evaluation was needed to increase certainty, decrease uncertainty, and provide for grounded inferences. Change and the consequent perception of difference are what allow for the alteration of certainty. In static, object-oriented records, the change and difference happen around the document or physical form of the record. The document is evidentiary because it remains although the world changes around it. In dynamic, event-oriented records, the stability of the semantic elements remains unchanged although the forms and embodiments change around it. The dynamic record is evidentiary because its meaning remains although its form changes.

It is this inclusion of the dynamic or event-oriented record that can travel through various shapes of time that is significant for recognizing records where they are in any socio-cultural context. In her analysis of oral history in South Africa, Klopfer has noted that "Folklorists have sometimes tried to take the moral high ground by claiming to 'speak for the voiceless'... This move has been criticized for assuming that people are 'voiceless' rather than oppressed, and that they could not, given the opportunity, represent themselves. Speaking 'for' people, activists point out, simply reinforces their silencing" (2001, 102). One of the goals of getting archivists to reconsider what they identify as records is to avoid this kind of "speaking for" others. Rather than translating between record types, as happens in oral history, archivists can instead identify the dynamic oral form as its own record rather than something that must be made into a record. Klopfer spends some time discussing the political purposes and framing of oral history projects. In particular, she notes the "infantilizing romantic stereotype (White = written history; Black = oral poetics)" (2001, footnote 24). Oral and dynamic records are frequently discussed as if they are forms only relevant to the marginalized and oppressed. In actuality, dynamic records exist across cultures and ethnicities and alongside textual records.

A contemporary example of the synthesis of the three record types (documentary, oral and kinetic) is Hopi cosmological information, specifically the contract associated with Emergence, as embedded through compound metaphorical forms carried by song phrases, ritual performance, and visual imagery. The *katsina* performances incorporate both kinetic and oral forms of records to provide evidence of the agreement made at Emergence:

When the Hopi emerged into the fourth world, they encountered *Màasaw* and asked permission to live with him. He responded to their request by offering a planting stick:

Pay pi úma'a, nu' hapi pay panis sooya'yta.

It's up to you. All I have is a planting stick.

The *katsina* songs remind the Hopi of their acceptance of this way of life - growing corn by hand - and they reward their sincere efforts to live this way and their heartfelt prayers with

life-giving rains. This is the reciprocal contract that lies at the heart of Hopi belief and action. (Sekaquaptewa and Washburn, 2004, p 468)

Keeping in mind Klopfer's warning on speaking for others, this section attempts to rely on Hopi assessments of the evidential aspects of Hopi cultural forms as the basis for an exploration of the validity of the record types proposed earlier. Emory Sekaquaptewa and Dorothy Washburn combined first-hand experience (oral and kinetic records) with 100 years of documentary records of audiovisual recordings and textual materials of open and publicly performed *katsina* ceremonials to examine semantic stability through time. They determined that the underlying semantic structure is unchanging, but that the expression of meanings (the combinations of component parts such as words and phrases) do change (458). This is similar to the semantic meanings of the shifting physicality of iron gall ink discussed earlier in which the underlying structure of meaning is stable whether the sign is an ink mark or hole.

They underscore that each form (i.e. record as used in this paper) cannot stand alone but is instead part of a whole complex of performance vehicles which may employ varied expressions while maintaining semantic stability (461). For example, prayer feathers feature significantly in Song 53, a *Hehey'a katsina* song from the mid-20th century (472) in which men are preparing prayer feathers in a kiva, as well as murals in room 3 of Awatovi (479) where an illustrated messenger bird carries the prayers. Prayer feathers are an important aspect of the recordkeeping about Emergence as they are part of the reciprocity requirement of the original agreement:

The *katsinas* then ask the Hopi to send them home adorned with prayer feathers. This is a statement of the quintessential reciprocity that lies at the heart of the Hopi's relationship with the natural world...*Uma tuwati*, for your part, the *katsinas* say to the Hopi, prepare your most sincere prayers, described here as prayers from your heart that are our due. (472)

Non-Hopi Archives do try to preserve records pertaining to the Hopi and Hopi cosmology. If archivists were to acquire transactional records about Emergence, relying on audio recordings of the *Hehey'a katsina* would only preserve the creation of the prayer feathers as part of the original agreement, but would not preserve that the prayer feathers must also be sent to the *katsinas* as depicted in the mural. Furthermore, neither of these record forms alone would serve to support robust cultural memory as the ritual element of the *katsinas* visiting the plaza would be absent. The continued reperformance and adaptation of the semantic structures alongside fixed documentary forms such as audio recordings, murals, and pottery is how the record is fully preserved. This adaptive living performance relies on multiple temporal forms – the linear time of the fixed mural and the more amorphous or cyclical time of the continuing performance of compound metaphorical forms. Consequently, an Emergence record consisting only of documentary forms would be partial and supportive primarily of evidence arising out

of linear and non-cyclical notions of time in which temporal endings are possible and the past, present, and future do not coexist in the now.

By incorporating record forms that can support evidence of processes and living events, the archive can better support worldviews not operating on a linear, sequential time model. When a specific time unit is linked to a record, evidence is formed. The disruption of time may take the form of the freezing of a moment or composites of moments or by the continued enactment and performance of processes through time. There is an underlying assumption of a sequential and linear worldview in dominant archival concepts of record and evidence. Expanding the notions of record to incorporate that which is lived, embodied, and actively present will enable archivists to recognize the recordkeeping structures already in place in the world. Recognition of these systems and incorporation of these records, primarily through collaboration with community record-carriers, will enable the archive to support evidence that has resonance in multiple worldviews.

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