

To Represent Us Truly: The Job and Context of Preserving the Cultural Record

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The preservation of government records has been a natural activity of governments since the establishment of the first government. The earliest libraries were really archives of government documents, including the records of rituals that kings performed to assure the favor of the gods. Those documents made up the collections of the first libraries in Mesopotamia, dating to about 1500 BC, and of the classics on which Chinese civilization has rested for more than three thousand years. Historians rely on the government records preserved in those libraries and classical works—truly they are anthologies—to reconstruct the ancient cultures that produced them. For them, government records are cultural records. They still are, but when we moderns talk about the cultural record, we have in mind a much broader range of cultural productions than those produced by government, even a government that had religious as well as secular functions.

The word “culture” now calls forth notions of social class and function. We speak of political cultures, of the arts, of social practices, and of *mentalités*, to borrow a useful French term. We speak of high-, middle-, and low-brow culture. To a significant extent “culture” has become a weapon of mass distinctions of the social sort, and in the United States the reaction of some people to the word is a product of our egalitarianism and populism. The word bears the burden of what its user thinks of academics, of aesthetes, of modern artists and composers, of all those big-city folk who don’t think life exists beyond the city limits—or, conversely, of blue-collar workers, rural folks, and Lawrence Welk and his musical descendants.

The William and Margaret Kilgarlin Center for Preservation of the Cultural Record must establish a meaning for the term *culture* in order to organize and carry out its work. Its definition of the word must sail above social and political value judgments and find a meaning that is broader than one that only denotes the arts or the peculiar mores of

a people. How broad should the center's conception be? It is hard to find its boundaries and hard to define it.

To begin with, the cultural record is the sum of the things we put away and drop on the floor as we, the whole society, go through life. It is the detritus of our ways of life and our ways of thinking, of our knowledge and beliefs, and of our superstitions and nightmares. None of these descriptive words outline the shape of something we can grasp, because the cultural record, which contains our cultural heritage, seems to incorporate the whole, unabbreviated body of evidence of everything we produce.

Or, rather, it incorporates everything that has survived and that will survive by conscious and unconscious decision or by accident. In fact, for historians the cultural record appears always to have an accidental character. Our cultural record will be just what got saved because someone put it in a safe place or in a place that turned out to be safe because that place did not burn up or rot or get eaten by moths or get dissolved in floods. Yet as ordinary people not defined by our professions, we cannot accept that our understanding of our culture rests on such accidental processes. Scientists take reassurance from randomness because they can apply statistical techniques to random events that have great predictive authority. But in our everyday lives, in our ordinary activities, we want to know that our understanding of ourselves as individuals and as a society is not produced by accident or by statistics. None of us believes that what we and our compatriots think is an accident. When we turn our attention to ourselves and our culture in order to analyze ourselves, in order to find out how we deal with unusual events, or to confirm our good ideas or to change our bad ones, we want to be sure that the records we study are true to ourselves. They must represent us truly.

Our need for the cultural record does not arise only from our need to understand who we are. Often, we call on the record to solve practical problems. Here's an example from my field of medieval studies.

In 1938 and 1939 Edith Pretty, a widow who owned Sutton Hoo, an estate in East Anglia in England, decided to instigate excavations on some mounds on her property. She enlisted the curator of the local museum, who called in a local amateur archaeologist named Basil Brown, who very quickly found that the mounds were a seventh-century burial ground for important people. In Mound 1 Brown found a ship burial, and in the collapsed central chamber of this ship tomb he found the richest trove of Anglo-Saxon burial goods ever uncovered.

Nineteen thirty-nine was not a good time to open up a delicate excavation in the eastern part of England, and so the trench was covered and camouflaged. But as the grave goods were being put away in an unused

tunnel of the London subway, the government undertook to find out who owned them. The county coroner of East Anglia held an inquest to determine whether Mrs. Pretty or the Crown owned the Sutton Hoo treasure. Under the ancient law of treasure trove, the answer to this question depended on whether the goods had been buried to be dug up later or buried to go with a deceased person to the underworld. If the former, then the buriers, said the law, presumptively were trying to avoid taxes and the trove belonged to the Crown; if the latter, then the owner of the property on which the treasure was found owned it. The question turned on the Anglo-Saxon cultural heritage, and the lawyers involved in the hearing found the record of that heritage principally in the fragments of early Anglo-Saxon poetry that still exist. They spent a good part of the hearing reciting these poems to one another, the poor coroner, and a no-doubt small, bemused audience. This record, contained in bits and pieces of writing that for myriad reasons were passed on from generation to generation until librarians took them in hand as invaluable artifacts of the nation's cultural record and put the fragments into their vaults, showed that the burial was an interment and that Mrs. Pretty owned it. The cultural record of England gave her a million-pound windfall—in 1939, when a million was emphatically a million. She then gave the trove to the British Museum, the largest gift the institution had ever, to that point, received from a living donor.

One of the striking characteristics of this charming story is the way it reveals that our cultural heritage often survives only in a handful of broken jewelry and scraps of poetry. It is the work of historians, principally, to put these fragments in some order and to make sense of them. How do the pieces fit together? What meaning should we read into the assemblage? There may be competing reconstructions and interpretations. Our cultural heritage is contested ground, but, as the case of Sutton Hoo shows, sometimes we cannot leave it unsettled. Ownership, wealth, and the national patrimony may be at stake.

Another example, which stems from the work I do as a scholar, shows how tiny or incidental the evidence on which we construct our knowledge of our heritage might be. Contrary to what most Americans believe, the idea of inalienable rights did not originate with the philosophers of the seventeenth century—Hobbes, Locke, Pufendorf, and the like—but with the lawyers and law professors of the late twelfth and early thirteenth centuries. Interpreting the legal texts they had received from their tradition, law teachers led their students into discussions that explored the possible meanings of the old language. At the end of the twelfth century an ancient text that incidentally distinguished

between those who had plenty and those who did not was the occasion for professors to ask their students whether a starving man who stole food from a rich person committed theft. Then, in the manner of law professors of all times and places, the professors and students spun out analyses of the hypothetical situation to reveal the legal principles at work. The consensus of the faculty and students of the time was that such a taking was not theft because the starving man, assuming he was truly needy, had a right to the necessities of life.¹

The word the lawyers seized on to represent this right was *ius*, which appeared in many ancient texts but with no settled meaning. It could mean "right," "law," or "faculty" (i.e., the ability to do something), and it was often ambiguous in context. Gradually, however, one of its main meanings came to be *right* in our sense of the term, a property that inhered in a person, real or fictive, by definition. By the end of the thirteenth century a person, by virtue of being a person, was said to have a right not only to the necessities of life but also to his or her property and to what we would call due process. As the lawyers said, even though God knew that Adam had violated his command he asked him whether he had done so and waited for a reply. The first trial, based on Adam's right to due process, took place in Eden.²

How early did ordinary people who were engaged in ordinary legal business—as opposed to professors and students—consolidate their ideas about rights? (Before one can speak of a class of professional lawyers who had specialized education one can recognize that there were people who represented their institutions in court and read law books. They constituted the vast majority of those who appeared in courts.) The academic treatises and commentaries represent the exploratory and playful processes of the classroom, which are not a sound foundation for judging common opinion. Yet if one looks at the law books kept in church and monastery libraries—and most such institutions had law books because they were often engaged in litigation—one can see the common or popular jurisprudence in formation. In a law book copied between 1170 and 1180, preserved in the city archive of Cologne, a contemporary reader wrote an interlinear explanation over the word "nations." The original sentence defines the natural law (*ius naturale*) as the law common to all nations. The user of the book wrote above the phrase "to all nations" the phrase "to all persons."³ Voilà! More than ten years before the extant commentaries of the law schools we have evidence that people had begun to attribute rights and capacities to persons. We can see, therefore, that the sophistication of the law professors and their students was an outgrowth of the legal culture—or,

more broadly, of the cultural heritage—of the late twelfth century. Some medievalists talk of the rise of individualism in that period, long before the Renaissance was supposed to have invented the idea. The textual comment entered into Cologne's manuscript is a cultural record that provides evidence for that claim.

But many would say that these examples only reveal the problems of reconstructing our ancient selves—the deepest roots of our cultural being and of the ideas that govern our political life. It is reasonable to view these reconstructions of our culture as resulting from the accidents through which the record was preserved. The counterargument—that people preserve what is most telling about themselves—contains some truth, perhaps, but skeptics consider that defense to be wishful thinking. Responding to the uncertainty about our old cultural records, we have become determined to do better than our ancestors. The Kilgarlin Center is a response to that determination.

The center will not look backward (except to make sure the bad practices of the past are not gaining on us) but forward. It will study the condition of the cultural record we are producing now and will produce in the future. Thus the problems it will try to solve are the reverse of what those who dig deep into the soil of our culture face. Modern historians and all those others who must do research in the records of recent times—political scientists tracking voting behavior, economists plotting trends in the markets, intelligence officers trying to piece together a coherent picture of an enemy's or an ally's intentions and capabilities—do not have all they need. However, the problem for them is that they cannot with certainty distinguish the pure metal from the dross. They face such a mass of material that it is nearly as difficult for them to find the gems in the apparently endless stream of data as it is for medievalists to understand and weigh the significance of the fragments with which they must work. Understanding the task of the Kilgarlin Center requires understanding the irony in its work. The irony is that we can only save our cultural record by throwing out the majority of it.

Let's start by imagining the process by which a collection of usable materials is created. I'm not talking now of those collections put together by individual collectors. Those special collections are products of human passion. I'm talking about the collection that is extracted from the high-pressure outflow of modern science and scholarship, of government operations, and of modern artistic and literary production. Many readers of this journal could tell you how the outpouring of scholarship has grown since the early seventeenth century. The first catalog, issued in 1602, of the Bodleian Library of the University of Oxford listed two

thousand volumes; the second, produced in 1620, contained sixteen thousand. And the production of scholarship has continued to grow exponentially, especially after Sir Edmund Halley—he of the comet and the man who funded the publication of Newton's *Principia*—invented the journal article in the late seventeenth century. In 1991 the Association of Research Libraries (ARL) reported that of the 118,500 journals then published, 70,000 had come into existence since 1970. The growth of the number of journals has been over 11 percent per annum since 1970. Beginning in 1991, ARL has published an annual list of electronic journals, newsletters, and academic discussion lists that are a kind of living journal through which scholars collaborate on research; they are often called e-conferences.⁴ The first edition of the catalog contained about 400 items, mostly discussion lists. The second edition cataloged 769 such discussion lists and e-journals. The third, published in 1993, contained 240 journals and 1,152 e-conferences. A year later, the fourth edition listed 443 journals and 1,785 discussion boards and recorded the first Web-based journals. To jump ahead, the seventh edition in 1997 listed 3,400 journals and newsletters and 3,800 e-conferences. The growth of publications has, among other effects, such as overwhelming library budgets, forced scholars to narrow their fields of research. One can only keep up with a sliver of what was once considered one's discipline.

The production of government records and of works of art has followed the same pattern. When records were kept and documents prepared with quills, they were produced at a stately pace and accumulated slowly. Steel-nib pens increased the pace somewhat; one did not have to sharpen them regularly. The typewriter sped up the production line significantly, but its greatest contribution to the accumulating of documents was the carbon copy, which also increased the likelihood that the record would survive. The computer has so vastly increased the production of records and documents that we *feel* the speed and overwhelming flow of information rather than *count* it. It is beyond counting.

In the other products of human creativity—the arts in all their forms—the older technologies are being replaced with similar effect. When I was dean of arts and humanities at the University of California at San Diego I had to deal with the composers and visual artists and to learn something of the world they inhabit. One thing that struck me was that contemporary music compositions tend to be much shorter than those of the early twentieth century and before. My colleagues explained that the recording media—first tapes and records and then electronic media—make it unnecessary to include the repeats that we humans

needed when the only way we could hear music was in the concert hall or coffee house or on the street corner. Moreover, compositions generated by computers can be produced at a much greater rate than those handwritten on a five-line staff. The electronic media have increased not only the speed of production but also its variety. Composers are inventing new musical forms and new ways to represent those forms.

Meanwhile, one of my colleagues in visual arts, the painter Harold Cohen, was creating a computer program to draw pictures using artificial intelligence. His machine could produce dozens of works each day, from which he selected a few for coloring, which he did himself. To that point, the machine sped up art production, but the completion of the process had to wait on Harold's hand-coloring. The technology is now way beyond what Harold was doing, and artists are producing and disseminating work at a much higher rate than ever before. They also are producing works that contain a prodigious amount of data.

Yet certainly the most significant change in our cultural record is not scholarship, government records, and music and visual art but audio and video recordings. We cannot hope to understand the culture of the twentieth century, much less of the twenty-first, if we do not study movies, radio programs, and the spate of TV programs. We need to preserve these materials, and we need to ensure access to them—a legal as well as technical matter—if we are to know anything about what we believe, what we think, and how we view things. The information contained in these media is now and will increasingly be the basis for our understanding of our culture.

Our cultural record is composed of all of this stuff—the scholarship that gathers, sorts, and analyzes what we know or think we know, the government records, the artistic works, the movies and broadcast programs, and now the millions of Web sites. He or she who would study that record or search in it for the answer to questions that might determine who owns something or how we should understand the complex tradition of our ideas—and therefore how we should understand our ideas, period—must find the telling and true indicators in that overwhelming ocean of data.

When I think of the task of the modernists or of the judges, members of commissions, bureaucrats, and ordinary citizens who want or need to know about our cultural ideas, attitudes, or tendencies, it calls to mind discussions I had when I was at the University of Pennsylvania with physicists involved in gargantuan experiments. These great enterprises, such as the Hubble Telescope, produce so much data at such a pace that scientists had to develop a whole new approach to coping with them.

They defined a new unit of information, the LOC, that amount of data contained in the Library of Congress (some experiments were expected to produce a LOC a day), and they developed a technique for extracting the significant data that they called data mining, an automated process. Unfortunately, we cannot use such automated techniques in the selection of materials that we ourselves produce. We need new techniques and approaches, but we cannot design a computer program to make the selections for us.

The Kilgarlin Center can and should become a leading institution for the creation and teaching of these new techniques and approaches. The tasks are formidable and will not be completed soon or by one center. We need to define principles of selection, techniques for the preservation of fragile media, and new ways to catalog materials that our existing cataloging processes and techniques never contemplated. How do you describe a movie so that students and scholars fifty years from now will know, from the catalog, whether they want to spend two hours viewing it? What about radio programs, television programs, Web sites? Web sites present the greatest challenge of the future. They change continually; they are bodies of information that have come alive; they die and disappear. How do we preserve them? Which version or edition should be preserved? How do we catalog them so that users of our collections will understand the history of the site as well as its content? How much of all these technical requirements can be automated? How much must remain in the hands of sentient beings?

The mention of sentient beings brings me to my final point. The last time the library community reviewed the qualities and education of those who would be librarians or archivists was in a 1921 study funded by the Carnegie Corporation. Melvil Dewey was the instigator of the undertaking; Charles Williamson carried it out. Before the Carnegie study, librarians were trained in the major public libraries. Their entering qualifications were not consistent from program to program or perhaps even from person to person. Literacy was the only common denominator. Williamson's study led to the founding of university-based library schools and to the definition of their curricula. It also determined that library schools should be graduate schools—that is, their students should arrive with a college education.

It is time for a national reassessment. The schools of library science have become, as here at UT Austin, schools of information. The curricula of the schools have dispersed, like a crowd going home after a ball game. And there is a widespread feeling among university and other research librarians that something is missing in the graduates of

these schools. From my standpoint as an observer, what is missing is not that the schools are failing to teach information science as it now exists but that the students do not have the other education—in the humanities, sciences, or social sciences—that they need to perform the tasks that must now be performed. Whatever systems or techniques we develop to manage or at least cope with the ocean of cultural records now washing over us, the people who operate those systems and use those techniques must be learned. They must know what the various disciplines consider important so that they can plug in the descriptors and the operants most likely to select, catalog, and preserve those exemplars of the data that contain the significant information about the subject so that when we search the cultural record we find something true and telling.

Notes

This article is based on remarks delivered on 22 October 2004 to celebrate the opening of the William and Margaret Kilgarlin Center for Preservation of the Cultural Record at The University of Texas at Austin. I began those remarks by congratulating Justice William Kilgarlin and the university on the founding of this important center.

1. See Brian Tierney, *Medieval Poor Law: A Sketch of Canonical Theory and Its Application in England* (Berkeley: University of California Press, 1959) and *The Idea of Natural Rights: Studies on Natural Rights, Natural Law, and Church Law, 1150–1625* (Grand Rapids, Mich.: William B. Eerdmanns, 2001).

2. See Kenneth Pennington, *The Prince and the Law, 1200–1600: Sovereignty and Rights in the Western Legal Tradition* (Berkeley: University of California Press, 1993).

3. The manuscript is Cologne, Library of the Archbishopial Diocesan and Cathedral, Cod. 127. It contains a copy of Gratian's *Decretum*, the fundamental textbook of canon law in the Middle Ages. Kenneth Pennington pointed this manuscript out to me in an e-mail.

4. In the early 1990s these online discussions were carried out through listservs, which distribute contributions by e-mail; since about 1995 they have been increasingly carried out on the Web.

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