

# Journal of Contemporary Archival Studies

---

Volume 3

Article 1

---

2016

## Developing a Typology of Human Rights Records

Noah Geraci

*University of California - Los Angeles*, [ngeraci@ucla.edu](mailto:ngeraci@ucla.edu)

Michelle Caswell

*University of California - Los Angeles*, [caswell@gseis.ucla.edu](mailto:caswell@gseis.ucla.edu)

Follow this and additional works at: <http://elischolar.library.yale.edu/jcas>

 Part of the [Archival Science Commons](#)

---

### Recommended Citation

Geraci, Noah and Caswell, Michelle (2016) "Developing a Typology of Human Rights Records," *Journal of Contemporary Archival Studies*: Vol. 3, Article 1.

Available at: <http://elischolar.library.yale.edu/jcas/vol3/iss1/1>

This Article is brought to you for free and open access by EliScholar – A Digital Platform for Scholarly Publishing at Yale. It has been accepted for inclusion in *Journal of Contemporary Archival Studies* by an authorized administrator of EliScholar – A Digital Platform for Scholarly Publishing at Yale. For more information, please contact [elischolar@yale.edu](mailto:elischolar@yale.edu).

---

# Developing a Typology of Human Rights Records

## **Cover Page Footnote**

The authors wish to thank Anne Gilliland for her thoughtful comments on an earlier draft of this paper.

## Developing a Typology of Human Rights Records

### Introduction

Since the late 1990s, archivists and scholars of archival studies have paid increasing attention to human rights issues, with the protection of human rights emerging as a central function of archives and recordkeeping systems. The International Council on Archives (ICA) established a Human Rights Working Group after the 2003 International Conference of the Roundtable on Archives (CITRA) conference recommended that the ICA and the United Nations Educational, Scientific, and Cultural Organization (UNESCO) develop a preservation protocol for records related to human rights abuse.<sup>1</sup> In the United States, several archivists working with human rights collections launched a Human Rights Archives Roundtable at the Society of American Archivists Annual Meeting in 2010, reflecting and responding to a rise in archival institutions that self-identify as stewarding human rights collections, as well as general interest in records related to human rights abuse held across all types of repositories, from national, state, and local governments, to university and community-based collection efforts.<sup>2</sup> In 2013, an international conference held at the University of California, Los Angeles, entitled “The Antonym of Forgetting: Global Perspectives on Human Rights Archives,” brought together archivists, activists, and scholars to address the complex legal, ethical, political, and professional issues surrounding archives documenting human rights abuse.<sup>3</sup> Archival studies scholarship has also increasingly engaged human rights issues over the past decade, as evidenced by a special double issue of *Archival Science* dedicated to archives and human rights in 2014.<sup>4</sup> Attention to “human rights archives” has become so prevalent within archival studies that it has threatened to become codified as a “dominant discourse” that, in Verne Harris’s words, may “close down non-orthodox perspectives.”<sup>5</sup>

Despite this increasing interest in human rights archives, little work has been done to define and delineate the conception of human rights records in the field. In the introduction to the *Archival Science* special double issue on human rights, Michelle Caswell expands the definition of human rights records outside of a narrow legalistic framework and cites Anne Gilliland as saying that

---

<sup>1</sup> “About Archives and Human Rights Group,” International Council of Archives, accessed September 21, 2015, <http://www.ica.org/3321/about-archives-and-human-rights-group/about-archives-and-human-rights.html>.

<sup>2</sup> “Human Rights Archives Roundtable,” Society of American Archivists, accessed September 21, 2015, <http://www2.archivists.org/groups/human-rights-archives-roundtable>.

<sup>3</sup> The second author of this paper was the organizer of that conference. “UCLA Human Rights Archives Symposium,” UCLA Human Rights Archives Symposium, accessed September 21, 2015, <http://uclahumanrightsarchives.wordpress.com>.

<sup>4</sup> Double Issue on Archives and Human Rights, *Archival Science* 14, nos. 3–4 (2014).

<sup>5</sup> Verne Harris, “Antonyms of Our Remembering,” *Archival Science* 14, nos. 3–4 (2014): 215–29.

“all archives are human rights archives.”<sup>6</sup> She then posits both that we should examine “records that document discrepancies in and abuses of power everywhere *as human rights archives*” and that such records must be “activated” for human rights uses to be considered “human rights records.”<sup>7</sup>

While these are useful considerations, they provide little guidance for how to think more systematically about the types and implications of describing records as “human rights records.” More work needs to be done to delineate what, exactly, makes a record a “human rights record.” What types of records fall under this umbrella term? How might we develop a typology of such records? What is at stake ethically, theoretically, and practically in the ways in which we define and classify such records? This article seeks to answer these questions by delineating a typology of human rights records. First, this article will provide an extensive literature review exploring the history of conceptions of human rights records in archival studies, as well as the ongoing discussion in information studies more broadly about the politics of information organization. Next, this paper will outline the chosen methodology of conceptual analysis and describe the ways such methodology will be employed to de/construct the term “human rights record.” This paper will then provide a typology of human rights records, positing that such records can be examined according to five interlocking vectors: who created them, why, and when, where they are currently housed, and how they are being put to use. This paper will then analyze two key examples of human rights records using the proposed typology. Finally, this paper will conclude by examining the ethical, political, and professional consequences of the proposed typology and suggest ways in which this rubric can be used to mobilize records for human rights aims.

## Literature Review

### *Human rights and archives.*

Although safeguarding the rights of citizens has been central to the archival endeavor in the dominant Western tradition at least since the French Revolution, the past two decades have seen a massive growth in interest at the intersection between archives and human rights.<sup>8</sup> A thorough reading of the literature surfaces four key themes: the ways in which archivists have and can help efforts to obtain legal redress, reconciliation, and justice in the wake of human rights violations; by contrast, the complicity or active participation of records managers and archivists in human rights violations and structural violence; the political nature of archival labor and archival ideas

---

<sup>6</sup> Anne Gilliland as cited in Michelle Caswell, “Defining Human Rights Archives: Introduction to the Special Double Issue on Archives and Human Rights,” *Archival Science* 14, nos. 3–4 (2014): 207–23.

<sup>7</sup> Caswell, “Defining Human Rights Archives,” 207–13; Eric Ketelaar, “Tacit Narratives: The Meaning of Archives,” *Archival Science* 1, no. 2 (2001): 138.

<sup>8</sup> Graham Stinnett, “Archival Landscape: Archives and Human Rights,” *Progressive Librarian* 32 (2008): 10–20.

in relation to human rights issues; and the ethical responsibilities of archivists to respond to past, ongoing, and future acts of violence.

A reoccurring theme within archival studies scholarship has been the role of archives and archivists in helping societies recovering from widespread violence come to terms with the past. Verne Harris's work has most explicitly addressed this theme, both shaping and documenting the ways in which records created by the apartheid state have been and continue to be repurposed in support of a democratic South Africa.<sup>9</sup> A variety of cases from around the globe examine this kind of repurposing of records in a host of contexts. For example, Sue McKemmish, Shannon Faulkhead, and Lynette Russell suggest ways that archivists can create avenues for Indigenous communities to reclaim, reimagine, and "talk back" to records of Australian colonial administration.<sup>10</sup> Anne Gilliland both acknowledges the administrative violence of state recordkeeping regimes in Croatia and offers a way for archivists to help traumatized individuals and communities to "move forward" through the development of recordkeeping infrastructures.<sup>11</sup> Michelle Caswell has outlined the ways in which archivists in Cambodia have aided efforts to hold individuals accountable for the crimes of the Khmer Rouge, to establish facts about the past, and to shape collective memory of trauma in the face of widespread societal amnesia.<sup>12</sup> Similarly, historian Kristen Weld has chronicled the labor behind the creation of archives out of troves of recently rediscovered Guatemalan police records.<sup>13</sup> In the Bosnian context, anthropologist Hariz Halilovich has traced the affective dimensions of personal records like birth certificates as they travel from the sites of human rights abuse to diasporic locations globally where they are used for memorialization.<sup>14</sup> Despite this rich and varied scholarship, there is a serious gap in the literature surrounding records of human rights abuse in the United States. Jarrett Drake has begun the critical work of applying a human rights perspective to records of anti-black police

---

<sup>9</sup> Verne Harris, *Archives and Justice: A South African Perspective* (Chicago, IL: Society of American Archivists, 2007).

<sup>10</sup> Sue McKemmish, Shannon Faulkhead, and Lynette Russell, "Distrust in the Archive: Reconciling Records," *Archival Science* 11, nos. 3–4 (2011): 211–39. See also Sue McKemmish, Livia Iacovino, Eric Ketelaar, Melissa Castan, and Lynette Russell, "Resetting Relationships: Archives and Indigenous Human Rights in Australia," *Archives and Manuscripts* 39, no. 1 (2011): 107–44.

<sup>11</sup> Anne Gilliland, "Moving Past: Probing the Agency and Affect of Recordkeeping in Individual and Community Lives in Post-Conflict Croatia," *Archival Science* 14, no. 3 (2014): 249–74.

<sup>12</sup> Michelle Caswell, "Khmer Rouge Archives: Accountability, Truth, and Memory in Cambodia," *Archival Science* 10, nos. 1–2 (January 2010): 25–44. See also: Michelle Caswell, *Archiving the Unspeakeable: Silence, Memory, and the Photographic Record in Cambodia* (Madison: University of Wisconsin Press, 2014).

<sup>13</sup> Kirsten Weld, *Paper Cadavers: The Archives of Dictatorship in Guatemala* (Durham, NC: Duke University Press, 2014).

<sup>14</sup> Hariz Halilovich, "Reclaiming Erased Lives: Archives, Records and Memories in Post-War Bosnia and the Bosnian Diaspora," *Archival Science* 14, no. 3 (2014): 231–47.

violence in the United States in his analysis of the manufacture of records in a 2005 New Orleans police shooting of six civilians, post-Hurricane Katrina.<sup>15</sup>

Broadening out from these case studies, Wendy Duff, Andrew Flinn, Karen Suurtamm, and David Wallace have proposed a general framework for assessing the social justice impact of archives in the wake of such rights violations.<sup>16</sup> The vectors proposed later on in this article to analyze human rights records owe much to their approach of systematically asking a series of questions about records in specific contexts in order to draw out larger themes.

Despite the preponderance of literature that valorizes the role of archivists in the wake of human rights abuse, some key work has been done to expose the ways in which bureaucratic recordkeeping regimes have enabled widespread human rights violations. In 2002, Eric Ketelaar examined records as instruments of power and highlighted the dual function of records as both tools of liberation and oppression.<sup>17</sup> In the South African context, Harris has uncovered the surveillance, repression, and secrecy that were the hallmark of the apartheid state's recordkeeping bureaucracy.<sup>18</sup> Similarly, Caswell has examined the ways in which Nazi bureaucrats streamlined mass murder through record creation and use.<sup>19</sup> A growing body of literature outside archival studies in fields such as anthropology, law, and gender studies looks at the function of records in less notorious but arguably just as damaging situations, including in acts of marginalization, discrimination, starkly unequal distribution of resources, and administrative violence that are endemic to contemporary societies worldwide.<sup>20</sup>

Throughout the literature, it is clear that archives are inextricably involved in human rights issues, with records used as tools for both repression and liberation, and archivists acting as both violators and guardians of human rights. In light of this conversation, much recent archival studies scholarship has dispensed with the pretense of archival neutrality, instead embracing the political nature inherent to the archival endeavor. Harris rejects any claims that politics is an outside imposition on archival work, instead asserting that the archive “is the very possibility of politics.”<sup>21</sup> Likewise, David Wallace writes, “Struggles for social justice are battlegrounds over

---

<sup>15</sup> Jarrett M. Drake, “Insurgent Citizens: The Manufacture of Police Records in Post-Katrina New Orleans and Its Implications for Human Rights,” *Archival Science* 14, nos. 3–4 (October 2014): 365–80.

<sup>16</sup> Wendy Duff, Andrew Flinn, Karen Suurtamm, and David Wallace, “Social Justice Impact of Archives: A Preliminary Investigation,” *Archival Science* 13, no. 4 (2013): 317–48.

<sup>17</sup> Eric Ketelaar, “Archival Temples, Archival Prisons: Modes of Power and Protection,” *Archival Science* 2 (2002): 221–38.

<sup>18</sup> Harris, *Archives and Justice*, 2007.

<sup>19</sup> Michelle Caswell, “Hannah Arendt’s World: Bureaucracy, Documentation and Banal Evil,” *Archivaria* 70 (Fall 2010): 1–25.

<sup>20</sup> Dean Spade, *Normal Life: Administrative Violence, Critical Trans Politics, and the Limits of the Law* (Brooklyn, NY: South End Press, 2011); Akhil Gupta, *Red Tape: Bureaucracy, Structural Violence, and Poverty in India* (Durham, NC: Duke University Press, 2012).

<sup>21</sup> Verne Harris, “The Archive is Politics,” in *Archives and Justice*, 239–50.

values, priorities, resources, dignity, and survival. To claim that such initiatives politicize archives misses the point that *archives are already political* and always manifested and shaped at the coalface of power, privilege and resourcing.”<sup>22</sup> (By contrast, the façade of neutrality has remained persistent among some practitioners.<sup>23</sup>)

Running throughout much of this work on human rights in archival studies is a broader discussion of the ethical obligations of archivists. While professional organizations have attempted to institute codes of ethics and human rights principles, these standardized deontological frameworks have met much criticism in the field.<sup>24</sup> David Wallace, for example, has characterized such codes as useless, writing that codified principles fail to acknowledge that “professional ethics as a terrain [are] far more complex and difficult than normative constructions allow.”<sup>25</sup> Harris posits Derridean ethics, with its insistence on hospitality to “the other,” as an alternative to such decontextualized ethical codes.<sup>26</sup> More recently, Caswell and Marika Cifor delineate the ways in which feminist ethics, with its emphasis on relationships of care, causes a shift in archival thinking and practice from a rights-based approach to an embedded, affective web centered on radical empathy.<sup>27</sup> Elsewhere, Caswell has proposed a “survivor-centered” approach to human rights records built around the incorporation of principles and practices from community archives regardless of the type of repository (governmental, intergovernmental, nongovernmental) stewarding human rights records.<sup>28</sup> As these discussions reveal, the examination of archival ethics in relation to human rights is increasingly gaining traction in the field.

### *Power and the organization of information.*

The literature on the organization of information and power makes clear that classification systems and decisions cannot be understood as neutral; they are always situated within and

---

<sup>22</sup> David A. Wallace, “Locating Agency: Interdisciplinary Perspectives on Professional Ethics and Archival Morality,” *Journal of Information Ethics* 19, no. 1 (Spring 2010): 184.

<sup>23</sup> Mark Greene, “A Critique of Social Justice as an Archival Imperative: What Is It That We’re Doing That’s All That Important?” *The American Archivist* 76, no. 2 (2013): 302–34.

<sup>24</sup> For examples, see: “SAA Core Values Statement and Code of Ethics,” Society of American Archivists, May 1, 2011, accessed September 21, 2015, <http://www2.archivists.org/statements/saa-core-values-statement-and-code-of-ethics>; “Basic Principles on the Role of Archivists in Support of Human Rights,” International Council of Archives, June 27, 2014, accessed September 21, 2015, <http://www.ica.org/15999/news-and-events/basic-principles-on-the-role-of-archivists-in-support-of-human-rights-give-your-opinion.html>.

<sup>25</sup> Wallace, “Locating Agency,” 172–89.

<sup>26</sup> Verne Harris, “Jacques Derrida Meets Nelson Mandela: Archival Ethics at the End Game,” *Archival Science* 11, no. 1 (2011): 113–24.

<sup>27</sup> Michelle Caswell and Marika Cifor, “From Human Rights to Feminist Ethics: Radical Empathy in Archives,” *Archivaria*, forthcoming.

<sup>28</sup> Michelle Caswell, “Toward a Survivor-Centered Approach to Human Rights Archives: Lessons from Community-Based Archives,” *Archival Science* 14, nos. 3–4 (2014): 307–22.

reflect their social and political contexts, sometimes with severe repercussions.<sup>29</sup> Michel Foucault's seminal work, *Archaeology of Knowledge*, established the ways in which power dictates which statements are possible, legitimated, and reinscribed as knowledge through disciplinary practices such as classificatory systems.<sup>30</sup> Foucault's work on power and the organization of information has been widely influential in a range of fields, including library and information studies.

In librarianship, cataloging and classification have a long history as sites of engagement for practitioners and scholars concerned with issues of power and social justice. Activist librarian Sanford Berman became a prominent voice in this arena with the 1971 publication of *Prejudices and Antipathies: A Tract on the LC Subject Heads concerning People*, an incisive critique of discriminatory terminology around race, religion, gender, and age in the Library of Congress subject headings, with suggested changes. His continued advocacy has had a significant impact in the field; a 2005 study found that at that time 60 percent of the 225 entries Berman identified in *Prejudices and Antipathies* had been changed either entirely or partially in accordance with his suggestions.<sup>31</sup> Hope Olson's *Naming and Power: Locating the Limits of Subject Representation in Libraries* presents perhaps the most theoretically rigorous approach to the politics of classification in librarianship, explicitly connecting the dynamics of library subject cataloging to broader ethical, feminist, and postmodern concerns.<sup>32</sup> In "Sameness and Difference," Olson also questions the underlying epistemologies of classifying knowledge according to commonalities, which she asserts are rooted in a simplistic duality of sameness and difference that is not universal but fundamentally based in Western cultural norms.<sup>33</sup>

K. R. Roberto's 2008 anthology *Radical Cataloging: Essays at the Front* cites Berman as an important predecessor who lays the groundwork for the range of critical analyses and perspectives on cataloging presented in the twenty-three-essay volume.<sup>34</sup> In the same volume, Frank Exner, Little Bear's work on the rendering of North American Indian personal names in national bibliographies exposes the intimate relationship between human rights, library classification, and power.<sup>35</sup> Indeed, classification systems that override or render invisible or illegitimate indigenous epistemologies or other non-dominant ways of knowing perform a sort of

---

<sup>29</sup> We use the term "classification" here and throughout to mean the organization of information into various classes, and not the classification of records as secret, restricted, or inaccessible.

<sup>30</sup> Michel Foucault, *The Archaeology of Knowledge & The Discourse on Language* (New York: Pantheon, 1972).

<sup>31</sup> Steven A. Knowlton, "Three Decades since *Prejudices and Antipathies*: A Study of Changes in the Library of Congress Subject Headings," *Cataloging & Classification Quarterly* 40, no. 2 (June 2005): 123–45.

<sup>32</sup> Hope A. Olson, *The Power to Name: Locating the Limits of Subject Representation in Libraries* (Boston, MA: Kluwer Academic Publishers, 2002).

<sup>33</sup> Olson, "Sameness and Difference: A Cultural Foundation of Classification," *Library Resources & Technical Services* 45, no. 3 (2001): 115–22.

<sup>34</sup> K. R. Roberto, ed., *Radical Cataloging: Essays at the Front* (Jefferson, NC: McFarland, 2008): vi.

<sup>35</sup> Frank Exner, Little Bear, "North American Indian Personal Names in National Bibliographies," in Roberto, *Radical Cataloging*, 150–64.



epistemic violence with lasting and tangible consequences. Similarly, Melissa Adler has uncovered the ways in which Library of Congress classifications of “deviant” sexual practices has further reinscribed difference and marginalized queer communities.<sup>36</sup> Building on this discussion, Adler and Joseph Tennis’s recent work on a “taxonomy of harm” explores the symbolic violence that can be enacted by practices of classification and naming; their work might also be understood as a study of the harms of taxonomy.<sup>37</sup>

Broadening the focus of critical classification studies outside of the library realm, Bowker and Star’s *Sorting Things Out* has been a foundational work for the critical study of classification in many different arenas. Through the examination of a variety of classification systems, including that of apartheid racial classifications in South Africa as well as a number of schema surrounding medicine and disease, they demonstrate the ways in which invisible, omnipresent infrastructures of classification frequently have serious consequences for human lives. Their assertions that “classifications should be recognized as the significant site of political and ethical work that they are” and that “each standard and each category valorizes some point of view and silences another . . . it is an ethical choice, and as such it is dangerous” have served as a basis for inquiry into the particularities of the ethics and politics of classification in a variety of settings.<sup>38</sup>

In their work on archival description, which can be understood as a form of classification, Duff and Harris use Bowker and Star’s work to critique the standardization of description. Yet rather than using this critique to justify a rejection of standards, they mobilize it to imagine characteristics of a liberatory descriptive standard, one that would not seek to obscure its own underlying dynamics of power; that would be created in an inclusive and transparent process; that understands records as always in the process of being made; that takes the needs of users seriously; and that would seek ways to disrupt its own status as invisible infrastructure or metanarrative.<sup>39</sup> Caswell’s work on ethnic classification under the Khmer Rouge expands on these concepts and connects them more explicitly to human rights, exploring the pivotal role that records of these classifications played in the prosecution of former Khmer Rouge officials under charges of genocide. She argues that Duff and Harris’s characteristics of a liberatory descriptive standard should be expanded to expressly include the strategic mobilization of ethnic and other identity-based categories when appropriate to the goals and contexts of a descriptive project.<sup>40</sup>

---

<sup>36</sup> Melissa Adler, “For SEXUAL PERVERSIONS see PARAPHILIAS: Disciplining Sexual Deviance at the Library of Congress” (PhD diss., The University of Wisconsin, Madison, 2012).

<sup>37</sup> Melissa Adler and Joseph T. Tennis, “Toward a Taxonomy of Harm,” *North American Symposium on Knowledge Organization* 4, no. 1 (2013): 1–19.

<sup>38</sup> Geoffrey C. Bowker and Susan Leigh Star, *Sorting Things Out: Classification and Its Consequences* (Cambridge, MA: MIT Press, 1999): 147, 5–6.

<sup>39</sup> Wendy M. Duff and Verne Harris, “Stories and Names: Archival Description as Narrating Records and Constructing Meanings,” *Archival Science* 2, nos. 3–4 (September 2002): 284–85.

<sup>40</sup> Michelle Caswell, “Using Classification to Convict the Khmer Rouge,” *Journal of Documentation* 68, no. 2 (March 2012): 162–84.

Most recently, Stacy Wood, Kathy Carbone, Marika Cifor, Anne Gilliland, and Ricardo Punzalan have explored more broadly how archival description might be reframed to support the mobilization of records for evidentiary and collective memory purposes related to human rights.<sup>41</sup>

This critical work on archival description contrasts with some dominant strands in the field that advise the wholesale adoption of universal descriptive standards to records documenting human rights abuse. For example, the International Council on Archives Human Rights Working Group's "Application of ISAD(G) for Human Rights for Human Rights Archives," merely directs archivists on how to implement universal descriptive standards without questioning the cultural, affective, political, and social sources for and implications of such standardization.<sup>42</sup> For example, the ISAD(G)<sup>43</sup> standards codify dominant Western attributions of provenance to a sole creator—an attribution that runs counter to many human rights claims of co-creatorship or the agency of records subjects.<sup>44</sup> By contrast, we posit that the classification of records documenting human rights abuse requires particular sensitivities rooted in cultural, historical, political, and social contexts. This research seeks to create a classificatory framework that is broad enough to resist totalizing impulses.

### **Methods: Conceptual Analysis**

This paper employs conceptual analysis as its primary method, with the goal of unpacking the term "human rights record" and examining more precisely what relationships and properties it is composed of, and what is or might be meant by its use. This analysis is used to develop a typology that names five intersecting vectors based in these relationships and properties, particularly surrounding a record's relationship to violence. Conceptual analysis has seen effective use in archival studies and more broadly in information studies to examine the meanings carried within concepts, which, like "human rights record," may be widely employed but lack a clear definition or shared understanding.

In their thorough review of archival studies research methods in "Building an Infrastructure for Archival Research," Gilliland and McKemmish cite Jonathan Furner's definition of conceptual analysis as "a technique that treats concepts as classes of objects, events, properties, or relationships. The technique involves precisely defining the meaning of a given concept by

---

<sup>41</sup> Stacy Woods, Kathy Carbone, Marika Cifor, Anne Gilliland, and Ricardo Punzalan, "Mobilizing Records: Re-Framing Archival Description to Support Human Rights," *Archival Science* 14, nos. 3–4 (October 2014): 397–419.

<sup>42</sup> Trudy Huskamp Peterson, "Application of ISAD(G) for Human Rights Archives," International Council on Archives Human Rights Working Group (October 2012), accessed September 21, 2015, <http://www.ica.org/13758/standards/application-of-isadg-for-human-rights-archives.html>.

<sup>43</sup> General International Standard Archival Description.

<sup>44</sup> McKemmish, Faulkhead, and Russell, "Distrust in the Archive," 211–39; McKemmish et al., "Resetting Relationships," 107–44.

identifying and specifying the conditions under which any entity or phenomenon is (or could be) classified under the concept in question.”<sup>45</sup>

In library and information studies, conceptual analysis has been used to examine concepts including “information science” and “information literacy,” and questions such as “what is information?” and “what is a document?”<sup>46</sup> In archival studies, Furner’s exploratory application of conceptual analysis to the concept of “evidence” reaches the conclusion that conceptual analysis is a “method of promise” for archival studies and bears further use in the examination of archival concepts.<sup>47</sup>

Furner provides a clear model for the application of conceptual analysis to archives and records topics. First, he examines the ways in which the concept of evidence is used by scientists, lawyers, historians, and archivists. Based on these different uses, he comes to a general definition of evidence, and, using this definition as a point of entry, identifies seven major characteristics of evidence. He outlines a taxonomy of kinds of evidentiarieness,<sup>48</sup> followed by a taxonomy of the kinds of conclusions that may be drawn from evidence. The final section uses the preceding analysis to draw tentative conclusions about the nature of evidentiarieness and of archival science, and ultimately to make a positive assessment of the method’s utility.

Conceptual analysis is not the only method that might be employed to define and clarify archival concepts. As Furner articulates, the use of conceptual analysis rests on two assumptions: first, that it is possible for concept users to reach some level of agreement around a concept and the nature of its uses; second, that the development of useful or interesting knowledge or theory would require reaching such an agreement.<sup>49</sup> His paper, as well as this one, relies on these assumptions. They are, however, meant to be strategic and open to questioning.

Furner suggests that a historical survey method studying how a concept has been employed by archival practitioners and/or theorists may also be useful for questions similar to those addressed

---

<sup>45</sup> Jonathan Furner, “Conceptual Analysis: A Method for Understanding Information as Evidence, and Evidence as Information,” *Archival Science* 4, no. 3 (December 2004): 233–65; Anne Gilliland and Sue McKemmish, “Building an Infrastructure for Archival Research,” *Archival Science* 4, no. 3 (December 2004): 149–97.

<sup>46</sup> Lloyd Houser, “A Conceptual Analysis of Information Science,” *Library & Information Science Research* 10, no. 1 (January 1988): 3–34; Shirley J. Behrens, “A Conceptual Analysis and Historical Overview of Information Literacy,” *College and Research Libraries* 55, no. 4 (July 1994): 309. See Michael Buckland, “Information as Thing,” *Journal of the American Society for Information Science* 42, no. 5 (June 1991): 351–60, and Buckland, “What Is a ‘Document’?,” *Journal of the American Society for Information Science* 48, no. 9 (September 1997): 804–9.

<sup>47</sup> Furner, “Conceptual Analysis,” 264.

<sup>48</sup> Furner draws his use of the term “evidentiarieness” from early archival theorist Hilary Jenkinson. It refers to the relationship between the existence of the record and the events that produced the record (“Conceptual Analysis,” 245).

<sup>49</sup> *Ibid.*, 234–35.

by conceptual analysis.<sup>50</sup> In this case, a historical study of the use of the terms “human rights record” or “human rights archives” could also provide important insight and clarification. Yet conceptual analysis allows for perhaps a broader view, and for the generation of new theoretical models, rather than concentrating only on what currently is or has been.

The choice to name the current project as a typology rather than a taxonomy is based on political scientist Kevin B. Smith’s delineation of the characteristics of these two kinds of classification. In his work on policy classification, Smith frames taxonomic methods, which originate in the biological sciences, as seeking to form an exhaustive classification scheme of mutually exclusive categories based in specific empirical cases. Typology, on the other hand, may allow for greater multiplicity, fluidity, and conceptual basis.<sup>51</sup> We have concluded that typology appears most promising for exploring the expansive, complex range of human rights records and their characteristics, and seek to create a flexible typology that does not claim to be exhaustive or composed of mutually exclusive categories, but rather seeks to create avenues for questioning, reflection, and multiplicity.

### **Typology: Five Vectors**

Using conceptual analysis as a method, this paper will now delineate the concept of “human rights record” using five interlocking vectors: who created the record; why the record was created; when the record was created; where the record is currently being stewarded; and how the record is being used.<sup>52</sup> These vectors allow us to more deeply examine the types of records we might classify as “human rights records” by delineating the myriad relationships a record might bear to violence; they give us a schema for understanding “human rights record” as a category that encompasses many different kinds of records yet retains distinct qualities of meaning. The aim here is not to provide deontological or rule-based guidelines for working with human rights records in practice—we believe that decisions made in regard to particular records or collections should always be context-dependent—but to provide a framework for thinking about records and human rights abuse that could be used when considering human rights records in research or practice.

---

<sup>50</sup> Ibid.

<sup>51</sup> Kevin B. Smith, “Typologies, Taxonomies, and the Benefits of Policy Classification,” *Policy Studies Journal* 30, no. 3 (2002): 381.

<sup>52</sup> Although the proposed vectors were not conceived explicitly within the Australian records continuum model, they are compatible with the records continuum view in which records are *created* as the by-product of activity, *captured* as evidence (disembedded from their creation and extracted into systems that allow them to be used), *organized* into personal or institutional archives as memory (migrated into systems which allow their use across an organization), and *pluralized* into systems. Frank Upward, “Modelling the Continuum as Paradigm Shift in Recordkeeping and Archiving Processes and Beyond,” *Records Management Journal* 10, no. 3 (December 2000): 115–39. Sue McKemmish, “Placing Records Continuum Theory and Practice,” *Archival Science* 1, no. 4 (2001): 333–59.

The vectors are purposefully fluid, dynamic, and context-dependent. They provide a structured way to analyze the larger umbrella category of “human rights record” without locking records into strict or permanent categories. For example, the vectors that describe the stewardship and activation of records change over time as records are subjected to different archival interventions and activated in different contexts for different reasons by different actors.<sup>53</sup> Rather than positing a totalizing framework, we hope this typology instead opens up a conversation about the nature of such records, the purpose and implication of classifying records as such, and ultimately broadens the current scope of what gets classified as a “human rights record.” Our hope is that by developing this typology, we will gain a deeper understanding of the term “human rights record” that will ultimately benefit how such records are appraised, described, accessed, and used in support of human rights aims generally and the needs of survivors of such abuse and victims’ family members in particular.

#### *Who created the record.*

Provenance and creatorship are central to traditional archival theory, but can be especially complex in regard to human rights records. The role of the creator(s) in relation to human rights abuses holds particular significance: was the record created by the abuser, by the victim, by a bystander, by a human rights agent such as a lawyer or activist, by a victim’s family member or friend? By a person who occupies more than one of these categories? Did the record creator act individually or as part of a group or organizational body? Are there records subjects who might be understood as co-creators?

Critical interpretations of provenance—such as Chris Hurley’s work on parallel provenance that explicitly names records subjects as co-creators in the context of Australian colonial records; Jeannette Bastian’s community of records, theorized in relation to colonial archives and records; and Joel Wurl’s ethnicity as provenance, theorized in relation to records of immigrant experiences and communities—may be of particular relevance to many human rights records.<sup>54</sup>

---

<sup>53</sup> The vectors are meant as a tool to think systematically about “actually existing records,” that is, records that exist in space-time rather than imaginary records that victims of human rights abuse may hope exist, but do not. This is not to discredit the power of such imaginary records as human rights records, but rather, suggests that such records might warrant a different—or more refined—model than the one proposed here. Ann Cvetkovich, *An Archive of Feelings: Trauma, Sexuality, and Lesbian Public Cultures* (Durham, NC: Duke University Press, 2003), 268. For more on imaginary records, see Michelle Caswell and Anne Gilliland, “False Promise and New Hope: Dead Perpetrators, Imagined Documents, and Emergent Archival Evidence,” *International Journal of Human Rights* 19, no. 5 (2015): 615–27; Anne Gilliland and Michelle Caswell, “Records and Their Imaginaries: Imagining the Impossible, Making Possible the Imagined,” *Archival Science*, forthcoming.

<sup>54</sup> Chris Hurley, “Parallel Provenance: What if Anything Is Archival Description?,” *Archives and Manuscripts* 33, no. 1 (2005): 110–45; Jeannette Allis Bastian, “Reading Colonial Records through an Archival Lens: The Provenance of Place, Space and Creation,” *Archival Science* 6, no. 3 (September 2006): 267–84; Joel Wurl,

Although we affirm the rights granted to records subjects based on these broader interpretations of provenance, we reject a wholesale adoption of the concept of co-creatorship in relation to the subjects of human rights records. Co-creatorship, while a useful approach in many contexts, can also bestow a false sense of agency on the victims of human rights abuse, about whom many records were created unwillingly and/or unwittingly. As such, we posit a nuanced, context-dependent approach that considers rather than predetermines the co-creatorship possibilities for human rights records.

*Why the record was created.*

While the reasons for record creation may be multiple and complex, and in some cases unknown or unknowable, they can provide important context. Was the creation of the record part of the abuse itself, or of a broader bureaucratic process that enabled the abuse? Was the record created for the specific purpose of documenting the abuse? Was it created for purposes of legal redress, establishment of fact, memorialization, reparation, or reconciliation? Was its initial creation entirely separate from the abuse? Was the record created freely, or under duress?

*When the record was created.*

The “when” here does not foreground numerical date or time, but rather the mapping of a record’s temporal proximity or distance to abuse—with, of course, the understanding that violence is often ongoing over periods of years and not confined to specific instances or dates. Were the moment of record creation and an acute moment of abuse one and the same, such as in instances of forced writing or signing of false confessions, or the posed torture photography at Abu Ghraib? In other words, was the creation of the record part and parcel of and therefore simultaneous to the act of abuse itself? Was the record created during bureaucratic procedures that both entail and enable abuse, such as mug shot photography, or the filling of forms related to the daily operations of an abusive regime? Was it created shortly after, such as much independent human rights documentation, or long after, such as some works of survivor autobiography and memoir? Was the record created long before the abuse, but took on new human rights significance after genocide or displacement, such as a birth certificate or property ownership record?

*Where the record is stewarded.*

Is it held by the abusive regime, by a successor state, by an international governmental body like the United Nations? By a community organization, a university, a library, by families and individuals? Has it been stewarded in different locations at different times? Are there multiple

---

“Ethnicity as Provenance: In Search of Values and Principles for Documenting the Immigrant Experience,” *Archival Issues* 29, no. 1 (2005): 65–76.

copies? Have there been conflicts over possession or use of the record? What are the implications, including implications for access, preservation, memory, narrative, and identity, of where the record is stewarded? Is it held by an organization that follows a custodial approach, or does it exist within a post-custodial model of shared stewardship? Has it been repatriated, either digitally or physically? While the previous vectors are fixed to the act of record creation, this vector, like the next proposed vector of activation, changes as records are stewarded by different parties in different locations over time.

The term “stewardship” is used here to establish the scope of this vector beyond the physical custody of the record to ask questions about the locations and actors involved in its ongoing preservation and use. Yet it must be acknowledged that the implications of this term may not be appropriate for the status of many records, as many holders of human rights records are hostile or neglectful entities who do not generally behave with the care and openness suggested by stewardship; the ideal of ethically engaged stewardship may be more the exception than the rule. The term is used here not to gloss over that reality but to imperfectly allow examination of the various forces and landscapes at play in the ongoing life of a record.

Of particular note, and perhaps a model that might be followed by other institutions in the future, is the collaborative, post/non-custodial approach taken by the Human Rights Documentation Initiative at the University of Texas, which partners with human rights organizations both in the United States and internationally to provide technical knowledge and infrastructure in support of preservation of and access to those organizations’ records.<sup>55</sup>

*How the record is activated.*

Eric Ketelaar, drawing on work by David Bearman and Verne Harris, argues that archival records are not fixed objects that speak for themselves but are constituted through their activation.<sup>56</sup> He writes, “Every interaction, intervention, interrogation, and interpretation by creator, user, and archivist is an activation of the record. The archive is an infinite activation of the record. Each activation leaves fingerprints which are attributes to the archive’s infinite meaning.”<sup>57</sup> In this light, various parties activate records for a variety of purposes across space and time. Under Ketelaar’s analysis, activation plays a central role in constituting records and their meanings: it is virtually impossible to gain a thorough understanding of a record in isolation from the ways in which it is and has been used. Thus, given the potential for any record to be activated in service of human rights aims, activation is a significant vector for understanding human rights records.

---

<sup>55</sup> Kelleher et al., “The Human Rights Documentation Initiative,” 94–109.

<sup>56</sup> Eric Ketelaar, “Tacit Narratives,” 137–39.

<sup>57</sup> *Ibid.*, 137.

With this in mind, we might consider, among other possibilities, whether a record has been mobilized for legal purposes, such as reparations, asylum, or war crimes prosecutions, whether it has been incorporated into archives, whether it has been displayed in a museum context, whether it has been incorporated into or inspired works of art or scholarship, whether it has been published in print or circulated in digital form, and what affective significance it may have taken on for survivors, families, and communities.

To take seriously Gilliland's assertion that all records are human rights records means to also engage the histories and potentials to be activated for human rights purposes carried by "ordinary" bureaucratic documents, particularly identity documentation such as birth and death certificates, passports, driver's licenses, and immigration visas, as well as educational and property records. As Hariz Halilovich demonstrates in his work on archives, records, and memory in post-war Bosnia and the Bosnian diaspora, these documents—or their absence—carry significant practical implications related to human rights, allowing or impeding access to housing, employment, education, and freedom of movement; as well as affective and memorial dimensions.<sup>58</sup>

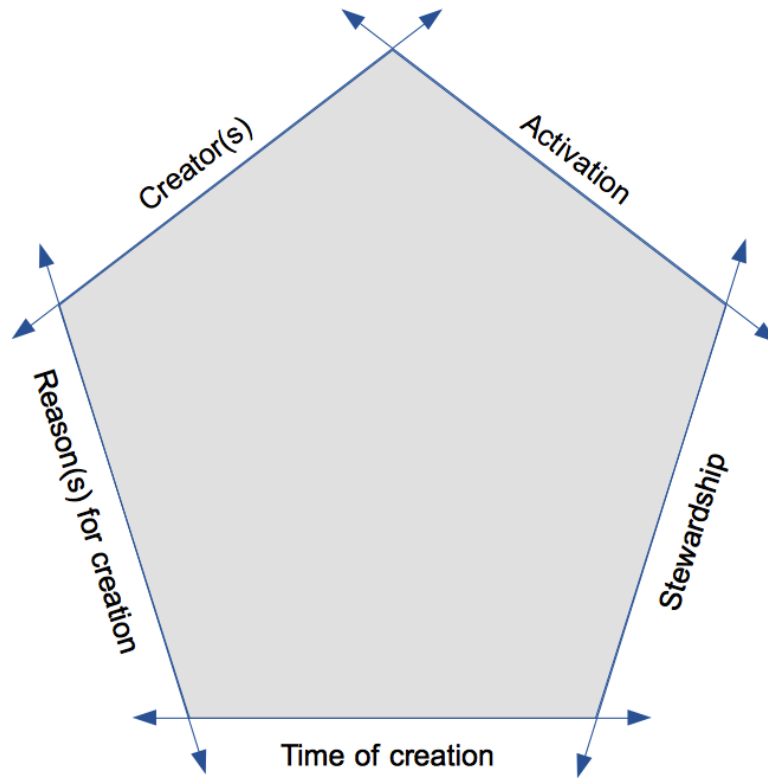
These vectors open up new ways to think about groupings of human rights records. For example, we may think of all records created by bystanders, or all records created simultaneous to abuse, or all records stewarded by community archives as categories of records. Or, we can group human rights records according to a multiplicity of vectors; for example, we can group together all records created by bystanders, simultaneous to abuse *and* currently stewarded by community archives. The typology allows us to systematically contrast and compare cases that fit within the same or different sub-categories to look for areas of convergence and divergence.

---

<sup>58</sup> Halilovich, "Reclaiming Erased Lives," 231–47.



## Visualizing the Vectors



We propose this model as a way to visualize the operation of the vectors in relation to a particular record or collection of records. The vectors are shown here as intersecting axes on which records could be imagined as points within the interior space. Records that share characteristics might cluster together in particular areas. Thus the interior space may expand or contract depending on the range of records that fit within the same particular configuration of vectors.

### Vectors in Action: Two Examples

Now that we have delineated the proposed typology, we provide two examples of how it operates as a heuristic device for thinking through the category of “human rights record” in specific instances.

*Example 1: Nomina del personal del cuarto cuerpo de la Policía Nacional que se hace acreedora a distinciones, segun el reglamento de condecoraciones* (List of personnel of the fourth division of the National Police who have earned distinctions, according to the regulations of decoration).

At the height of the civil war in the 1980s, the Guatemalan government was responsible for the forced disappearance, torture, and murder of thousands of civilians, particularly those involved in organizing laborers, students, and the rural poor. The National Police were a primary instrument for carrying out these human rights abuses. Due to their deep entanglement with abuse and corruption, the department was disbanded after the Peace Accords of 1996 and replaced with a new National Civil Police.<sup>59</sup>

In the midst of conducting an inspection for unexploded munitions on police property in 2005, members of Guatemala's Human Rights Ombudsman office found nearly eighty million pages of national police documents in a large, decrepit warehouse that served as the former national police headquarters and a site of detention and torture. These records became the Archivo Histórico de la Policía Nacional (AHPN), where local staff have worked since 2005 to preserve, describe, and digitize the contents.<sup>60</sup> The archives' discovery and subsequent utilization in prosecuting perpetrators of abuse received news media attention internationally.<sup>61</sup> United States-based historian Kirsten Weld has also written extensively on the archives.<sup>62</sup>

The record being examined here is one of these rediscovered police records, a three-page list of police officers selected for commendation in 1983–1984, including brief descriptions of incidents for which officers were honored, including officers who were killed on duty as well as a list of officers celebrating anniversaries of ten, fifteen, twenty, twenty-five, and thirty years of service. The section that has proved particularly salient is on the second page, listing four officers being commended, who “on February 18, 1984, at 11:00 am, carried out an operation in the Mercado del Guarda in zone 11, and were attacked by two subversives, from whom they seized subversive propaganda and firearms.”<sup>63</sup>

---

<sup>59</sup> “About AHPN,” Digital Archive of the Guatemalan National Police Historical Archive (AHPN), accessed May 25, 2015, [https://ahpn.lib.utexas.edu/about\\_ahpn](https://ahpn.lib.utexas.edu/about_ahpn).

<sup>60</sup> Ibid.

<sup>61</sup> See Mike McDonald, “Long-Hidden Archives Help Guatemala War Crimes Trials,” *Reuters*, February 8, 2012; Stephen Kinzer, “Glimmers of Hope in Guatemala,” *The New York Review of Books*, December 5, 2013; Peter Canby, “A Volcano of Documents,” *The Nation*, February 24, 2015; “Guatemalan Archives Lead to First Trial,” *Irish Times*, July 20, 2010.

<sup>62</sup> Weld, *Paper Cadavers*.

<sup>63</sup> Cuarto Cuerpo de la Policía Nacional, “Nomina Del Personal Del Cuarto Cuerpo de La Policía Nacional Que Se Hace Acreedora a Distinciones, Segun El Reglamento de Condecoraciones,” GT PN 26-01 S002, National Security Archive, George Washington University, accessed May 25, 2015, <http://nsarchive.gwu.edu/NSAEBB/NSAEBB337/Document2.pdf>.

Fernando García was a twenty-seven-year-old union organizer and engineering student at the University of San Carlos who was captured by police near his home in Guatemala City on February 18, 1984, never to be seen again by his family and presumably murdered. His case has garnered particular attention because his wife, Nineth Montenegro, went on to become a prominent human rights advocate, joining with other family members of victims of state violence to form Grupo de Apoyo Mutuo (Mutual Support Group). Montenegro currently serves as a congressional representative in Guatemala.<sup>64</sup> Because the date, time, and place named in the record in question align with that of García's disappearance, the record became part of a body of evidence in two trials to convict officers associated with García's abduction. The first trial was the first use of documents from the recovered National Police archives in court.<sup>65</sup>

For the purposes of this paper, a PDF copy of the record hosted by the National Security Archive of George Washington University was accessed by the first author of this paper via his laptop computer at his home in Los Angeles.<sup>66</sup>

*Who created the record:* The record was created by the fourth division of Guatemala's National Police, the body responsible for the abuse in question. The fourth division was a geographical division covering zones 7, 11, and 19 of Guatemala City, with the stated mission to "maintain public order, protect life and security of people and their property, and prevent crime," but which in actuality regularly participated in surveilling, arresting, and detaining political dissidents.<sup>67</sup> The creator of the record is not named on an individual level.

*Why the record was created:* The record was an internal document created to name police officers who were being honored by the department. Its immediate purpose may have been to improve morale among officers, as well as to document incidents that were deemed heroic or otherwise important by superiors. It functions politically to promote a repressive agenda within the department, encouraging continued police violence against persons deemed political dissidents. "Subversives" and "subversive elements" are framed as highly dangerous and responsible for officer deaths, and arrests involving these "elements" are repeatedly celebrated in the brief narratives of incidents for which officers are being honored, demonstrating a mutually constitutive relationship between bureaucracy and violence.

*When the record was created:* The record does not appear to be dated, but refers to events from August 1983 to June 1984. Thus it can be assumed to have been created at least several months after García's abduction in February 1984.

---

<sup>64</sup> "Murder of Fernando García," Guatemalan Human Rights Commission, accessed May 25, 2015, <http://www.ghrc-usa.org/our-work/important-cases/fernando-garcia/>.

<sup>65</sup> "Guatemalan Archives Lead to First Trial."

<sup>66</sup> Cuarto Cuerpo de la Policía Nacional, "Nomina Del Personal."

<sup>67</sup> *Cuarto Cuerpo de La Policía Nacional, 1975–1985*, Archivo Histórico de La Policía Nacional Colección de Informes 9 (Guatemala: Archivo Histórico de la Policía Nacional, 2012), 7.

*Where the record is currently being stewarded:* The record physically resides at the AHPN in Guatemala City, where the records remain in the building in which they were found. In 2005, the Human Rights Ombudsman's Office initially assumed custody through a civil court order. In 2009, custody was transferred to the federal Ministerio de Cultura y Deportes (Department of Culture and Sports). Currently, it is under the direction of Guatemala's national archives, the Archivo General de Centroamérica. Yet the AHPN retains its own staff, who have been working since 2005, and actively work to connect the family and friends of victims with the retrieval of personal documents, as well as professional grief counseling.<sup>68</sup>

Digitally, the record is stewarded by the University of Texas Human Rights Documentation Initiative in their Digital Archive of the Guatemalan National Police Historical Archive, a collaboration with the AHPN.<sup>69</sup> Navigating this digital archive, in which the organizational structure mirrors the physical organization of a massive volume of documents, is a somewhat complex process that requires familiarity with the structure of the police organization. A digital copy also exists on the website of George Washington University's National Security Archive, a research and journalism center focused on declassified information.<sup>70</sup> This copy was utilized for the purposes of this paper due to greater ease of access, as it is directly linked in online writings about the García case by National Security Archive staff.<sup>71</sup>

*How the record has been activated:* The record, in combination with hundreds of others from AHPN, was entered as evidence in the 2010 trial that convicted two officers directly involved in the abduction of Fernando García, as well as the 2012 trial that convicted former police chief Hector Bol de la Cruz and his subordinate for their involvement in the case. García's name does not appear in the record, but because the date, time, and location noted in the record correspond with his disappearance, it was able to act as one piece of evidence to convict those responsible.<sup>72</sup> It is an example of a record that was not created with the intent to document human rights abuse or bring about justice, but became an important human rights record through its activation in a legal setting.

The record has also taken on affective significance for García's family by supplying more information about his disappearance, as well as playing a role in seeking justice. García's daughter, Alejandra García Montenegro, who was an infant at the time of her father's abduction, is now an attorney who served as a prosecutor on the case. At the conclusion of the 2012 trial,

---

<sup>68</sup> "About AHPN."

<sup>69</sup> Ibid.

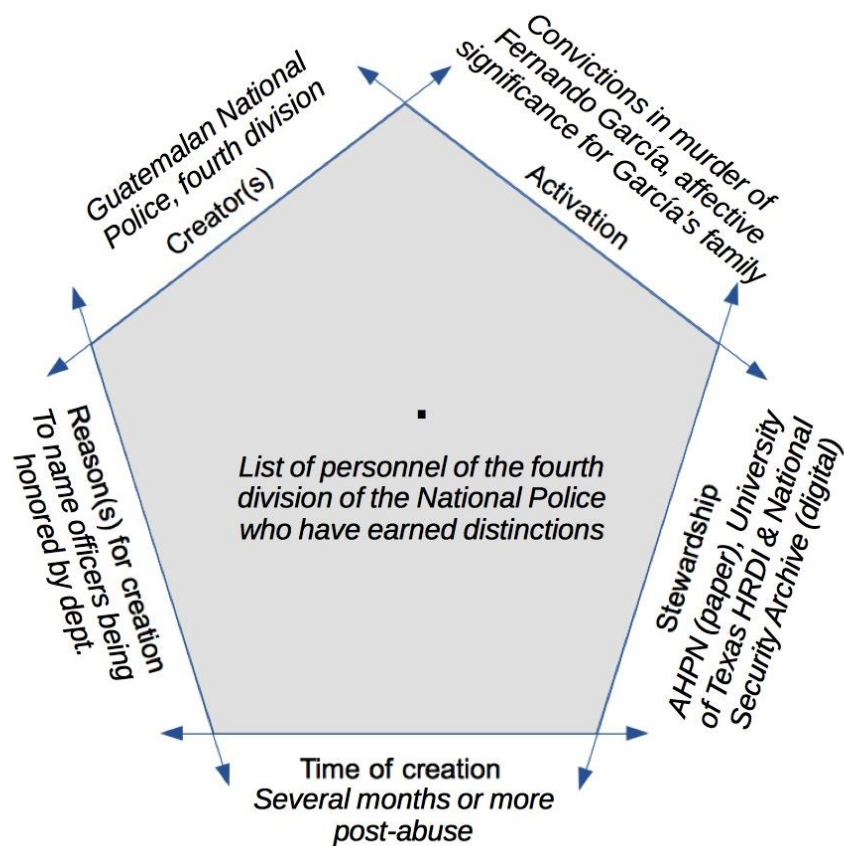
<sup>70</sup> "About the National Security Archive," National Security Archive, George Washington University, accessed May 25, 2015, [https://www2.gwu.edu/~nsarchiv/nsa/the\\_archive.html](https://www2.gwu.edu/~nsarchiv/nsa/the_archive.html).

<sup>71</sup> Kate Doyle and Emily Willard, "27 Years Later, Justice for Fernando Garcia," National Security Archive, George Washington University, February 18, 2011, accessed May 25, 2015, <http://nsarchive.gwu.edu/NSAEBB/NSAEBB337/>.

<sup>72</sup> McDonald, "Long-Hidden Archives."

she was quoted as stating, “These documents have been fundamental. They have shown that my dad was captured by state forces, what happened and where and who was involved. . . . I think about how my dad would feel. He would be happy to finally see a little bit of justice in this country.”<sup>73</sup>

Visual model of example 1



*Example 2: The video of Eric Garner's murder.*

On July 17, 2014, Daniel Pantaleo, an officer of the New York Police Department (NYPD), put Eric Garner into a chokehold for fifteen seconds. Garner, a forty-three-year-old unarmed African American asthmatic man who was suspected of selling loose cigarettes, repeated “I can’t breathe” eleven times, then lost consciousness. He was pronounced dead on arrival at a local hospital and the medical examiner ruled his death a homicide. The incident was caught on camera; the video record was first published online by the *New York Daily News*, and widely circulated through

<sup>73</sup> Ibid.

social media.<sup>74</sup> For the purposes of this paper, the video record of Garner's murder was accessed digitally on the *New York Daily News* website by the second author of this paper via her laptop computer at her home in Los Angeles.<sup>75</sup>

*Who created the record:* The footage of Garner's murder was taken by bystander Ramsey Orta using a cell phone camera. The creation of the record has had severe personal consequences for Orta, who has since been arrested on multiple occasions, as has his mother, brother, and wife, prompting accusations that the NYPD is targeting him for retribution.<sup>76</sup>

*Why the record was created:* Orta took the footage explicitly to document the abuse. Orta's video begins with Garner complaining to police, "I'm tired of it! This stops today! It's over!" followed by Orta saying, for the benefit of the camera, "This guy right here is forcibly trying to lock somebody up for breaking up a fight." After Officer Pantaleo puts Garner in the chokehold and Garner repeatedly says, "I can't breathe," Orta narrates over the footage, "Once again, police beating up on people." Orta is then told to back up by a police officer. Orta is clearly sympathetic to Garner and created the record as a way to document, and presumably to subsequently draw attention to, what Orta sees as systematic and frequent abuse by the NYPD.

*When the record was created:* The record was created at the time of the abuse.

*Where the record is currently being stewarded:* The question of stewardship is a complex one in this case. The record has been made available by countless news agencies, uploaded on Vimeo and YouTube, and circulated widely on social media. However, it is unknown if an official archival entity with a long-term commitment to preservation and access is currently stewarding this record in a manner consistent with professional archival best practices; we can only hope that at least one of the news agencies and/or activist organizations working against police violence has officially "captured" the record into an archival system, or is using archival techniques such as those described in human rights organization WITNESS's "Activists' Guide to Archiving Video."<sup>77</sup> In the absence of such guarantees, stewardship is currently informally distributed among individuals, organizations, news agencies, and commercial platforms.

---

<sup>74</sup> Ramsey Orta, "Staten Island Man Dies after NYPD Cop Puts Him in Chokehold," *New York Daily News*, accessed October 5, 2015, <http://video.nydailynews.com/Staten-Island-man-dies-after-NYPD-cop-puts-him-in-chokehold--26426042>.

<sup>75</sup> Ibid.

<sup>76</sup> Juan González, "As Video Exposes Walter Scott Police Killing, Why Is the Man Who Filmed Eric Garner in Jail?," *Democracy Now!*, April 9, 2015, accessed October 5, 2015, [http://www.democracynow.org/2015/4/9/as\\_video\\_exposes\\_walter\\_scott\\_police](http://www.democracynow.org/2015/4/9/as_video_exposes_walter_scott_police).

<sup>77</sup> "Activists' Guide to Archiving Video," WITNESS, July 1, 2013, accessed October 5, 2015, <http://archiveguide.witness.org/>. The ACLU of California has since developed an application that enables the automatic transfer of cell phone-generated video documenting police brutality from mobile devices to an ACLU-operated server. See "Mobile Justice California," American Civil Liberties Union of California, 2015, accessed October 5, 2015, <https://www.mobilejusticeca.org/>.

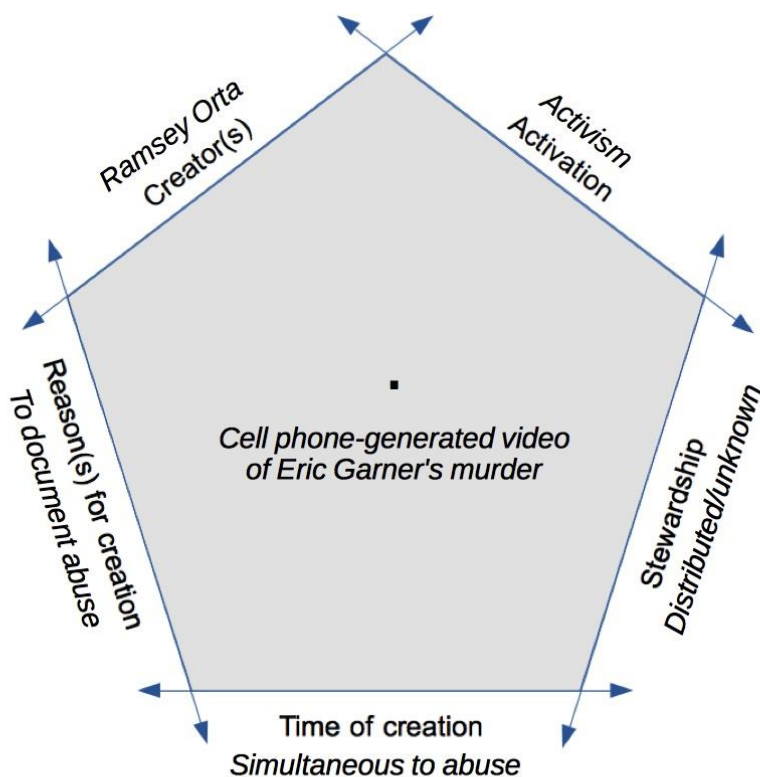
*How the record has been activated:* The record has already been activated countless times for almost as many purposes and will continue to be activated in unknown ways in the future. It has been watched by millions of people around the world on laptops, desktops, mobile devices, and televisions. Some of these viewers accessed the record through traditional news media outlets; others accessed the record after it was circulated on social media sites like Facebook and Twitter. Some of these viewers watched the footage as a way of keeping up with current events, some were galvanized by the footage into political action, and still others watched the footage as a form of violent voyeurism. Activists from the Black Lives Matter movement have activated the record in both on-the-ground protests in which signs, t-shirts, and buttons are emblazoned with Garner's quote, "I Can't Breathe," and through a host of digital media. Each reference to Garner's quote, we argue, is an activation of the record, and reveals the complex and distributed ways that human rights records can get activated, repurposed, and recontextualized for activism. The record has also been activated by lawyers and jurors as legal evidence, presumably in the case against the NYPD officers involved (who were not indicted by a grand jury) and in the subsequent ongoing cases of Orta and his family members against the NYPD.<sup>78</sup>

As these two examples show, the vectors function as a heuristic device that provides structure for thinking through the meaning of the term "human rights record." They allow us to think systematically and critically about the meaning of this term, the types of records that fall within this category, and their various uses. The examples provided here are non-exhaustive; our hope is that the vectors allow others to analyze other records created and used in different contexts.

---

<sup>78</sup> The word "presumably" is used here because the evidence in the Eric Garner trial has been sealed by a judge. See: "The Judge's Decision to Keep Garner Evidence Sealed," *The New York Times*, March 19, 2015, accessed October 5, 2015, <http://www.nytimes.com/interactive/2015/03/19/nyregion/judges-decision-garner-evidence.html>.

## Visual model of example 2



### Conclusion: Professional, Political, and Ethical Consequences

This article has proposed five vectors for thinking about the category “human rights record”: creator; reason for creation; time of creation; place of stewardship; and use. An analysis of these five vectors confirms Gilliland’s assertion that all records are human rights records, or rather all records *can be* human rights records if activated for human rights purposes. Human rights records are thus defined by their relationships to violence in its various forms; they may be an integral part of such violence, they may document such violence, or they may be used to memorialize or adjudicate such violence or achieve some state of normalcy in its aftermath. Furthermore, the relationship of the records to two of the vectors—place of stewardship and use—may change over time. In this way, like all records, human rights records are thus “always in the process of becoming” to again use Sue McKemmish’s phrase.<sup>79</sup>

<sup>79</sup> Sue McKemmish, “Are Records Ever Actual?,” 1998, accessed October 5, 2015, <http://www.infotech.monash.edu.au/research/groups/rcrg/publications/smcktrc.html>.



As addressed in our literature review, organizational systems have both tangible and intangible repercussions. As an organizational system (however fluid and context-dependent), the proposed vectors have professional, political, and ethical consequences.

The proposed typology expands the scope of what may be considered a “human rights record” to include routine bureaucratic records such as birth certificates and property records that were created prior to human rights violations but are invoked for human rights purposes after abuse. This categorical expansion has professional, political, and ethical consequences, as it posits that all archives may indeed be human rights archives if activated as such. If all records are (potentially) human rights records and all archives are (potentially) human rights archives, then, by extension, all archivists are (potentially) human rights archivists. Archivists—as individuals, as professionals, as members of societies—are bound by this latent potentiality; they may heed or ignore the call for justice in practice, but they can no longer reasonably claim to be outside of the fray (if they ever could) in our construction. The proposed typology is thus conceived as a heuristic device that allows archivists and archival studies scholars better to think through the human rights potentialities of records. In so doing, we hope the typology enables archivists to systematically consider the activation of records for human rights purposes as they make important decisions regarding the selection and appraisal, description, access, outreach, and digitization of such records.

Rather than adhere to classical Western views of records as impartial by-products of activity, the proposed typology requires us to think structurally about when, why, and who created the record in relation to human rights abuse. In so doing, it acknowledges that records are often created, not merely simultaneously to acts of violence, but as the violence itself; the event of record creation *is* the abuse in some cases. By forcing us to consider whether and to what extent record creation is part of human rights abuse, the vectors potentially implicate record keepers and recordkeeping regimes in abusive practices. This implication again reinforces the ethical and political nature of archival work.

Furthermore, the proposed typology takes into consideration where the record is currently being stewarded. In so doing, it asserts that archival work poses a significant and irreversible intervention into the record, such that records are forever transformed by their histories of stewardship. In this estimation, the archivist is not just a minor player, but a key protagonist (together with the record creator and user) in the story of the record.

This paper has presented a conceptual analysis of the term “human rights record,” and in so doing, has proposed a typology based on five vectors as a lens through which to view such records. At the heart of our analysis is the assertion that we investigate human rights records *as*

records, that is, “persistent representations of activities” that travel through space and time.<sup>80</sup> By foregrounding their “recordness,” we underscore the ways in which such records are intimately connected to the acts that created them and highlight the importance of examining both archival interventions and uses—past, present, and future—in categorizing them as “human rights records.” As archivists and archival studies scholars, we affirm the importance of systematically thinking through such categorization in order to best activate records in support of healing, reparation, and justice in the wake of violence.

---

<sup>80</sup> Geoffrey Yeo, “Concepts of Record (1): Evidence, Information, and Persistent Representations,” *The American Archivist* 70 (2007): 334.