

***National Memory building processes:
the Emergence of Institutional Regimes for collective resources in the field of
Sustainable Management of the Documentary Heritage.***

Peter Knoepfel, Mirta Olgiati

Abstract

National memory is commonly defined as the sum of information contained in a country's documentary heritage. The documentary heritage is composed of all of the public interest documents produced by a country, in this case Switzerland: these documents can be written, audio, visual or multimedia in form, administrative, legal or cultural in kind and of historical or contemporary relevance. The documentary heritage comprises all of the documents managed by archival institutions (i.e. archives, libraries, sound archives, films archives, etc.) with a view to their conservation for the future. The conservation of the documentary heritage in Switzerland is managed by a number of institutions which take different legal forms (e.g. public authorities, associations, private law foundations etc.) and are organized according to the various types of media used to record data. The research we have carried out up to now enabled us to identify four resources whose regulation is essential for the survival of the Swiss national memory: we call them provisionally "Language", "Reason", "Space and time" and "Public space". The sustainable regulation of the respective services that these four resources produce (capacity for the production of signs and media in order to render the information memorisable; judgment capacity on dignity of the documents to enter into the national memory; storage capacity; capacity for appropriate accessibility and valorization) will be essential for building up memory policies.

Following the exponential increase of the documentary production and the rapid evolution of the various media in the last decades, we can observe enhanced efforts of public action in the field of documentary languages and media. Furthermore similar efforts are aiming at producing reasonable criteria for the selection of memorized documents to be or not to be introduced into the national documentary heritage. Politicians and specialists are asking for reliable judgement about dignity of documents to be memorized in terms of their esthetical, legal, cultural, historical, etc. values. Theses choices will affect of course the interest of future users. Additionally, operators all over the world are concerned about increasing scarcities of storage capacity. Indeed, storage surfaces, conservation means, classification feasibilities, etc. are becoming increasingly rare wherefore they have to take risky decisions about refusing the acceptance of documents they wouldn't have refused in the past. Finally, practitioners complain about increasing demands for access to such documents which lead them to think about access limitations which again are politically quite sensitive.

Taken together, all these recent challenges lead to reconsidering public action in the field of democratically responsive, comprehensive and sustainable national memory building processes. This paper presents a quite provisional framework showing the direction in which public action in this field might go. It consists of an

application of the institutional regimes concept (cf. Knoepfel/Nahrath paper equally presented at this conference) based on resource economics, institutional economics and public policy analysis to collective memory building processes. Against observable practices it shows the necessity of a multi-resource approach covering not only the last stage of access rights to documents figuring in the national memory, but also the former steps of collective memory building processes. Being our first tentative to apply the institutional regime approach to this field, the paper does not contain any references to literature or empirical findings which according to our present knowledge are mostly sectorial and not considering collective memory building processes with regard to the regulation of common resources.

The Authors

Prof. Peter KNOEPFEL
IDHEAP - Institut de hautes études en administration publique
Route de la Maladière 21
1022 Chavannes-près-Renens
Switzerland
Peter.Knoepfel@idheap.unil.ch
Phone number: 0041 21 577 40 40 /44
Fax number: 0041 21 577 40 09

Mirta OLGATI
IDHEAP - Institut de hautes études en administration publique
Route de la Maladière 21
1022 Chavannes-près-Renens
Switzerland
Mirta.Olgiati@idheap.unil.ch
Phone number: 0041 21 577 40 49

1 Introduction

Despite the fact that Switzerland is one of the world's largest producers of documents *per capita*, it does not currently have a general and coordinated policy for the conservation of documents; in other words, a policy governing national memory. According to our definition, national memory consists of the sum of information contained in a country's documentary heritage. This heritage is composed of all of the documents of public interest produced in the country in question and may be written, audio, visual or multi-media in form, administrative, legal or cultural in nature and of historical or contemporary relevance. Thus, what is involved are all of the documents managed by archival institutions (i.e. archives, libraries, sound archives, film archives etc.) with a view to their conservation for the future.

Over the decades, the management of the conservation of the documentary heritage in Switzerland has become the task of a number of institutions which take different legal forms (public authorities, associations, private law foundations etc.) and are organized according to the various types of data recording media employed. The activities of these establishments are managed in different ways, on the basis of very variable resources and criteria they themselves have defined.

This problem of a lack of regulation is exacerbated by the fact of the extremely rapid technological evolution of recording media. Paradoxically, the increasingly brief service life of recording media and the exponential increase in documentary production constitute a threat to the conservation of this important element of our heritage:¹ archival institutions run the risk of “drowning” in the documents they must conserve, a development that could result in the widespread loss of access to information and possibly also the “Alzheimerization” of our society.

This article – which is largely based on empirical studies carried out at the *Institut de hautes études en administration publique* (Swiss Graduate School of Public Administration)² – represents an initial attempt to understand national memory, i.e. the sum of information to

¹ Graf Christoph, “Kulturgut in Gefahr. Aufbewahrung schriftlicher und audiovisueller Quellen. Wie gehen die grossen Institutionen mit dem Problem um?”, *Neue Zürcher Zeitung*, 05. 06. 1993.

² Peter Knoepfel/Mirta Olgiati, *Politique de la mémoire nationale. Etude de base*, Chavannes-près-Renens: Rapport de l'IDHEAP, 2005 et Mirta Olgiati, *Politique de la mémoire nationale: la sélection du patrimoine documentaire en Suisse*, Chavannes-près-Renens: Cahier de l'IDHEAP 224, 2005.

which everyone has access through the consultation of documents, as a common good. It is our view that – in particular in the absence of a policy governing this area – the survival of this material memory depends on the regulation of two basic resources: firstly, the capacity to select material that is worthy of long-term conservation and, secondly, the capacity to store the national memory. We will attempt to explain this vision as follows: firstly, we will define what constitutes national memory and present the analytical framework on which our reflections are based; we will then present the four resources essential to the regulation of national memory and, having presented our conclusion, will propose some potential directions and questions for future research in this area.

Notice that the opening-up of the research field "national memory policy" at our institute in 2003/4 was initiated by a mandate of the Swiss federal government (Swiss National Library) to reconsider the acquisition policy of this institution. At present, the institute got a new mandate (2006-2008) going far beyond the original work in the sense of producing a conceptual framework and empirical data on the whole range of national documentary heritage in order to build a comprehensive national memory policy.

2 National Memory – A Common Good

National memory is conceived and defined as a common good, in other words a good that provides services which, for political reasons, may not be limited to a specific group (principle of non-exclusivity, availability to all), but may be subject to partial rivalry when used: i.e. if one user avails of these services, in principle, they are not available at the same time for use by another. A distinction is made, on the one hand, between common goods and public goods which are characterized by the fact that – in theory – no rivalry arises in relation to their use and, on the other, between common goods and private goods, whose use may be both exclusive and involve rivalry with other uses.

This common good, i.e. national memory, provides the service (which is appreciated to varying extents by its users) of locating the present or future in relation to the past, thus enabling a level of predictability, stability and consistency for society. Physically, this good is composed of information relating to events, feelings and reflections on the present and past which is recorded on a very wide range of media, stored and rendered reproducible and, ultimately, accessible to users for various purposes at locations that are open to the public.

Like many other collective goods, and as a stored and universally accessible body of information, national memory is the result of a consistent collective production process which

takes place in several stages (*Figure 1*, bottom section). Similarly, the actors who participate in the production process are reliant on a number of equally collective processes which originate outside the system (*Figure 1*, top section). We view the services which are indispensable to the production of national memory as services that are derived from a number of other collective goods which themselves require suitable management. These services may be physical (e.g., storage area, recording media and reception structures) or non material (e.g., the capacity to select material worthy of conservation) in nature.

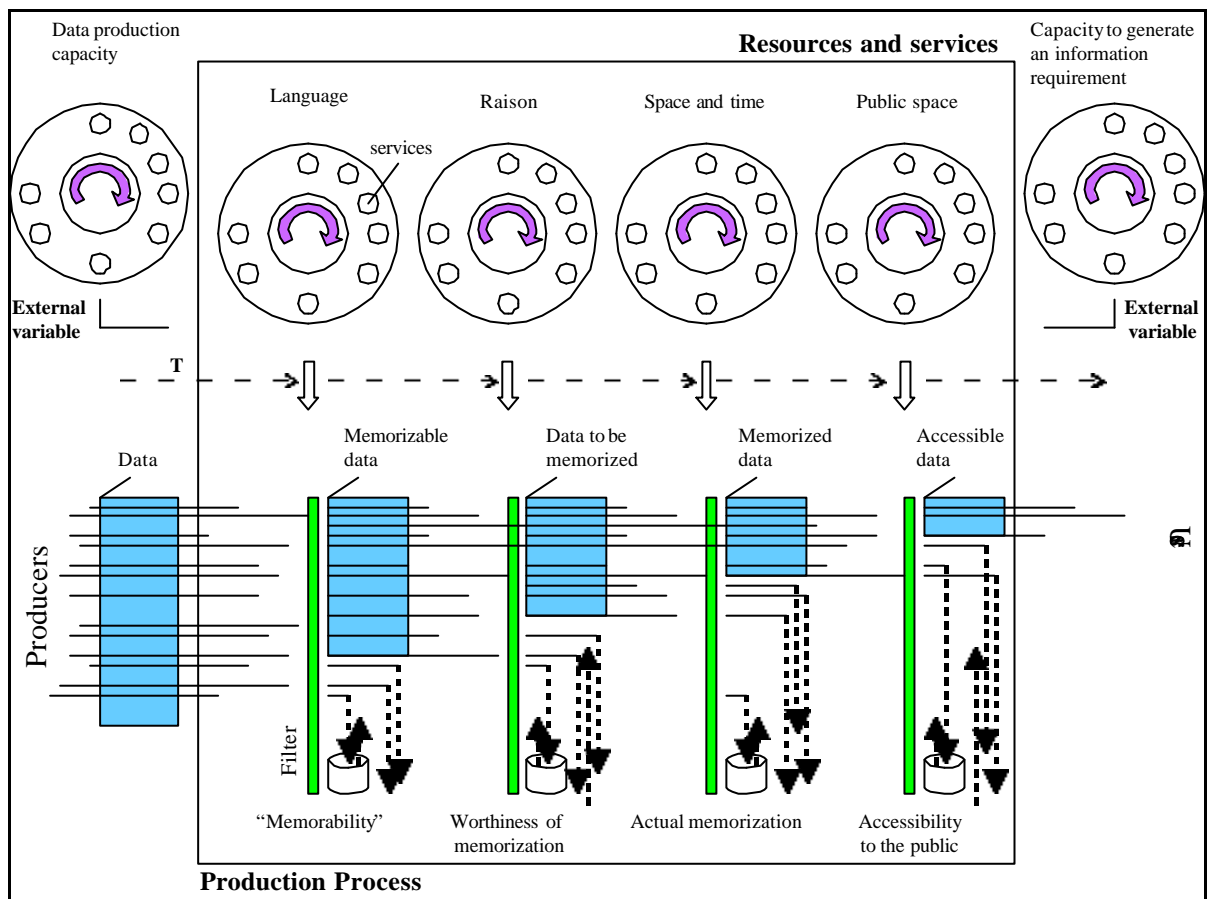


Figure 1: Diagram representing the collective good “memory”: production process and the necessary collective services

According to the principles of modern public management, the process for the production of national memory is the responsibility of the operators while decisions concerning the management of services provided by collective goods are the responsibility of the regulators. In reality, however, these two groups of actors are not always separate entities and often involve the same people. Nonetheless it is the job of the regulator to take decisions relating to the external services because these define the scope and coherency of the institutional regime governing the common good of collective memory. Thus, such decisions have significant

political implications. They may be taken in a coherent way for the entire good in question, irrespective of the media and establishment that produces them (library, archive etc.) and have political and democratic legitimacy.

3 Relevant dimensions of collective memory building processes

3.1 Stages of production

The stages involved in the production of national memory are characterized by the implementation of successive choices concerning the overall processing of documents, from their creation to their being made available to the public. The two central problems that are always mentioned in the context of the conservation and preservation of collective memory are those of location and media. Thus, every actor – who produces and/or stores documents – subjects the data to a process involving the attribution of a recording medium and a selection process enabling the reduction of the large volumes of information produced, the end result of which is the provision of access to the public (users) of a certain quantity and quality of documentation. This process is mainly carried out on the basis of four types of selection process (*Figure 1*, bottom section).

(1) *Memorability*: in order to be memorized and recorded on a medium, every piece of information must be available in a tangible material form. This selection process is almost automatic as only those data that can be recorded on a medium can be memorized. Thus, the decision by operators on whether or not to conserve a piece of information depends on the availability of appropriate recording media.

(2) *Worthiness of memorization*: in order to avoid being submerged by its own stock of information, the actor who conserves data must be able to select between data that is worthy of conservation and that which may be destroyed on the basis of established criteria. This involves a process of selection based on the capacity of the actors concerned to distinguish between data that is worthy of inclusion in a documentary heritage of public interest and that which is not. The decision concerning worthiness of memorization is one that represents a collective choice, the political impact of which is highly significant; thus operators should be able to base their decisions on directives created by legitimate regulators and enshrined in legislation. Irrespective of the issue of subjectivity, without such bases, operators risk being exposed to pressure from the producers of the data who very often wish to conserve more than “necessary” and against whom they have few means to defend themselves.

(3) *Actual memorization in the form of storage*: everything that is worthy of memorization will not necessarily be memorized in reality. A series of technical issues also enter into the equation: in order to be memorized data must be classified correctly, locatable and recorded on a sufficiently durable medium. Thus, the issues surrounding the conservation and restoration of media have a role to play on this level. However, the most important factor here is the location of storage as this has a highly significant influence on the selection of documents for conservation by operators. A lack of storage capacity imposes choices in relation to the worthiness of the data for conservation which have serious political implications.

(4) *Accessibility of stored data to the public*: some media and documents do not tolerate frequent handling and are, therefore, protected from over-use. For reasons of lack of space, others are conserved in locations which are not accessible to the public. Others are conserved in places that cannot be identified, and, finally, others contain data or information that must remain protected for a certain period of time. Only those data that are effectively accessible will ultimately reach the users. This accessibility necessitates appropriate accessibility structures as well as – and above all – criteria for selective inaccessibility which must always be produced by the regulators.

3.2 Needed capacities

3.2.1 Intrinsic capacities

The four types of selection can only be implemented coherently by the sector's operators if they are able to rely on four corresponding services (*Figure 1*, top section) and whose management is the responsibility of the regulators:

(1) *Capacity for the production of signs and media*: this service consists in the production of media: historical and technological developments directly influence the capacity for the creation of new media which are increasingly effective, compact and light and enable the recording of data that could not previously be recorded. As opposed to this the most modern media tend to be less resistant to the effects of aging (acid paper, electronic media that last for a very short period or become illegible after a few years). Thus, the task of the regulator is to promote appropriate media and to encourage producers to use them.

(2) *Judgement capacity*: judgement capacity corresponds to the need to decide which data or documents are worth of conservation or memorization. The more space available for the storage of data, the less acute the issue of selecting between what is worth conserving and

what is not. Furthermore, every society is based on values which vary in accordance with its experience: i.e. historical value (the more a society changes, the greater the perceived need to guard its heritage), political value (the importance assigned to a given document based on the dominant political preferences), cultural value etc. All of these values influence the actors involved in the issue of the storage (memorization) of data: the producers of data, the reception personnel in the institutions, the sector's professionals (archivists, librarians etc. who work on the basis of a precise professional code) and, finally, the users. The regulator should ensure that adequate legal bases are provided for such judgements.

(3) *Storage capacity*: the memorization of data is no guarantee of its availability. A document can be stored in a storage centre and remain there for a very long time: in this case, it may be very difficult to locate it. In other words, data may be stored physically, but later prove impossible to find and hence is not memorized. This failing depends on factors such as the quantity of data (internet), the space available, expertise, cataloguing, storage, classification, compression and conservation. The document may be damaged: destruction, theft, overload, bad cataloguing can all lead to the partial loss of the documentary heritage. Here also, the regulator should ensure that the legislation takes these factors into account: it should promote the knowledge and practice of cataloguing and classification and the conservation and protection of recording media.

(4) *Capacity for appropriate accessibility and valorization*: it is always possible that a well memorized document will not be made available to an interested user. On the one hand, the data may be protected, the medium may require particularly careful handling or the document may be in the possession of a different user (homogeneous rivalry); on the other hand, the information on the availability of documents needs to be communicated and valorized. An operator who lacks infrastructure, personnel and adequate financial or other resources cannot make suitable use of documentation. The regulator should ensure that the distribution of resources is equitable and sufficient, and if it is not find alternative resources.

3.2.2 External capacities

While they also influence the availability, size etc. of the national memory, unlike the four aforementioned services which influence the production process, the capacity for the production of data and the capacity for the generation of an information requirement cannot be controlled by any regulator. The only task for which the regulator is responsible in this context consists in the monitoring and follow-up of indicators which reflect changes in these

two variables: these observations enable the planning of its intervention in relation to the quantity and quality of services used in the production process.

(1) *Capacity for the production of data*: as a collective good, the memory produces a mass of documents which involve different sectors: i.e. cultural documents, documents concerning policy, statistical documents, legal documents etc.

The under or over-exploitation of the production in a society would prompt a disastrous reduction or increase in the quantity and/or quality of its documents. It is also possible to imagine that a given political situation could lead to the cessation, reduction or selective and politically controlled production of cultural data. Ideally, the general capacity for the production of data should find a point of equilibrium which would allow the maximum possible freedom and variety in terms of the quantity and quality of the documents produced.

(2) *Capacity to generate an information requirement*, a demand for documented information: a documentary heritage is only meaningful if it is used. The need of a society to rely on a national memory depends on different factors: this need makes itself felt in particular in a society that is undergoing enormous change. This situation creates a need for stability and predictability of the future *vis-à-vis* the evolution of the past which influences the public interest. Monitoring on the part of the regulators enables them to be sensitive to changes and to find solutions when the need arises.

4 Capacities as services of common resources

4.1 General features of non material common resources

These four capacities are necessary to produce the common resource "national memory". They can be considered as services provided by non material resources to be attributed to the user-actor which is the operator of the memory building process (direction of archives, libraries, museums, etc.) and managed by a network of collectives (societal and state) actors in a more or less sustainable way. The regulator of national memory building processes belongs to this network managing the four concerned resources. Its contribution consists of guaranteeing a sufficient permanent flow of the concerned services which, in turn, depends on a constructive contribution of the regulator to the maintenance of the reproduction capacity of these resources.

If we accept this (certainly simplified) analogy of non material man-made common resources with natural material resources, then we must start identifying at least roughly the

characteristics of these resources. Remember that the proposed conceptualisation of national memory as a common is not primarily focused on uses, use right and intitled uses of the memory itself, but on those resources necessary to produce and reproduce this memory. We have made this choice because we consider at least at present this preliminary question as more important than the latter. Indeed, without empirical knowledge about these production resources, we can not start building a functional national memory policy.

Unlike material commons, non material ones can probably never be considered as well limited entities with relatively stable reproduction mechanisms, (more or less exclusives) use rights, entitled user-actors rivalries or clearly defined legal status and institutional regulation. Furthermore, it might well be that the gap between the normative postulate of their being commons and the empirical reality of the silently becoming actual private or club-goods, is much greater than in the case of physical commons. And the identification of rights and the degree of their exclusiveness will probably need enormous empirical efforts which go far beyond the normally limited research resources in social sciences at our disposal. Nevertheless the increasing regulatory practices both in the field of civil law (intellectual property, licences, etc.) and of public policies (compatibility-rules for computer systems, research and investigation bans, information storage, regulations of access right to specific pieces of national memories), show not only the increasing role of non materials in an increasingly dematerialised postindustrial society, but also an ongoing parallel process of political construction of such resources, as a reaction on dysfunctions in the field of one or another hitherto abundantly provided services. This process which corresponds to a switch from an initially public to a common good is quite similar to the one we could observe at the very beginning of the creation of institutional regimes in the field of material (natural) resources.

In this initial phase of the creation of regimes there even does not exist an internationally recognized common language on the basic entities we consider as being the relevant resources. Notice that this is even the case in the field of more traditional resources with relatively short regulatory traditions, like landscape or knowledge, where we still can find significant differences between for instance German, French, Spanish or English terms in use.

In this paper we therefore do not insist on precisely defining the resources in question, reason why we use relatively abstract "names" for these entities without claiming a comprehensive definition of these entities which up to now only have been politically perceived by means of partial regulations of some of their most frequently used services.

In this sense, we consider as the resource producing memorability of documents in terms of the capacity of the society to produce adequate signs and media for information, the common resource *language* (1); the resource for producing the judgment capacity on the dignity of a document to be memorized, the resource *reason* (2). We furthermore call the resource responsible for the capacity to stock such documents, the resource *time and space* (3); and the one providing the capacity to make available and to valorize such documents to interested uses, the resource *public space* (4).

4.2 Analytical dimensions

In the following tables we present a first attempt to produce some dimensions derived from the institutional regimes approach for the empirical analysis of the four resources we are interested in. Contrary to the today well known physical resources (water, soils, land, forests or air) and according to the special situation of the recent emergence both of some critical services of the questioned resources and related regulations, our entry point is the critical service needed for national memory building processes and its eventual threats by increasing uses of rival services of this resource. This approach bears the inconvenience that it does not consider the resource from the point of view of other potentially relevant services used by actors stemming from outside of the memory building process such as science building processes, economic processes, etc. The advantage of this approach is its direct usefulness for future regulatory practices.

The presented framework is still very simple. So the following summary tables only use three basic dimensions which are:

- *individual elements* of the services, that the related resource provides for producing the specific capacity necessary for the collective memory building processes (at present, a total of 25 elements);
- potentially or actually (more or less exclusive) *rival uses* of other services probably stemming from the same resource and potentially threatening the providing of one or the other elements of the service used for collective memory building processes;
- some (still incompletely presented) existing or imaginable *regulations* aiming at controlling the mentioned rivalries by means of creating or modifying (civil) property rights and/or specific problem oriented public policies.

4.3 Tentative applications

4.3.1 Resource "Language"

The term "language" covers all kind of mutually understandable communication means (writing, sounds, body movements, pictures, etc.) which can be fixed by means of physical media allowing its reproduction in time and space. Its regulation concerns either the structure of the signs or characteristics of the physical media. Use rights therefore affect the use of signs and/or the one of media.

Table 1: Resource "Language". Service needed for collective memory building processes: Capacity to produce adequate signs and media in order to render the information memorisable.

Individual elements of the resource / Services for national memory building processes	(More or less) rival uses	Use right regulations (property rights / public policies)
Element 1 <i>Continuity over time</i>	<ul style="list-style-type: none"> • Destruction/modification of existing languages, sign and media • arrival of new languages, sign and media 	<ul style="list-style-type: none"> • Licences for computer languages • intellectual property on texts, objects of art, etc. • prohibition of destruction • human right to use the mother tongue • bans of using none native languages, etc. • Record management (archives), obligation of use of official documents as media • ISBN regulation • legal deposit obligation • etc.
Element 2 <i>Reproducibility over time and space</i>	<ul style="list-style-type: none"> • Destruction of codes and computer languages • restricted reproducibility • etc. 	<ul style="list-style-type: none"> • Intellectual property (including the right to destroy the media) • copy rights (limiting reproduction) • use rights on reproduction facilities • etc.
Element 3 <i>Universality</i>	<ul style="list-style-type: none"> • Use of club language (ex. SMS) • technical languages • incomprehensive hieroglyphs • etc. 	<ul style="list-style-type: none"> • (More or less exclusive) property rights on key words, codes, secrets. etc. • Other intellectual property rights, on personal data • public access to administrative information policies • publication bans • free access to information regulations • etc.
Element 4 <i>Transferability (low interaction costs)</i>	<ul style="list-style-type: none"> • Non translatable languages (closed languages spaces) 	<ul style="list-style-type: none"> • Regulation on use rights on dictionaries, translation bans • linguistic protectionism • translation censorship • translation rules/obligations

4.3.2 Resource "Reason"

For the time being we do not conceptualize the resources needed for the acquisition of publicly interesting documents, because we hypothesize that at least in most cases the owner of the documents has sufficient interest to bring his/her information into the national memory. This hypothesis might be wrong in the case of marketable documents with very high market prices (e.g. paintings, objects).

Table 2: Resource "Reason". Service needed for collective memory building processes: Judgement capacity on dignity of the documents to enter into the national memory

Individual elements of the resource / Services for national memory building processes	(More or less) rival uses	Use right regulations (property rights / public policies)
Element 1 <i>Commonly shared values (common sense) in the field of aesthetics (judgment on aesthetic values of documents)</i>	Arguing for ugliness	<ul style="list-style-type: none"> • Prohibition of collecting ugly art, wearing ugly clothes • protection of use rights on ugliness • popular voting on the acquisition/destruction of objects of art • etc.
Element 2 <i>Commonly shared values (common sense) in the field of justice (judgment on legal values of documents)</i>	Arguing for banning / destruction of legal documents	<ul style="list-style-type: none"> • Individual use rights on personal legal documents • destruction of official registers (e.g. land registers, electoral registers, etc.) • prohibiting use rights on legal documents • regulation of archive keeping obligations in the public and in the private sector
Element 3 <i>Commonly shared values (common sense) in the field of history (judgment on historical values of documents)</i>	Arguing for the absence of historic values of documents	<ul style="list-style-type: none"> • Guaranteeing use rights on individual and collective history • use rights on history, prohibition of history falsification, voluntary "forgetting history" campaigns ("<i>Ley del Punto final</i>") • recognition of use rights on history • working up of controversial historical periods
Element 4 <i>Commonly shared values (common sense) in the field of science (judgment on the scientific value of documents)</i>	Arguing for denying the scientific value of documents	<ul style="list-style-type: none"> • Use rights on scientific methods (the right to refer to them) • use rights to participate in open scientific debates (including the right to deny) • intellectual property rights on conceptual frameworks, models, etc. (e.g. patents, etc.) • freedom of research bans (e.g. in the field of human genomes, etc.)
Element 5 <i>Commonly shared values (common sense) in the field of culture (judgment on culture values of documents)</i>	Arguing against the culture value of a document	<ul style="list-style-type: none"> • Right to use the cultural traditions and eventual restriction of such use rights • bans of indigenous cultures • cultural promotional policies
Element 6 <i>Commonly shared values (common sense) in the</i>	Arguing against the veracity of a document	<ul style="list-style-type: none"> • Use right on justice (<i>Recht auf den Richter</i>) • use rights on truth (e.g. in the hands of judges)

<i>field of truth (judgment on veracity of documents)</i>		<ul style="list-style-type: none"> • right to participate in truth production, to criticise and to question truth
Element 7 <i>Commonly shared values (common sense) in the field of ethics (judgment on the ethical value of document)</i>	Arguing against for denying the ethical value of a document	<ul style="list-style-type: none"> • (More or less exclusive) use rights to participate in ethical commissions, ethical judgments, etc. • use rights on ethical codes (right to refer to) • regulations of professional ethical charts • etc.

4.3.3 Resource "Time and space"

In reality, this primarily physical resource may or may not be a common resource. In fact, storage capacity can be owned privately or as a club-good; it becomes a common good if it is owned by public memory building operators, because a systematic exclusion of interested user-actors normally is politically not wanted and the existence of rivalries is quite evident.

Remember that the scarcity of storage capacity is probably one of the most important starting point for reconsidering memory building processes which might even affect the use of the resource *reason*, when it leads to "unreasonable" choices on the dignity of a document to be conserved (because of arguing lacking storage space). Furthermore this resource is evidently man-made and its production/extension depends on clear cut political decisions.

At the time being we include into the storage capacity also adequately skilled human resources and professional skills on conservation techniques (although these resources in the further step of conceptualization will probably be considered separately).

Table 3: Resource "Space and time". Service needed for collective memory building processes: Storage capacity

Individual elements of the resource / Services for national memory building processes	(More or less) rival uses	Use right regulations (property rights / public policies)
Element 1 <i>Storage capacity per media category (books, sounds, objects, legal documents, etc.)</i>	Storage of all other media categories	<ul style="list-style-type: none"> • Quota system per media category • explicit privileges for one category • storage capacity extension/reduction/avoiding doubles by means of coordination • tradable storage capacity use rights (public or private) • property rights on buildings
Element 2 <i>Reserved capacities for prioritarian documents (e.g. paintings, historical writings needing special conservation conditions)</i>	Extension of services for non privileged documents	<ul style="list-style-type: none"> • (Heritable) rights on storage capacities for specific document producers • co-partnership rights in the hands of future users on the attribution of capacities • (dis-) classification and removal to the detriment of use rights of hitherto underprivileged categories ("expropriation")

Element 3 <i>Inventory capacities (human resource)</i>	Increasing all other capacities to the detriment of the personal budget	<ul style="list-style-type: none"> • The labour market regulation on civil servant statues, such as rights an working places • introducing new inventory techniques (needing other/new qualifications of more or less personal) • (professional, international) inventory standards and regulations.
Element 4 <i>Conservation capacities (restoration, rehabilitation needs and skills)</i>	All other elements of this service (without elevating the budget)	<ul style="list-style-type: none"> • Conservation techniques regulations • rights of document producers to decide on restoring there works • intellectual property right of producers • prioritarian rules for specific documents • regulations on conservation conditions (temperature, humidity, etc.)
Element 5 <i>Pre-archival capacity (provisional storage before drawing up the inventory)</i>	All other elements	<ul style="list-style-type: none"> • Regulations on compulsory acceptance obligations for specifically documents (waiting list)
Element 6 <i>Physical storage surfaces capacity (hard discs, etc.)</i>	Privileged capacity use rights	<ul style="list-style-type: none"> • Privileged capacity use rights • compression techniques regulations
Element 7 <i>Other uses of surfaces (teaching, conferences, coffee corner, museum shop, etc.)</i>	All other elements	<ul style="list-style-type: none"> • (Attribution, modification) of use right for supportive associations, clubs, universities or shops
Element 8 <i>Other (external) elements of the service (e.g. rights on the building, electricity delivery, urban functions, historical monuments, etc.)</i>	Potentially all other elements (exclusion of modifications or capacity extension, energy saving measures, social uses of the building, etc.)	<ul style="list-style-type: none"> • Use rights of the public on the historical monument: destruction/modification bans • licences on storage/inventory computer programs, etc.

4.3.4 Resource "Public space"

The public space produces vital services for all the actors of open democratic societies, which for them are as important as the resource air or water for life. Public space is a very dynamic resource nourishing or hindering discursive value productions (resource "*Reason*"), language production (resource "*Language*"), etc. Its threats stem from privatisation, "club-goodization" or monopolistic uses of specific actor groups to the detriment of others. This last characteristic shows well its status as a common good because of the existence of rivalries and the normative postulate of not excluding permanently or systematically specific actor groups from its use within democratic societies. Nevertheless, actually we can observe appropriation processes and the creation of more or less exclusive use rights on public space (telecommunication, media, culture). Accessibility is an important characteristic of the whole

memory building processes (storage of publicly interesting and memorisable information which merit figuring in a collective memory). Notice that this postulate also affects other kinds of publicly interesting information which do not figure in the national memory. The interesting service of this resource for memory building processes is both physical (built spaces) and non material (virtual) space.

Table 4: Resource "Public space". Service needed for collective memory building processes: Capacity for appropriate accessibility and valorization

Individual elements of the resource / Services for national memory building processes	(More or less) rival uses	Use right regulations (property rights / public policies)
Element 1 <i>Physical accessibility (archives, libraries, museums)</i>	<ul style="list-style-type: none"> • Homogeneous overuse: massive simultaneous uses • heterogeneous: closing hours, lacking reading places • etc. 	<ul style="list-style-type: none"> • (Temporal) pricing of use rights • global quota limitations • cueing regulations • time limitations for visitors • public policies on closing ours • lending services • insurance obligations of using actors • special access prohibition for specific actor groups (for instance children, etc.) • etc.
Element 2 <i>Virtual accessibility (Internet)</i>	<ul style="list-style-type: none"> • Homogeneous: overuse of internet accesses (massive arrivals) • heterogeneous: (temporal) limitations of access by Internet for certain documents 	<ul style="list-style-type: none"> • Pricing • temporal use right limitation • special access codes • special access prohibition for specific actor groups (for instance children, etc.)
Element 3 <i>Usability: secret documents</i>	<ul style="list-style-type: none"> • Robbing of secret documents • hacking of computers • etc. 	<ul style="list-style-type: none"> • Uses right of (temporary) inaccessible documents for individual persons affected by the information (secrecy of personal data) • special access rights for specific actors to secret documents • use rights opened up by court decisions • penalties for abusive uses • etc.
Element 4 <i>Usability: reproduction</i>	Reproduction of documents for which reproduction is prohibited	<ul style="list-style-type: none"> • Reproduction rights of certain user groups • regulations on reproduction taxes, etc. • regulations of intellectual property rights in the hands of information producers, etc. • reproduction bans
Element 5 <i>Usability: economic exploitation</i>	Homogeneous rivalries: economic exploitation (e.g. of patents) by non entitled other user-actors	<ul style="list-style-type: none"> • Use rights guaranteed by (more or less exclusive) patents • Regulation of patent use rights • economic exploitation bans • all kind of (international) trade regulations
Element 6 <i>Usability: modification</i>	Modification of documents (destruction, damaging, illicit substantial changes, falsification)	<ul style="list-style-type: none"> • All kinds of modification-bans in the interest of the protection of the intellectual property right of the author, of historical truth, etc. • Penal prosecution • Insurance obligations

5 Comments and concluding remarks

This tentative description of key dimensions of the four resources providing, each one, essential services for national memory building processes is far from being complete and/or comprehensive. It has to be considered as the result of several first rounds of brainstorming opening up questions rather than giving answers. It is also evident that for each element of the concerned goods there exist more or less abundant pieces of literature and detailed legislative regulations in each country to be taken into account. Nevertheless, the proposed framework opens up a new reading of this literature and of empirical reality by means of putting them into the context of institutional regimes' analyses. As a first result of this work, we can formulate the following three conclusions:

- It becomes evident that analysing and, later on, organizing public action in the field of collective national memory can not take as its starting point the last step of production which concerns the resource "*Public space*" where we have to do with quite classical use right questions rooted in actual property rights and public policies well known from the discussion on the information society. Indeed, we have to do with a much more complex regime; important public decisions about use rights have already to be taken within preliminary phases of the memory building process. We must therefore *include the three other (partly common) resources* and the public regulation of sustainable flows of the services they provide as proposed in this paper (these resources may be provisionally called "*Language*", "*Reason*" and "*Space and time*"). Without making an explicit demonstration in this conceptual paper, the reading of the tables suggest numerous *interrelations-ships between the four basic services*, their elements, existing or imaginable use rights and entitled user-actors. As far as we know, up to now these use rights have never been analysed as being decisive determinants of memory building processes. Usually lawyers, archives scientists or museum specialists considered them rather as part of the given institutional environment of their daily work without questioning them. It seems that such efforts also have to be undertaken in the field of non memory building oriented public information management policies which often tend to neglect regulating those resources used in previous stages of their production.
- The tables do not yet consider and analytically conceive existing *rivalries between services needed for a memory building policy and other services needed for other types of collective knowledge building processes* (e.g. in the field of scientific fundamental research, of applied economic research or security policies). It may well be that the latter

require more or less universality (coded languages), not publicly argued truth ("terrorism") or less accessible (club owned) public (police) spaces. They also may need much more exclusive use rights for publicly interesting documents representing billions of research investments (patents). Therefore, national memory regimes must take into account such external rivalries and regulate them in a sustainable way if they ought to be actually integrated regimes in terms of our regime categories (high extent, high coherence; see Knoepfel, Nahrath paper presented at this conference). This work is still to be done.

As we will have to do with several common pool resources and related use rights and user-actors this task will be more complicated than the elaboration of single (natural and non material) resource oriented regimes as we did it in the past. In this sense the postulate of a high extent of the regime requires not only the regulation of all (elements) of potentially rivalry services of each one of the four resources (incl. those services used for other, non memory building oriented activities which still remain to be identified). This is necessary because we must assume that *relationships between the affected resources* might be of high relevance. Thus, lacking regulations in the field of the resource Language will affect use rights in the field of the resource Reason and inevitably lead to lacking services in the field of the resource Public space, etc. The same is true for the requirement of coherence of the regime which again affects the four resources individually and the inter-resource-coordination. National memory building regimes only can be considered as guaranteeing sustainability if there exists a comprehensive and coercive coordination mechanism amongst all entitled user actors which must be guaranteed by a strong regulator capable to rule memory building processes run by a multitude of such different operators as federal, cantonal, municipal and probably also important corporate private archives, libraries, museums or documentary centres.

- Finally, the paper shows the usefulness of the institutional regime approach imposing a new comprehensive lecture of library's, museum's, archive's, etc. practices in terms of regulating and precisely coordinating use rights in the hands of entitled user-actors on identifiable elements of goods and services provided by collective (mostly common) resources by means of property rights (regulatory system) and public polices. Practically, the most evident advantage of this approach for policy makers is the *need for taking into account the importance of the regulative system*. New memory policies can not be conceived in a voluntary way independently on (reconsidering) the basic (intellectual)

property right order. Policy analysts do well know that policy makers often make the mistake of conceiving policies without considering such policies as only being one part of regimes. As we have learned from institutional economics, the other part of such regimes are pre-existing or newly created use or property rights rooted within long lasting regulatory systems. If nevertheless they neglect this knowledge because they do not dare touching these rights, politicians must not be astonished when their policies fail in the implementation stage, because property right owners will activate their rights in order to block intended concrete problem solutions in the sense of the public policies objectives.

Our scientific community must be conscious that at the time being we only stay at the very beginning of huge transformation processes in the field of collective memory building policies which are increasingly important for our globalized information society at the beginning of the 21st century. Notice that science always seems to be less innovative than the real world actors. Therefore, it becomes increasingly important to prepare new frameworks enabling new empirical insights by means of adequate new glasses for answering new and unusual questions for further theory building. The institutional regime approach enhances us to do this job of a new lecture of ongoing changes in the fascinating world of collective memory building, a field, which until recently was considered dusty and boring by most political scientists.

6 Annexes

Annexe 1: Tables

Figure 2: Resource "Language"

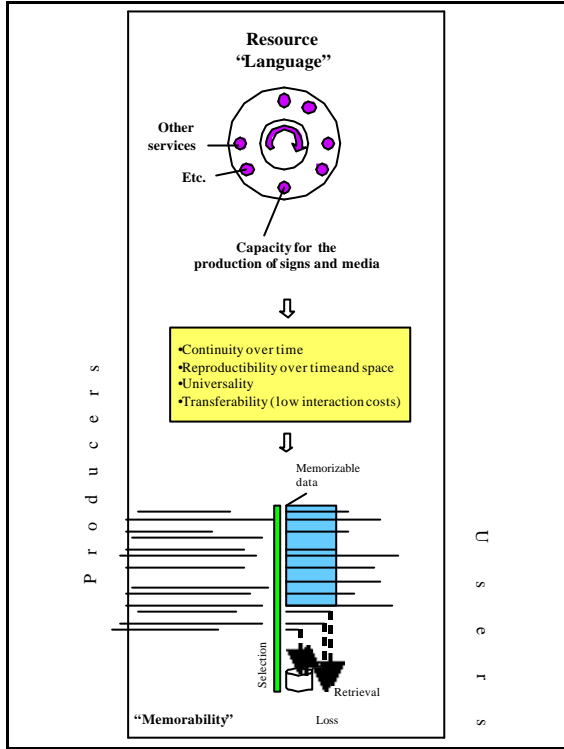


Figure 3: Resource "Raison"

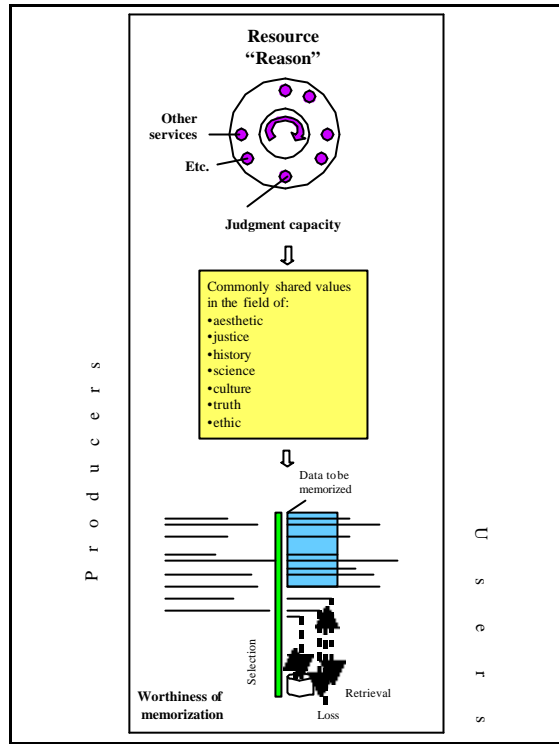


Figure 4: Resource "Space and time"

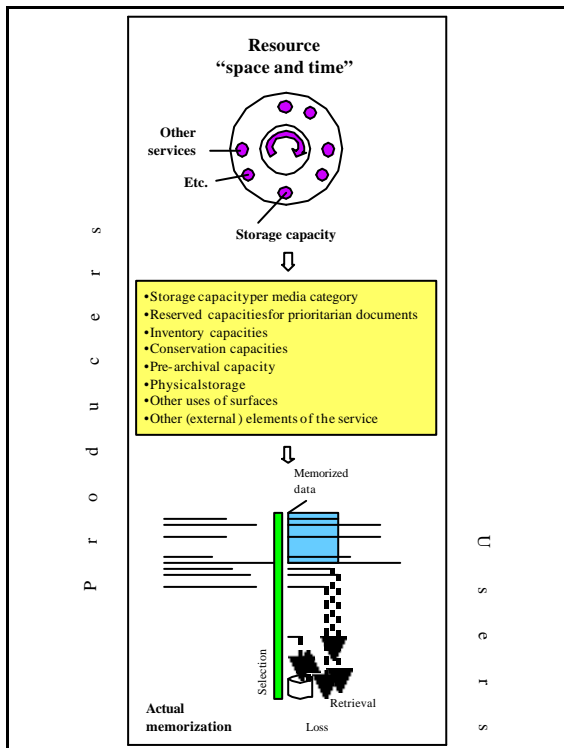
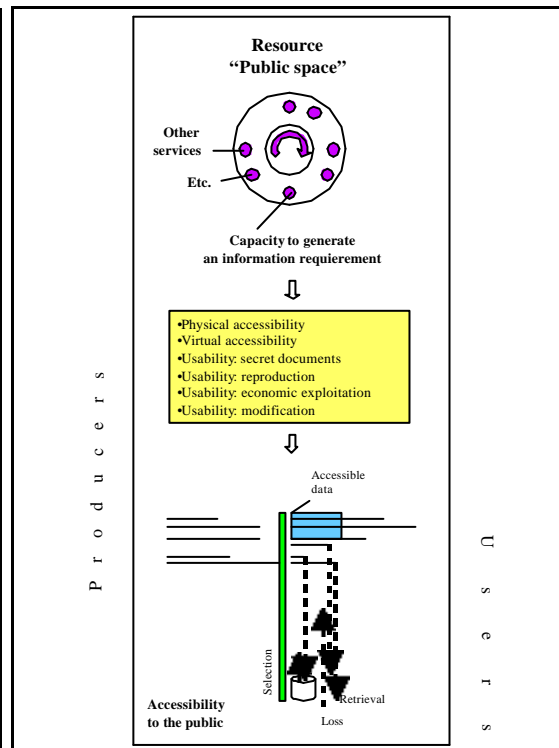


Figure 5: Resource "Public space"



Annexe 2: Bibliographical research

In the near future, we have to confront our framework with findings presented in the following pieces of literature:

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- Dasgupta, Partha, Mäler, Karl-Göran, Alessandro, Vercelli (eds.) (1997). *The Economics of Transnational Commons*. Oxford: Clarendon Press.
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- Héritier, Adrienne (ed.) (2002). *Common Goods: Reinventing European and International Governance*. Lanham: Rowman and Littlefield.
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- Thompson, Michael; Richard Ellis and Aaron Wildavsky (1990) *Cultural theory*, Boulder: Westview Press.