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“What Is an Archive?”
in the History of Modern France

Many, even great minds, remain unfamiliar with the meaning
of “archives.”—Alphonse Huillard Breholles,
“Les Archives de l’Empire”

FOUNDED, LIKE THE MODERN FRENCH NATION, in 1789, the Archives nationales has stood at the center of debates over the proper relationship between state and society throughout French history. The revolutionary act of creating a national archive posed the question “What is an archive?” at the very founding of the new nation. The Archives outlived its Revolutionary architects and remained to testify to the fraught history of the French nation-state. Throughout its own history, the Archives has been the subject of intense debate, inside and outside its walls, over the meaning, function, and contours of this institution. Who should have access to the evidence of the state? Was the Archives nationales the proper location of historical information? What, indeed, was the meaning of the “archives” in modern France?

The meaning and the history of the Archives nationales have most often been subsumed under the sign of historical practice. The nineteenth century has been called the “century of history” for archival collections in general, and the Archives nationales in particular, characterized by efforts of historians to press its holdings and of archivists to classify documents and to publish inventories.¹ This history dovetails with the history of the historical profession in France and beyond, with its increasingly self-conscious and self-confident practitioners fanning out over the globe in search of official documents, eager to reveal the objective history of the nation-state.² And indeed, it was under the tutelage of the Second Em-

pire (1850–70) that the National Archives (then called the Archives of the Empire) worked to publicize its historical riches and create comfortable working conditions for scholars. While the archivist Alphonse Huillard-Breholles could lament in 1863 that the meaning of “archives” remained obscured to many, today the “archive” stands as a metaphor for all things historical, thanks in no small part to the work in this period to fix the meaning of the institution in the Archives nationales.

However, while its contents were indeed pressed into the service of scientific history, the Archives nationales of post-Revolutionary France was not merely a documentary treasure trove for historians seeking to tell the story of the vicissitudes of politics and the glory of the French past. To be sure, the Archives nationales is a central institution for the production of histories of France, but it is above all an institution with a history of institutionalization: a history that is deeply implicated in the politics of the nation-state as well as the production of scholarship and the promotion of national memory and identity. To untangle this complicated archive story, this essay will look at the way that the question “What is an archive?” was posed at two key moments in the Archives’ history: its founding in the Revolution and its reorganization under Napoleon III’s Second Empire. While these moments could be considered “foundational” (the Revolution founded the modern Archives, and the Second Empire geared the institution toward historical research), they also suggest that such foundational narratives obscure central tensions at the heart of the Archives.

What emerges in this investigation is that the question of the Archives nationales became a question of control over the memory of the state’s exercise of power over citizens; and of who had the power to mobilize or intervene in this memory to shape the body politic, to make as well as to write history. Thus arguments over the Archives’ function, identity, or content would be as much about the shape of the French polity as about the nature of historical truth. Indeed, rather than accepting the idea that the Archives nationales (or any archive, as we see especially in the essays by Peter Fritzsche and John Randolph that follow) is first and foremost a collection of historical documents, this essay argues for the importance of history in understanding the complexes of ideas, practices, material, and power that make this collection and its communication to a variously defined “public” possible. The history of the French National Archives is an “archive story” of its own, one that forces us to consider the relation-

ship between the history of the Archives, and the claims of historians, citizens, and the state on history in the Archives.

The Archives dites nationales

Before 1789, just as there were no citizens and no modern nation-state, neither was there an institution akin to a national archives of France. When the National Assembly moved to create its own archives on July 29, 1789 (within two weeks of the storming of the Bastille), official archival depositories were numerous and dispersed. The king had his *trésor des chartes* (the treasury of charters, a collection that contained treaties and other documents dating back to Dagobert and Charlemagne); each parish and monastery had its own charterhouse, with records of land holdings and registers; the courts held the records of their proceedings.³ The Assembly’s archives were at first closer to these Old Regime institutions, designed to hold the constitution and all acts emanating from the new Revolutionary government. The first (at least nominally) national archives came a year later, when the Assembly’s archives became the National Archives (September 9, 1790) and were declared to be “the depository of all acts that establish the constitution of the kingdom, the rights of its public, its laws.”⁴ The National Archives would contain the constitution of the nation, the rights enjoyed by its citizens, the laws that emanated from and formed the state. The Archives, in other words, expressed the relationship between the people and government that founded the new French nation.

Regulating access emerged alongside the regulation of content as a modern archival issue. The Archives gained their modern legal and physical foundations under the Convention, with the law of 7 *messidor* year II (June 25, 1794). This law broke with the tradition of the Old Regime in two significant ways—in terms of centralization (vs. dispersion to repositories around the country) and of public access (vs. Old Regime secrecy). Article 1 declared the Archives nationales to be “the central depository for the entire Republic.”⁵ Legally, it prescribed the centralization of all papers from the former establishments of the Old Regime (such as the abolished institutions and the Church) and all documents pertaining to confiscated property and the personal papers of émigrés and former heads of state, thus also providing the Archives with its physical content and a link to the

past and extending the claims to the "national."⁶ It also made the right of access to these documents a right of all citizens: article 37 allowed that "all citizens can ask, in all depositories, at the dates and times fixed, communication of the pieces contained therein," without cost and provided that they remain on the premises. Although its prescribed techniques and the extent of its application would be debated throughout the Archives' history, the right of access was not officially rewritten until 1979.⁷

The law of 7 *messidor* seemed to legislate and institutionalize the separation of the "historical" from the "national" Archives. The Archives nationales were to contain the Constitution and acts of the new order based on the natural law of the Rights of Man; the National Library (Bibliothèque nationale) would be the seat of art, history, and the sciences, offering tools for the instruction of the citizen. Citizens would thus have access to the workings of politics through the documents contained in the Archives and access to "history" and its acceptable fruits in the Library. A triage committee was convened to continue the work of classifying and conserving (and when necessary destroying) documents and sending them to their proper institution.⁸ This law could be read quite differently, however, for the meaning of "history" was itself subject to historical change, and the Archives held the evidence of a new nation that would have a history all its own. This history resided in archival records of the nation's birth, in papers charting the fits and starts of its early years, and in documents establishing a firm legal foundation for its growth. The law of 7 *messidor* thus stood as the knot that tied nation and state to its new, ever-emerging history—a history that evolved with the workings of government.

Standing at the gates of the Archives was the national archivist who managed this crucial institution. At its inception, the position of archivist was that of a government functionary, elected by the National Assembly and responsible for following its directives and answering its requests for documents. The nation's first archivist, Armand-Gaston Camus, was a well-known lawyer and spokesman for the legal profession (his *Letters on the Lawyer's Profession*, which appeared in 1772, remained a classic on the law well into the nineteenth century). He performed a variety of duties for his employers—both government and citizens. Camus's most important functions included the conservation and communication of essential documents to citizens and officials alike, but also the sorting and classification of the Archives described as *dépouillement*, which meant variously to

inspect, to cast off, or to divest.⁹ The ambiguity of this term and the results of its application would be debated throughout the history of the Archives, for it involved selecting what belonged in the Archives and determining how that content would be categorized.

With the shape of the nation-state and that of the Archives so intimately linked, it is not surprising that changes of regime would mean changes in the Archives. While the law of 7 *messidor* continued to govern the Archives, each new government attempted to make its mark on the institution. A most ambitious post-Revolutionary archival vision belonged, not surprisingly, to Napoleon.¹⁰ With the help of Pierre-Claude-François Daunou, another lawyer and former representative appointed to replace Camus at his death in 1804, Napoleon theorized an Imperial Archives that would centralize evidence of the Empire and its memory, spread across time and space. In this way Napoleon's archive was very much a continuation of his Revolutionary predecessors' depository. Concerned with property titles as well as history, Napoleon ordered the capture of archives as well as lands on his foreign campaigns. Equally obsessed with constructing a government at home and a lasting legacy, Napoleon kept scrupulous notes, all to be held in the Archives (though kept in a separate office, away from the gaze of his ministers or the public).

Despite Napoleon's forays into archival policy, Daunou, who served until 1840, managed to continue the work started by Camus by focusing his efforts on the classification of those documents that made up the national documentary patrimony. He divided the archives into five sections—property and topography, judicial, administrative, legislative, and historical monuments, each with an alphabetic and numeric code. This move institutionalized the presence of the raw materials of "history" in the Archives: the monuments comprised mostly the *trésor des chartes* and treated them as "monuments" because of their antiquity and anachronism. This is not to say the Archives drew much in the way of interest from historians—from 1804 to 1816, there were only seven reported requests from scholars.¹¹

This poor showing on the part of historians is not necessarily evidence that the institution was empty of "historical" information, materials, or interest. The boundary between the scholarly and the legal or administrative was hardly fixed in this period. Under the Bourbons and the July Monarchy François Guizot and Jules Michelet both found work in the administration of the Archives as well as in research in its contents. Miche-

let was appointed head of the Historical Section from 1830 to 1852; Guizot enjoyed significant power over the institution as the Minister of Public Instruction until 1848. For them, history and politics were intimately linked. While in the Old Regime royal historiographers, who were most often jurists or functionaries, had consulted documents and written histories in the service of the king, historians such as Michelet, Guizot, and Thierry (themselves functionaries or trained lawyers) were inspired by and participated in politics as citizens. They regarded politics as inseparable from the law, history, and future of the French nation. The issues addressed by these historians and the methods employed to address them were shared by the science of jurisprudence. The Archives embodied these shared interests in this period, paving the way for scientific history.¹² Camus and Daunou, both venerated as lawyers as well as for their active roles in politics, thus fit perfectly into the Archives' directorship.

It would be up to the next generation of directors to translate this interest in archival materials into changes in the institution. Increased interest from legal and historical study manifested itself in a public reading room, installed in 1847 by Daunou's successor, Jean-Antoine Letronne. A respected antiquarian and historian of art known for his prodigious scholarship, Letronne took up the post upon Daunou's retirement in 1840. Letronne was typical of a new generation of archivists that would head the central state depository: still not trained as an archivist but also not a jurist, he was a scholar experienced in the administration of institutions, having held posts as the inspector general of universities, administrator of the Collège de France (where he took Daunou's chair in history in 1831), and a conservator at the Royal Library.

The Archives changed names with each change of regime, and during the turmoil that brought the Second Republic into being, Letronne tacked up a sign reading "Archives of the Republic" to obscure the royal title it had acquired.¹³ This hasty gesture symbolized the return of the Archives and the nation to their republican roots, but also underlined the Archives' relative stability. The institution of the Archives had not changed much in the intervening years. Despite his opening of the reading room, Letronne's short tenure failed to produce any substantial changes in the Archives' practices regarding public access. The gesture, however empty in practice, nonetheless signaled a will to welcome scholars to the institution. On Letronne's death in 1848 his post was given to François-Armand Chabrier, a functionary with a similar institutional experience, though lacking the

scholarly reputation of his predecessor. Scholarship had not yet won the day at the Archives of France. The idea of a truly national Archives, however, had stuck, regardless of the distractions of political upheaval since the Napoleonic era.

It would take another Bonaparte, Louis-Napoleon, to revive governmental regard for the institution. It also took a Bonapartist regime to bring to fruition the republican dream of public interest in the Archives. The Bonapartist alchemy of quasi-democratic institutional forms suffused with the dictatorial exercise of administrative control was exercised on the Archives. Under Napoleon III, the Archives were transformed into an institution manifestly dedicated to the public interest, especially if that interest was in historical study. The archival policies of the Second Empire were devoted to treading the fine line between the increasing demands of the self-styled liberal professional historian and the indistinct and ever-changing (but nonetheless real and compelling) notion of *raison d'état* that guided the Archives administrative functions. The Archives—the Imperial Archives as of 1852—had a strong administrative pedigree and contained historical documents. However, administration and history proved to be a powerful and volatile mix under the Second Empire, for this combination pitted public against government and highlighted the distinctions that emerged in the as yet unstable nation-state.

Privacy, Privilege, and Public Interest:
The Praslin Case

Silence and obscurity may not be had for the asking. . . .

It is your fate to be remembered against your will.

—Rachel Field, *All This and Heaven Too*

François-Armand Chabrier directed the Archives of the Republic when Louis Napoleon Bonaparte made history with his coup d'état in 1850. The transition from Republican to Imperial Archives was, in general, a smooth one, though Michelet was eventually dismissed from his post as head of the Historical Section in 1852. In the few histories of the Archives of this period, any trouble in the workings of the institution is likely to be attributed to Chabrier's reputation as a curmudgeonly taskmaster. Whatever complaints there were about Chabrier's directorship, it can be said that he ran a

tight ship. It seems that most of his lack of popularity stemmed from his refusal to allow archivists to work on personal scholarly projects during business hours and his insistence on attention to the archival duty. He yearned for earlier days when "order reigned in the establishment," before the influence of those who could not stand surveillance and supervision allowed abuses to be given free reign.¹⁴ His tenure was for the most part punctuated by petty disagreements with staff rather than grand institutional efforts. Chabrier was continually frustrated with the institution and his lack of power to impose the kind of order on the Archives that he felt it required. This order, however, went beyond the organization of personnel and papers, as his vision of the Archives required the institution to be an expression of the social contract. This vision put him in direct conflict with individuals in high places in and out of government, and with the trajectory that the Archives were to follow in the Second Empire.

Chabrier's archival vision comes into view in a dispute over the status of a group of papers pertaining to an infamous murder case that caused much uproar at the end of the July Monarchy. In 1847, the duc du Praslin (or Choiseul-Praslin) apparently brutally murdered his wife. The case was particularly scandalous in that it was speculated that the duke was having an affair with a young governess charged with the care of his children.¹⁵ The case never made it to trial, however, for the duke committed suicide in jail before being brought to justice. The public was riveted on the case, as it resonated with popular fascination with and repugnance at the private lives of the privileged classes, an interest that was as political as it was prurient.¹⁶ This scandal stood out, however: as a particularly salacious example in a series of political and personal misdeeds of members of the French political elite, the Praslin case brought public disgust to a head, fueling the political and moral crisis that would bring on the Revolution of 1848.¹⁷

The volatile mixture of public, private, and privilege was not so easily contained even when the revolution was over. In 1854 Minister of the State Achille Fould approached Chabrier with a request to deal with the papers of the Praslin case held at the Archives. The Comte de Breteuil, guardian of the orphans of the duke and duchess (and perhaps more importantly, senator and father-in-law to Fould) had written to the minister to request "the return, or preferably the burning in my presence, of all the letters, family papers and miscellaneous that, in my view, belong to the nine children I represent." Loath to see the papers conserved and thus possibly

consulted, Breteuil saw his request as "driven by propriety." This propriety went beyond the notion of personal conduct into the realm of law. He asked not for the court transcripts or the defendant's statement, for those without question belonged to the Court. Making this distinction between the public and the private, Breteuil appealed to the law and numerous precedents as well as the "justice of his Majesty and his government."¹⁸ Because of their salacious and ultimately "private" content, the papers were legally the property of the children and the Praslin family, he maintained; thus justice in the public sphere of law as well as in the private sphere of reputation required the destruction of the papers.

The question of honor and its place in the regulation of the Archives turned out to be more complicated than Breteuil had imagined.¹⁹ Fould did not simply order the destruction of the papers. Instead he went through proper channels and duly submitted the request to Chabrier, who found no legal basis for granting the request. As he sympathized with the Praslin children and Breteuil's faith in the law, he explained, he would like to respond positively. If the "law, his majesty's justice and government allowed for the return or destruction requested," then Chabrier might be willing to cast aside "other considerations, other reasons to object" in order to satisfy this "understandable, and completely legitimate desire, in view of the unhappiness and suffering of an honorable family." But the interests of family honor did not stand above the law, and granting the destruction would "unfortunately implicate the code and the justice of the Emperor."²⁰

The law quite clearly required that documents in criminal cases remain the property of the courts that dealt with them. The question of privacy and family honor, however, raised a serious issue given the fact that there was no protection from public access to the papers. No specific body of Archives' legislation had yet approached the implications of access for the private life of the individual citizen. Access to the materials held in the institution was governed by the law of 7 *messidor* and had been modified in practice throughout the Archives' short history. Originally a democratic right (albeit limited to the limited category of the citizen), it had become a privilege granted to scholars and functionaries who sought access through proper channels.²¹ This practice had not been challenged, however, as few frequented the Archives even for historical research. The guarantee of access, raised as a check against the secret workings of government, was designed to give the citizen power vis-à-vis government. Now the question

was raised about the possibility of government providing individuals a window into the private affairs of their fellow citizens.²²

The question of removing materials had likewise not been publicly raised. While the 7 *messidor* law also called for the distribution of documents throughout the institutions of the nation (as noted, administrative, judicial, and property matters would be stored in the Archives, while literature and history would be the province of the Library), it did not imply that these documents would ever leave the purview of the state. Papers had been confiscated from émigrés and men of state and their families had donated papers to the Archives, but the issue of removing papers from the record had not been legislated, nor so baldly posed. Rumors that the Bourbons had taken cartons from the Archives and had failed to return them would circulate into the twentieth century, drawing the ire of critics of that regime and its unlawful exercise of privilege on the documentary patrimony of the nation. Breteuil had alluded to precedents of papers being extracted from the Archives but did not seek to exercise privilege. To the contrary, he made his request as a citizen under the law and sought legal redress, claiming the primacy of family honor over the integrity of the archival record. The state held information about a citizen's private life that could be publicly damaging to that citizen's family. Thus, the danger came not from the state's possession, but from its Archives and the relationship between state, public, and private that the Archives arbitrated

Who, then, was responsible for policing the line between public interest and private honor? In a time of increasing state interest in society, the family, and the citizen, this potentially explosive question had not been subject to legal debate or modification of existing laws.²³ In the realm of the "social," nascent social science applied by moral reformers and state institutions such as the police and hospitals skirted the question of public and private. It instead was posed as a question of society and state: of population to be counted, disciplined, examined, known, and thus governed, shattering the concept of privacy of the individual into infinite pieces that matched up to aggregate categories. The archival question, though it implied understanding the terms of access to this knowledge, rested on similar assumptions of the nature of the public as a population, but one that was potentially dangerous to its individual members. Private honor had to be weighed against public curiosity, which in turn had to be measured against the public interest in a whole and accessible Archives.

Chabrier looked to the set of abstract principles that he imagined governed the Archives as an organ of government. Instead of social scientific notions of society or population, Chabrier appealed to the contract between state and citizen that governed the institution that held and expressed this contract.

The Archives, in this view, was thus more than a mere repository of governmental knowledge; it was an active articulation of the relationship of nation and state. The principles that animated the somewhat straightforward legal status of the papers were explained to Breteuil and the Emperor in a report from Chabrier. In order to guarantee the legal imprimatur of his decision, Chabrier engaged a lawyer, the liberal former president of the Paris Bar, Eugène Bethemont.²⁴ Bethemont's research concurred with Chabrier's judgment that the Breteuil request could not be satisfied within legal channels, because the request was for papers pertaining to a criminal inquest.²⁵ The individual in question had been interpellated by the law, and thus the papers were clearly property of the state. Criminality obliterated the line between public and private, a line ultimately guaranteed by the law and granted only to those who obeyed it.²⁶

This question interested Bethemont and Chabrier only insofar as the state's sovereignty was legitimate in its just policing of this boundary between public and private. Sovereignty was guaranteed only by state ownership and conservation of documents that were evidence of the relationship between the state and its citizens. The conservation of legal documents by the state, according to Bethemont, was fundamental, and "the return or the destruction of documents that establish law and criminal justice as it was rendered . . . would sacrifice public interest to private interest." Governments that did so were thus acting illegitimately. These documents served an essential, legitimizing function for the state: "Power, when it is reduced to assert itself in such grave and difficult circumstances[,] can and must conserve the proof that its actions were not capricious." Breteuil's request was doubly threatening to the state: the state would both act capriciously (in sacrificing public interest to private) and relinquish evidence of its just exercise of power. The protection of this depository of evidence of the state's legitimacy was an "immense moral responsibility," and Bethemont argued that the state would make a fatal error in "casting off the proof that justifies the actions of its agents."²⁷ The moral issue was thus moved from the protection of family honor to the defense of state legitimacy that made family honor possible in its exercise

of justice. The Archives' integrity was a moral imperative for the state that would govern justly in the name of the public it claimed to represent.

The "public interest" extended beyond the matters of justice and its administration into the realm of history, however, and here Breteuil's anxiety over access emerged. What about the right to one's reputation? What about the private interests of members of the public? Family and individual honor was a pillar of the increasingly influential bourgeois self-imagining.²⁸ Bethemont wondered if there wasn't an overriding "social interest" in conserving state papers, as "traces of the acts that belong to the history of our institutions, and of our society." Like the primacy of public interest over private in matters of state, the history of the nation should trump the concerns of an individual or family. Bethemont acknowledged that this was the risk that Breteuil worried over, but the lawyer again showed his faith in the state and its justice, calling the protection of the papers, "seized in the name of public interest," from "indiscreet curiosity." Public curiosity was the threat that the public could pose to its own public interest.

The boundaries of public interest and curiosity were never pinned down in Bethemont's brief and would reemerge throughout the Archives' history. Ironically, Bethemont's ultimate solution lay not in the immediate force of law but in the unfolding of history. Justice would bear out in time: "When the wounds of families have healed, when time has opened to the historian his due, when the depositors have made use of the archives that tradition has consecrated, then I will have nothing to say on this matter."²⁹ If the Archives were allowed to serve their purpose, they would act as a guarantee against the tyranny of government and the specter of "indiscreet curiosity." Governed by a mixture of law and good sense, a balance of conservation and access would be achieved, and state and public interest could find harmony in the Archives. The Archives created the necessary buffer zone between the state and citizen, between public and private, that the social contract required.

Establishing with the help of his lawyer the requirement of the Archives' role in the public interest in stability and sovereignty, Chabrier pleaded with the Emperor for hard legal safeguards to prevent this kind of conflict in the future. If there were indeed antecedents, as the Count Breteuil suggested, then Chabrier would see if these allegations were true. He would ensure that this kind of act would never be committed again. If papers had been removed in the past, these actions should in no way be

considered "precedents" but rather "under the guise of inoffensive indulgence, these acts constitute an usurpation of power, flagrant illegalities, offences against public property, a violation of the depository."³⁰ In other words, Chabrier argued that any government that would sanction the removal of documents from the Archives would be acting against its people and thus would render itself illegitimate. Sovereignty required the inviolability of the Archives, and Chabrier called for the government to seize this occasion to confirm this fundamental inviolability in the law. This put the director of the Archives and his staff in a precarious position: the archivist was both guardian of the state's business and a watchdog against the improper exercise of its power.

The Empire in the Archive: The Decree of 1855

Fould seized the moment to create a new legal foundation for the Archives to deal with such issues, and in so doing fixed the relationship between state and citizen in the Archives into law—with the state firmly in charge under the sign of public interest. The decree of December 22, 1855, significantly restructured the Archives. In article 2 the depository was formally declared to hold "all documents that the public interest deems useful," and it made the deposit of ministerial papers that were "unnecessary to current affairs" a legal requirement; article 3 gave the power to authorize or call for deposits to the minister of the state; article 4 made the papers held in the Archives "inalienable" property of the state, unless a law was passed under the recommendation of the minister of the state. The director, who under article 6 was to be appointed (or dismissed) by and serve under the tutelage of the minister of the state, was effectively circumvented by this decree.³¹ The power over the Archives and its contents thus resided completely in the Emperor's hands, making this legislation the archival equivalent of his coup d'état, without the possibility of referendum.

Access to the public depository was not surprisingly a central issue in this new archival regulatory scheme. Article 14 stated that the "conditions under which documents will be requested, and the mode of communications to be made, either on the premises, or outside, to administrations and to private citizens" would be governed by regulations to be drawn up by the minister of the state. This was an imperial solution to the more liberal interpretation of public interest raised by Bethemont, as it moved

the right of access out of the law and into the realm of administration. These attendant regulations passed in 1856 managed the inner workings of the Archives, most significantly and ambiguously the issue of access for citizens. Article 35 of these rules required requests for documents to be formulated in writing. These requests had to "describe the precise object that the requestor has in mind. Requests that do not contain this description are not accepted." Article 36 explains that the director general "authorizes or refuses [the requested] communication. In case of refusal, the requestor may appeal to the minister." Article 39 allowed that "members and laureates of the Institute of France, doctors of one of the universities, archivist-paleographers [graduates of the *École des Chartes*], and students of the *École des Chartes* will be given immediate attention to their requests" and would promptly receive either the requested documents or the reason for the refusal. This privilege was also granted to those having received authorization to work at the Archives, although the specifics of this authorization remain unexplained. Overwriting (but not abrogating) the law of 7 *messidor*, communication of documents could be practically limited to scholarship (laureates, archivists, professors, or other recognized scholars) or official business (functionaries).³² Eased by the imprimatur of institutions (and thus the rules of propriety and professionalism observed by these men would reign in the Archives) and the exigencies of state administration, the gaze of "indiscreet curiosity" that threatened the families and the state was thus limited by administrative regulation.

Although this only put into new law what had been practiced over the history of the Archives, the decree decisively marked the direction of Imperial archival policy. Chabrier wholeheartedly agreed, despite his leanings toward institutional independence, with the concrete outlines of the director's responsibilities. According to Chabrier, all governments had been preoccupied with this "grave" responsibility, and none with success. Some governments had, "to the great detriment of our public archives," exaggerated the director's power, declaring him independent of ministerial control; others made the opposite error, threatening to abolish the directorship entirely. Chabrier considered the minister of the state to be a "born Conservator of state documents"; he warned, however, that the authority of the director general over his employees and "agents in whom he was obliged to trust" was essential to maintaining the proper balance.³³

Chabrier was also pleased with the reiteration of an older decree (from 1809) that prevented employees of the Archives from publishing manu-

scripts. Article 15 required any employee of the archives to gain authorization before publishing "either documents confided to him in the performance of his functions or any work based on these documents." This permission would be granted by the minister, under the recommendation of the director, and violation would result in dismissal. Chabrier's enthusiasm for this article came from his concern that the archivists under his employ were more interested in personal scholarly glory than public service. It was not scholarship that bothered him so much as the shirking of duty. The article had a more direct impact on the creation of an inviolable depository, as secrets, state or family, could not be divulged in the press by those functionaries charged with the keeping of those secrets. With this decree, the archivist's duty to the Archives was to take precedent over the quest for scholarly glory, or even truth, as this set out another safeguard against threats from the public that took the form of functionaries with private interests.

Despite these points of agreement with the Archives' new regulatory footprint, this clearly was not the institution Chabrier had imagined. There was no archival independence and the language of public interest was ambiguous at best. Chabrier did not remain in the Archives, but was replaced in 1856 by Léon de Laborde. Laborde's name would become synonymous with the professionalization of the Imperial Archives.

While histories of the Archives are largely silent about this transition, a contemporary, the journalist Horace Viel-Castel, gives us a taste of the rumors that surrounded Chabrier's departure. According to Viel-Castel, Chabrier understood the new decree as a set of conditions for Imperial intervention in the depository, creating the possibility for precisely the kind of tampering with the history of governmental power that the Archives was established to prevent. Chabrier is reported to have burst into Fould's office, where he was meeting with the Emperor, and the director made his displeasure known. Understanding the implications of such a move, Chabrier apparently ended his outburst with a recognition of the new regime: "I know that in acting thus I've just handed Your Majesty my resignation." Whether or not this particular archive story, told by a notorious gossip of the Second Empire, is true, Chabrier's resignation was indeed accepted, thus canceling one of the voices of potential contest in the making of the Imperial Archives.

Viel-Castel ended his account with a portentous question: "Will Laborde deliver the documents?"³⁴ This question is difficult to answer, for there is

no official order in the archives of the Archives. But as we will see, the possibility of such an archival history of the Archives took new shape under the regime that would make such a move imaginable by critics of the Empire. The ambiguity of the decree and regulations put the Archives squarely in the domain of the public interest, did not decisively rule out public access, and would make such decisions open for debate in the future. That was only if, of course, the public was made aware of these actions and more importantly of the significance of the institution. Conservation of papers in the public interest remained a vexing problem. Their classification and ultimately their communication to the public made this issue all the more complex and required a solution in keeping with Imperial imperatives. The epitome of Imperial Archives policy came in the form of a completely novel section that would serve as both a category of papers and an administrative organ. The secretariat would come to represent the political will of the Empire in the Archives.

The secretariat played a significant new role: It was designed chiefly to police public access and usage of the Archives, but it would also serve to monitor internal administrative movements as well. Article 12, governing the requirements for the appointment to heads of sections, specifically excluded the chief of the secretariat from such regulation. The head of this section was to be appointed by the minister with no requirements about the candidate's qualifications. In its administrative capacity and in its direction, this new section bore the marks of its Bonapartist origins.

The secretariat's main function was the policing of the Archives relations with outsiders: state functionaries, scholars, or other private citizens. Regulating communication involved a litany of new duties. The secretariat was responsible for the maintenance and staffing of the reading room, the delivery of communications and their refusals, classification of inventories and documents, reporting and recording the state and number of inventories held by the Archives, the reception and registration of and response to correspondence, dispensing information to individuals, putting the seal of authenticity and delivering expeditions of copies needed by government and public alike.

In its classificatory function, the secretariat represented both the Empire's recognition of the importance of the Archives to conserve papers and its ambivalence vis-à-vis its public nature. Along with its duty to regulate the Archives' contact with the public and government, this sec-

tion would receive a highly sensitive group of documents that had belonged to the former secretariat of state (under Napoleon I and the Bourbons, an office abolished by the Second Republic), the contents of the infamous *armoire de fer*—a cabinet rumored to be originally the property of Louis XVI and supposedly containing the most precious and secret of documents held by the Archives—and future accessions from the minister of the state. Quietly, this section produced a zone of protection for a motley selection of documents that represented precisely the privilege that Chabrier and Bethemont had argued against. At the same time, the secretariat created the conditions for this new regime to protect its most precious secrets not only from public scrutiny, but from the eyes of other archivists as well.

Most striking was the secretariat's role as the archives of the Archives. The secretariat was to oversee the classification and conservation of all the acts, laws, decrees, bylaws, and instructions concerning the organization and service of the Archives; the collection of letters, reports, notes, titles, and any other papers concerning the "history of the formation and progress of the Archives"; copies of reports from the heads of sections and director general on the questions of service and interior order.³⁵ The archives of the Archives were their own entity, and from now on the Archives were to be seen as an object of history as well as an essential administrative organ. The secretariat section reproduced the state in the Archives: mirroring the state in its need to keep records and recognize itself in history, the secretariat also expressed the state's ambivalence about the Archives as a public institution. The Imperial Archives would respect the sacred triad of communication, conservation, and communication, but only under its own terms. The secretariat would now regulate these terms.

When Léon de Laborde assumed the directorship on Chabrier's resignation in 1856, the Archives of the Empire had a legal framework that defined the institution and its employees, an internal structure designed to protect the interests of the state, and a history whose interpretation would ultimately work to challenge the stability of this definition. Laborde's tenure would be devoted to the struggle to find the proper place for historical study between the needs of the state and the public in the Archives, within the limits of political possibility. These political possibilities, however, had been carefully circumscribed by the Bonapartist policies that aimed to dictate the terms of the relationship of state to nation.

History in the Archives

In fact, historians and archivists writing about the Archives of France generally credit Director General Léon de Laborde, a scholar of wide-ranging interest and institutional talent, with shepherding what amounted to a revolution in archival practice. Laborde oversaw the publication of inventories, the expansion of the archivist's duty to public service, the opening of a public museum of French history, and a tireless effort for public recognition, funding, and access to the institution. The archivist and archive historian Robert-Henri Bautier called this period a "crucial phase in the history of the archives, one which marked the transition from the institution's role as an 'arsenal of authority' and its attendant secrecy to a 'public' archive and laboratory of history."³⁶ This "transformation," however, did not go uncontested. In 1867, Henri Bordier, historian of France and former archivist in the Archives nationales de France, grumbled that policies of Napoleon III had unfortunately turned the Archives into "an office of history."³⁷ He decried the tendency to obscure the administrative nature of the Archives and its holdings in the name of a separate endeavor, that of historical study. Even today, the transformation of the Archives into an office of history is credited to the efforts of Napoleon III and his policies.³⁸ This so-called transformation, coinciding as it does with the professionalization of history, is taken as a given by most histories of the Archives, so much so that other possible meanings and effects of archival policies have remained unexplored.

Focusing on this transformation, and on the presumed incompatibility of the interests of science and administration, not only obscures the historical work of the Archives and archivists under Chabrier and in earlier periods, but it also ignores other important functions and developments in the history of the Archives. The Archives were an important administrative institution for the French state, but also the repository of administrative, judicial, and other government documents that were useful in the lives of its citizens, which in fact underwrote the relationship between state and citizens. This interpretation implies a clearly definable administrative will and a public interest that could be easily collapsed into the compound public-historian. In fact, the interests of the state and of the public were troublingly fluid abstractions rather than solid, recognizable foundations of politics and archival policy. This period of transformation was thus more a period of smoothing over disturbing conflict in the inter-

ests of an appearance of stability. I would argue that the divorce of administration and science emerged rhetorically because of deeper divides that would threaten not just the institution, but the legitimacy of the state as well.

Boundaries of archival access marked the outlying limits of democracy: How much and what kind of transparency could the state accept and society demand? If criticism of absolutism created the public sphere, the issue of *raison d'état* did not disappear with the monarchy. Setting the boundaries of the modern Archives was part and parcel of marking the limits of state power in the post-revolutionary nation. The regime of Louis-Napoleon provided peculiar ground to test these boundaries. The explosion of administration and his hybrid authoritarian-quasi-democratic techniques of government (which always risked downfall, for there was no historical evidence that the government and his dynasty would prevail) testified to the constant improvisation at the heart of politics. The institution of the Archives was emblematic of this improvisational exercise of power, and a test of the legitimate limits between state and citizen.

Thus we might think of Michel Foucault's and Jacques Derrida's philosophical reflections on archives as knowledge-power-history as intervening in a history of concern with the formation of subjects and society. The Archives nationales can be situated in this same genealogy: the regulation of historical patrimony and governmental information by a governmental institution in the name of the nation can be seen as an expression of the state-citizen (and knowledge-power) contract in modern France.³⁹ The "archive" was not merely a convenient metaphor: although it signifies more than the single institution, the archive is bound up in a history of political power as well as of the search for absolute historical truth.⁴⁰ Indeed, Derrida's *Archive Fever* is founded on the (often overlooked) premise that the question of the archive is, at base, a question of the body politic: "There is no political power without control of the archive, if not memory"; the archive in fact "determines politics from top to bottom as *res publica*."⁴¹

While history can indeed be found in the "archive," the place and shape of that history was imagined differently at different times; the institution of the Archives was itself a testament to particular regimes of power and knowledge, each marked by particular commitments to and rhetorics of secrecy and publicity. From here we can better understand the place of the historian in the Archives as performing a politics of the nation-state, the

imbrications of the politico-ethical in the epistemological status of the official archive (both registers are present, but produced as separate); and the self-conscious moves by governments to both regulate and encourage archival access in the name of national history, a national history that was to be synonymous with the history of the state.

The use of the "archive" as shorthand for complexes of history and memory, power and knowledge, risks repeating the mythologizing gesture upon which the power of the "archive" is based. Reflections on the "archive" and archives thus need to be careful not to presume, indeed reproduce, the authority of the institution that they seek to describe and critique. Instead, such critical work might aim to uncover how the archive got to have that authority in the first place. As we will see in histories of disparate archival collections, practices, and impulses that follow, it is historical analysis of the archive that can best reveal the limits of the archive's power to speak in the name of history.

Notes

The chapter epigraph is from Alphonse Huillard Breholles, "Les Archives de l'Empire: Leur passé et leur état présent," *Revue Contemporaine*, April 30, 1863 (2), 744. The author wishes to acknowledge the Penn Humanities Forum for its support.

1 Françoise Hildesheimer, "Les Archives de France, mémoire de l'histoire," *Histoire et Archives* hors-série 1997 [special issue, published out of series]: 45. See also Kryztof Pomian, "Les Archives du Trésor des chartes au CARAN," in Pierre Nora, ed. *Les Lieux de mémoire*, vol. 3, book 3 (*Les Francs*) (Paris: Gallimard, 1992), 192–200. Historians have started to investigate the history of the concept and practice of the archive; see Antoinette Burton, *Dwelling in the Archive: Women Writing Home, Home and History in Late Colonial India* (New York: Oxford University Press, 2003); Nicholas B. Dirks, "Colonial Histories and Native Informants: Biography of an Archive," in Carol A. Breckenridge and Peter van der Veer, eds., *Orientalism and the Postcolonial Predicament: Perspectives on South Asia* (Philadelphia: University of Pennsylvania Press, 1993), 279–313; Arlette Farge, *Fragile Lives: Violence, Power, and Solidarity in Eighteenth-Century Paris*, trans. Carol Shelton (Cambridge, Mass.: Harvard University Press, 1993), 1–3, and her *Le Goût de l'Archive* (Paris: Editions du Seuil, 1990); Bonnie G. Smith, *The Gender of History: Men, Women, and Historical Practice* (Cambridge, Mass.: Harvard University Press, 1998), esp. 130–56; and Carolyn Steedman's *Dust: The Archive and Cultural History* (New Brunswick, N.J.: Rutgers University Press, 2002). Some of the early work on the "archive" comes from anthropology. See especially Michel-Rolph

Trouillot, *Silencing the Past: Power and the Production of History* (Boston: Beacon Press, 1995).

2 For the state of historical studies in nineteenth century France, see Pim Den Boer, *History as a Profession: The Study of History in France, 1818–1914*, trans. Arnold J. Pomerans (Princeton: Princeton University Press, 1998); C. O. Carbonell, *Histoire et Historiens: Une mutation idéologique des historiens français, 1865–1885* (Toulouse, 1976); Donald R. Kelley, *Historians and the Law in Postrevolutionary France* (Princeton: Princeton University Press, 1984); William Keylor, *Academy and Community: The Foundation of the French Historical Profession* (Cambridge, Mass.: Harvard University Press, 1975); Gérard Noiriel, "Naissance du métier d'historien," *Genèses* 1 (1990): 58–85; Smith, *Gender of History*, 130–56.

3 For a detailed study of the institutions and historians of the Old Regime, see Blandine Barret-Kriegel, *Les Historiens et la monarchie*, 4 vols. (Paris: Presses Universitaires de Paris, 1988); Donald R. Kelley, "Jean Du Tillet, Archivist and Antiquary," *Journal of Modern History* 38, 4 (1966): 337–54, and his *Foundations of Modern Historical Scholarship: Language, Law, and History in the French Renaissance* (New York: Columbia University Press, 1970); for the Revolution, see Keith Michael Baker, *Inventing the French Revolution* (Cambridge: Cambridge University Press, 1990), 31–106.

4 *Archives parlementaires* (Paris, 1863) 50, 267.

5 Text of the law of 7 messidor year II quoted from copy in Archives nationales (hereafter AN), AB I, 1.

6 The confiscation of Church and feudal records had a specific political purpose: in order to alienate or confiscate Church and feudal lands and goods, it was necessary to possess the records of legal title. This project was of particular interest to the Convention as the wars fought in the name and in defense of the Revolution after the regicide drained the national treasury. It was in this context that the law of 7 messidor was passed. In January of 1794, the Convention set up a committee designed to review the Archive in order to devise a system of organization that would allow for the most expedient separation of those titles that would be of financial value to the state.

7 For a discussion of the Revolutionary legislation, see A. Outrey, "La notion traditionnelle de titre et les origines de la législation révolutionnaire sur les archives," *Revue Historique de Droit Français et Etranger* 5 (1955): 438–63. For an analysis of the legislation in light of current archival politics, see Sonia Combe, *Archives interdites: Les peurs françaises face à l'Histoire contemporaine* (Paris: A. Michel, 1994), 79–102. Michel Duchein and Françoise Hildesheimer argue a from different perspective with quite different political implications: see Duchein, "L'Accès aux Archives en France de Messidor an II à Janvier 1979: Libéralisme et frilosités," in *Histoires d'Archives: Recueil d'articles offert à Lucie Favier par ses collègues et amis* (Paris: Société des amis des archives de France, 1997), 59–69; Hildesheimer, "Échec aux Archives: La difficile affirmation d'une administration," *Bibliothèque de L'École des chartes* 156 (1998): 91–106. The genealogy of the right to access—its history, its limits, and its possibilities—is central to current debates.

Whether or not the archives *really were* accessible does not diminish the rhetorical and political force of the historical question of the *possibility* of access introduced at the Revolution. Combe, *Archives interdites*, 79; Duchein, "L'Accès aux Archives," 60; Hildesheimer, "Échec aux Archives," 91. For an intervention into the current debate on the archives of the Algerian crisis that favors the revolution as revolutionary, see Marc-Olivier Baruch and Vincent Duclert, "Archives: Il faut une loi, il faut une politique," *Le Monde*, November 30, 2000, 18.

8 There was and is debate over the extent of the Triage Committee's impact on French archival holdings. Some argue that the committee, headed by Camus, partook of the general zeal of the day and destroyed many historical documents that smacked of Old Regime privilege, much to the horror and dismay of later historians. Others argue that the committee (a knowledgeable group that despite its manifestly political goal included former Benedictines and scholars familiar with the royal collections) in fact protected documents from their almost assured annihilation in Camus's or other patriots' possession. Although this makes some political sense—as the Revolution was often a screen for arguments about Republicanism vs. Bonapartism—the cultural or epistemological stakes (about the fate of the truth about history or about standards of evidence required to establish the existence of burned or disappeared documents, for example) are much more interesting than simple ideological battles. See Léon de Laborde, *Les Archives de France: Leurs vicissitudes pendant la Révolution, leur régénération sous l'Empire* (Paris: Vve. Renouard, 1867) and Henri Bordier, *Les Inventaires des Archives de l'Empire: Réponse à M. le marquis de Laborde, Directeur Général, contenant un errata pour ses préfaces et ses inventaires* (Paris: Librairie Bachelin-Deflorenne, 1867), for the most representative and important texts in the debate.

9 *Archives parlementaires* (Paris, 1863) 50, 267.

10 Napoleon planned a grand "Archives' Palace" to house his documentary spoils, but this like his other imperial projects remained only partially realized. For a discussion of Napoleon's vision of the Archives and First Empire archival policy, see Raymond J. Maras, "Napoleon's Quest for a Super-Archival Center in Paris," *Consortium on Revolutionary Europe, 1750–1850: Selected Papers* (1994): 567–78; and Frances E. Montgomery, "Tribunes, Napoleon, and the Archives Nationales," *Consortium on Revolutionary Europe, 1750–1850: Selected Papers* 19, no. 1 (1989): 437–59.

11 Hildesheimer, *Les Archives de France*, 44.

12 As Donald R. Kelley puts it: "the law required and inspired respect for documentary evidence that led, especially in the nineteenth century, to that assault on archival sources so essential to the new science of history." *Historians and the Law*, 9.

13 AN, AB Va 6.

14 AN, AB I, 1, Chabrier, "Projet d'un décret Imperial portant règlement sur les Archives de l'Empire," March 1, 1855.

15 The Praslin case fascinated authors such as Flaubert (who included references to the scandal in *L'Éducation sentimentale*) and Hugo (whose archives con-

tain a slipper taken from the crime scene) and is the subject of a fictionalized account of the life of the governess, Henriette Desportes. See Rachel Field, *All This and Heaven Too* (New York, 1939). The book, which provides the epigraph for this section, was made into a popular 1941 film of the same name starring Bette Davis.

16 For a discussion of the role of the private life of the royal family in public discourse under the July Monarchy, see Jo Burr Margadant, "Gender, Vice, and the Political Imaginary in Postrevolutionary France: Reinterpreting the Failure of the July Monarchy, 1830–1848," *American Historical Review* 104, 5 (December 1999): 1461–96.

17 *Ibid.*

18 AN, AB Va 7, Letter from Breteuil to Achille Fould, November 15, 1854.

19 For a discussion of the interplay of interest, honor, and gender in postrevolutionary politics and the public sphere, see William Reddy, *The Invisible Code: Honor and Sentiment in Postrevolutionary France, 1814–1848* (Berkeley: University of California Press, 1997).

20 AN, AB Va 7, report by Chabrier, 1854.

21 There is a vast literature on the problem of citizenship and the question of the state in France. A few works that inform my understanding are Étienne Balibar, *Masses, Classes, Ideas: Studies on Politics and Philosophy Before and After Marx* (New York: Routledge, 1994); Rogers Brubaker, *Citizenship and Nationhood in France and Germany* (Cambridge: Cambridge University Press, 1992); H. S. Jones, *The French State in Question: Public Law and Political Argument in the Third Republic* (Cambridge: Cambridge University Press, 1993); Pierre Rosanvallon, *Le Sacre du Citoyen: Histoire du suffrage universel en France* (Paris: Gallimard, 1992), and his *L'État en France de 1789 à nos jours* (Paris: Seuil, 1990); Joan Scott, *Only Paradoxes to Offer: French Feminists and the Rights of Man* (Cambridge: Cambridge University Press, 1996).

22 The 7 messidor law, passed at the height of the Terror, probably implied this social transparency as well.

23 See Andrew R. Aisenberg, *Contagion: Disease, Government, and the "Social Question" in Nineteenth-Century France* (Stanford, Calif.: Stanford University Press 1999); Joshua Cole, *The Power of Large Numbers: Population, Politics, and Gender in Nineteenth Century France* (Ithaca: Cornell University Press, 2000); Jacques Donzelot, *L'invention du social: Le déclin des passions politiques* (Paris: Fayard, 1984) and his classic *La police des familles* (Paris: Éditions de Minuit, 1977); and Sylvia Schafer, *Children in Moral Danger and the Problem of Government in Third Republic France* (Princeton: Princeton University Press, 1997), esp. 26–42.

24 For more on the legal profession under the Second Empire, see Phillip J. Nord, *The Republican Moment: Struggles for Democracy in Nineteenth-Century France*, (Cambridge, Mass.: Harvard University Press, 1995), especially his chapter "The Republic of Lawyers," 115–38; Lucien Karpik, "Lawyers and Politics in France, 1814–1950: The State, the Market, and the Public," *Law and Social Inquiry* 13 (Fall 1988): 707–36; see also Kelley, *Historians and the Law*. For the longer history of

lawyers and politics in France, see David A. Bell, *Lawyers and Citizens: The Making of a Political Elite in Old Regime France* (New York and Oxford: Oxford University Press, 1994).

25 AN, AB Va 7, Brief by Bethemont excerpted in report by Chabrier, 1854.

26 Although "privacy" or "private" does not appear in this brief, this echoes Sylvia Schafer's observation (in this case, of abandoned children in Third Republic France) that "the beginning of 'history'—and the end of 'privacy'—was marked by an apparent deviation from the prescribed norms of family stability and internal cohesion." Schafer, *Children in Moral Danger*, 1.

27 AN, AB Va 7, Brief by Bethemont excerpted in report by Chabrier, 1854.

28 For a discussion of the complicated sinews of bourgeois identity in this period, see Robert Nye, *Masculinity and Male Codes of Honor in Modern France* (New York: Oxford University Press, 1993); Margadant, "Gender, Vice, and the Political Imaginary"; and Bonnie G. Smith, *Ladies of the Leisure Class: The Bourgeoises of Northern France in the Nineteenth Century* (Princeton: Princeton University Press, 1990).

29 AN, AB Va 7, Brief by Bethemont excerpted in report by Chabrier, 1854.

30 Ibid.

31 AN, AB I, Text of the law and regulations courtesy of Lucie Favier.

32 AN, AB I, 1, Chabrier, "Projet d'un decret Imperial portant règlement sur les Archives de l'Empire," 1 March 1855.

33 Ibid.

34 Horace Viel-Castel, *Mémoires du comte Horace de Viel-Castel sur le règne de Napoléon III, 1851–1864* (Paris: G. Le Prat, 1942), 42–43, entry from March 18, 1857.

35 AN, AB I, text of the 1855 Decree.

36 Robert-Henri Bautier, "La phase cruciale de l'histoire des archives: la constitution des dépôts d'archives et la naissance de l'archivistique (XVIe-debut du XIXe siècle), *Archivum XVII* (1968): 148.

37 Bordier, *Les Inventaires des Archives de l'Empire*, 14.

38 For instance, see Boer, *History as a Profession*, 86–87.

39 Jacques Derrida, *Archive Fever: A Freudian Impression*, trans. E. Prenowitz (Chicago: University of Chicago Press, 1995). Works drawing on Derrida's reflections include Steedman, *Dust*; and a special two-issue *History of the Human Sciences* devoted to The Archive, 12, 2 (1998 and 1999).

40 Foucault wrote about the archive as a figure that organized and represented relations of power and knowledge, but he also mined archives for evidence of the history of that relationship. His critical histories of governmental power vis-à-vis the production of the social and the individual subject were produced, in part at least, from the records of official archival institutions. Foucault performed this archival gesture as an essential technique in his own critique of historical knowledge. Genealogy is not genuflection at the altar of the archive; rather it is a powerful rereading of the official archive with a critical historical eye. Foucault's students, among them Arlette Farge and Blandine Barret-Kriegel, have used the archives of the French state complex (from local to national gov-

ernmental archives) to write about the power of history to give voice to or suppress subjects, a power that is as much about the historian's reading and valorization of documents (and the way these documents position subjects) as it is about a particular archive's holdings. See Kriegel, *Les Historiens et la monarchie*; Arlette Farge discusses the "emotion" of the archive in her *Fragile Lives*, 1–3 and *Le Goût de l'Archive*.

41 Derrida, *Archive Fever*, 4n.

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