

Police/Archives*

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RÉSUMÉ L'auteur développe la notion de « police/archives » à partir de ses tentatives de recherche au Toronto Police Museum. S'inspirant de Foucault, il explore la relation réciproque entre la police comme archives et surtout les archives comme police. Un autre de ses buts est de sortir Foucault des discussions portant sur « les Archives » comme métaphore, tant dans la littérature archivistique que dans la théorie queer. L'auteur explique le besoin d'une approche moins métaphorique et plus historico-matérialiste par rapport à notre entendement de Foucault, tant dans les archives qu'au sujet d'elles.

ABSTRACT The author develops the notion of “police/archives” based on his experience of trying to conduct research at the Toronto Police Museum. Drawing on Foucault, the author explores the reciprocal relationship between the police as archives and, especially, the archives as police. Another goal is to disentangle Foucault from discussions of “the Archive” as metaphor in both the archival literature and in queer theory. The author makes the case for a less metaphorical, more historical-materialist understanding of Foucault in and on archives.

Introduction

“A new optics, first of all: an organ of generalized and constant surveillance; everything must be observed, seen, transmitted: organization of a police; institution of a system of archives (with individual files), establishment of a panopticism.”

Michel Foucault, “The Punitive Society”

* I would like to thank Rebecka Sheffield and Marcel Barriault for their work on this issue and for the opportunity to contribute to it. Thank you to one of the journal's reviewers for supplying a sharp, stimulating critique. Thanks, too, to Karen Teeple and Lawrence Lee at the City of Toronto Archives for their always prompt and professional responses to my many queries, as well as for making available the accession and other administrative records relating to the Archives' holdings of historical police documents. Finally, my gratitude to Vid Ingelevics for allowing me to reproduce his evocative photograph. Much of Ingelevics' work focuses on the intersection of personal/public memory and institutions, including archives and museums. See <http://www.web.net/artifact/index.htm> (accessed on 3 October 2009).

1 Michel Foucault, “The Punitive Society,” in *The Essential Works of Foucault, 1954–1984*,

In his lectures on the theme of punitive society at the Collège de France in 1972–1973, Michel Foucault prompted his audience to consider the relationship between the police and a system of archives. It is a relationship – which I will call “police/archives” – that has received remarkably little attention in the archival literature. The reason for this may be that when Foucault and archives are invoked in archival writing, it is done in a very specific way. As Joan Schwartz and Terry Cook explain, “Cultural theorists, most notably Michel Foucault and Jacques Derrida, see ‘the archive’ as a central metaphorical construct upon which to fashion their perspectives on human knowledge, memory, and power.”² Within queer studies, which are heavily influenced by cultural/critical theory, the archive most often also appears as a metaphorical construct. For example, Ann Cvetkovich’s book, *An Archive of Feelings*, is an interesting case in point; while she is more sensitive than many queer theorists to what she cleverly calls “actually existing archives,” her embrace of Derrida means that the archive as a metaphorical or psychoanalytical construct (what she variously terms an “archive of emotion” and the “archives of trauma”), is front and centre in her work.³ To take another example, in his study of New York’s post-war, queer art world, Gavin Butt opts for a Derridean-derived approach to read the “absences within the archival record,” a method, he suggests – in something of an understatement – that “brings me close to the limits of conventional archival procedures for producing historical knowledge.”⁴

Ann Laura Stoler has recently commented: “One could argue that ‘the archive’ for historians [and, we can add, for many professional archivists] and

Volume 1: Ethics: Subjectivity and Truth, ed. Paul Rabinow, trans. Robert Hurley and others (New York, 1997), p. 55. I have amended the English translation of Foucault’s course summary in several places based on my reading of the original French text. In *Essential Works*, “surveillance” is translated as “oversight,” an odd choice given the explicit and frequent reference to surveillance in Foucault’s work. “*Une police*” is rendered as “a police force,” a much too limited idea of what Foucault intended by “police.” “*Un système d’archives*” becomes “a system of records” when I believe Foucault meant exactly what he wrote – archives; he references the records, “individual files,” parenthetically. See Michel Foucault, *Résumé des cours, 1970–1982* (Paris, 1989), p. 49.

- 2 Joan M. Schwartz and Terry Cook, “Archives, Records, and Power: The Making of Modern Memory,” *Archival Science* 2 (March 2002), p. 4.
- 3 Ann Cvetkovich, *An Archive of Feelings: Trauma, Sexuality, and Lesbian Public Cultures* (Durham, 2003). See also, Nicholas de Villiers, “Queer Archives,” *Cultural Critique* 66 (Spring 2007), pp. 179–83. Queer theoretical approaches to “the Archive” have not entirely supplanted earlier, community-based traditions of lesbian/gay archives. For several recent examples of less metaphorical queer archives, see Sue Donnelly, “Coming Out in the Archives: The Hall-Carpenter Archives at the London School of Economics,” *History Workshop Journal* 66 (Autumn 2008), pp. 180–84 and Ryan Conrad, ed., *Future of the Past: Reviving the Queer Archives* (Portland, 2009).
- 4 Gavin Butt, “Whispering in the Archive,” in Butt, *Between You and Me: Queer Disclosures in the New York Art World, 1948–1963* (Durham, 2005), pp. 16–21.

‘the Archive’ for cultural [including queer] theorists have been wholly different analytic objects: for the former, a body of documents and the institutions that house them, for the latter a metaphoric invocation for any corpus of selective collections and the longings that the acquisitive quests for the primary, originary, and untouched entail.”⁵ In the now commonplace distinction between “the archive” as institution and “the Archive” as metaphor, Foucault is routinely aligned with the latter.⁶ But Foucault also had a less metaphoric, more material understanding of archives, one perhaps more congenial to archivists and historians, and one more conducive to thinking about the police/archives conjuncture.

This paper will initiate an exploration of the police/archives nexus. It begins by sketching an alternate view of Foucault’s relationship to the archive. It will then suggest some ways we can begin to conceptualize police/archives, followed by a testing of the framework against an actual police archive – the Toronto Police Museum – since it was my experience of trying to do queer historical research at the Museum that prompted me to think about police/archives in the first place. The final section will touch on the politics of police/archives, particularly in relation to issues of public access, police accountability, and sexual identity.

Foucault in the Archives

In discussions of “the Archive,” Michel Foucault is often linked to Jacques Derrida whose “archive fever” is perhaps the epitome of the archive as metaphor.⁷ It is a strange pairing, given the long-standing political and intellectual

5 Ann Laura Stoler, *Along the Archival Grain: Epistemic Anxieties and Colonial Common Sense* (Princeton, NJ, 2009), p. 45. Stoler goes on to point out that it is of course entirely possible for a scholar to use both meanings of the archive in their work. Stoler’s own study is exemplary in this regard, combining an appreciation for the archive as colonial imaginary with detailed research into the archival practices of colonial rule.

6 For a recent example, see Kathleen Biddick, “Doing Dead Time for the Sovereign: Archive, Abandonment, Performance,” *Rethinking History* 13 (June 2009), pp. 137–51. Biddick’s article is a mind-bending blend of the archive as metaphorical and hyper-theoretical, mixed with a Foucauldian appreciation for the institutional, including an account of Biddick’s use of Dublin’s Mountjoy Prison as an experimental performance space. Biddick’s installation at Mountjoy – imagined to exist (metaphorically) in between the prison and some place she calls the “National Archive” – sought to interrupt the Panopticon as a “powerful means by which the spectacle of abandonment can be momentarily suspended by problematizing it by threading thought through space and time along coordinates different from the optics and scriptures of political theology” (p. 149). I would suggest that despite her attention to the prison and archive as actual spaces, Biddick gives even Derrida a run for his metaphorical money.

7 Jacques Derrida, *Archive Fever: A Freudian Impression*, trans. Eric Prenowitz (Chicago, 1996; originally published as *Mal d’archive*, 1995). For a brilliant deconstruction of the Derridean archive, see Carolyn Steedman, *Dust: The Archive and Cultural History*

différence between the two French thinkers, not the least being the disjuncture between Derrida's Freudian impression of the archive and Foucault's deep skepticism toward psychoanalysis. The more instructive pairing vis-à-vis Foucault and "the Archive" is with Gilles Deleuze who, in 1986, crowned Foucault "a new archivist." Deleuze recalled Foucault's use of archive in his archaeological works.⁸ In *The Archaeology of Knowledge* (1969), for example, Foucault conjoined archive to a set of other complex terms and concepts, such as "the statement," to designate the bounded discursive space that set the range and limits on the totality of "statements," understood as encompassing things and events, in any given historical formation.⁹ Foucault explained it this way:

... *archive*. By this term I do not mean the sum of all the texts that a culture has kept upon its person as documents attesting to its own past, or as evidence of a continuing identity; nor do I mean the institutions, which, in a given society, make it possible to record and preserve those discourses that one wishes to remember and keep in circulation. On the contrary ... [t]he archive is first the law of what can be said, the system that governs the appearance of statements as unique events.¹⁰

Foucault's use of "archive" here is abstract, or as Eric Paras suggests, it is "a term of art for Foucault."¹¹ Abstract or artful, either way it is rather far removed from the real world of most practising archivists. It was, however, in keeping with the high level of theoretical abstraction at which Foucault worked in the mid- to late-1960s, and it is a reminder that Foucault bears some responsibility for the subsequent yoking of his name to "the Archive." At the same time, one wonders whether Deleuze did his old friend any favour by anointing Foucault a "new archivist" in 1986, a move that reintroduced and

(Manchester, 2001).

- 8 Gilles Deleuze, "A New Archivist," in Deleuze, *Foucault*, intro. Paul Bové, trans. Sean Hand (Minneapolis, 2006; originally published as *Foucault*, 1986), pp. 1–22.
- 9 When May writes with reference to the archaeological works, "the archives Foucault describes are complex," this is surely an understatement. Todd May, *The Philosophy of Foucault* (Montreal and Kingston, 2006), p. 121.
- 10 Michel Foucault, "The Historical *a priori* and the Archive," in Foucault, *The Archaeology of Knowledge*, trans. A.M. Sheridan Smith (London, 2002; originally published as *L'Archéologie du savoir*, 1969), p. 145. In the year prior to the publication of *The Archaeology*, Foucault explained it in part this way: "I shall call an archive, not the totality of texts that have been preserved by a civilization or the set of traces that could be salvaged from its downfall, but the series of rules which determine in a culture the appearance and disappearance of statements." Michel Foucault, "On the Archaeology of the Sciences: Response to the Epistemology Circle," in *The Essential Works of Foucault, 1954–1984, Volume 2: Aesthetics, Method, and Epistemology*, ed. James D. Faubion, trans. Robert Hurley (New York, 1998), p. 309.
- 11 Eric Paras, *Foucault 2.0: Beyond Power and Knowledge* (New York, 2006), p. 33. Paras begins his own study with the chapter, "Into the Archive," by which I believe he means the Foucault archive.

recirculated “the Archive” long after Foucault had more or less ceased to use the term in the same fashion.

Even during his archaeological period, archive could have a different meaning for Foucault. During an interview in June of 1967, two years before the appearance of *The Archaeology of Knowledge*, he was asked: “You surrender to the characteristic passion of the historian, who wants to respond to the endless murmur of the archives?” “Yes,” Foucault replied, “because my object is not language but the archive.” He was careful to qualify what he meant by archive – “the accumulated existence of discourses ... the analysis of discourse in its archival form” – but this was not yet the elaborate, rarified archive of *The Archaeology*. The interview, “On the Ways of Writing History,” was clearly about the kinds of archives historians get excited over and in which Foucault spent a great deal of his working life.¹² Two years later, describing his research methods for *History of Madness* as part of his candidature to the Collège de France, Foucault explained: “It was necessary to consult a body of archives comprising decrees, rules, hospital and prison registers, and acts of jurisprudence. It was in the Arsenal or the Archives nationales that I undertook the analysis of a knowledge whose visible body is neither scientific nor theoretical discourse, nor literature, but a daily and regularized practice.”¹³ Here, then, we have archives as actual sites of research and archival knowledge represented not as theoretical discourse but as concrete practice.

Archives and libraries were among Foucault’s favourite places, right up there with leather bars and S/M bathhouses. Beginning in the early 1950s and for the next thirty years, Foucault worked almost daily at the Bibliothèque nationale de France (BNF). This was the old national library located on rue Richelieu where Foucault could be found in la salle Labrouste, at his usual desk on the *hémicycle*, the slightly elevated space that looks out over the main reading room with its central aisle separating rows of long tables subdivided into individual study spaces.¹⁴ When not at the BNF, Foucault frequented other libraries and archives. In the Archives de la Bastille at the Bibliothèque de l’Arsenal, Foucault discovered the dossiers of the “lunatics” and libertines, the prostitutes and the “perverts,” confined in the Bastille and the Hôpital général, often locked up there by the police. These dossiers make up part of the evidentiary base of Foucault’s magisterial *History of Madness*.¹⁵

12 Foucault, “On the Ways of Writing History,” in *Essential Works of Foucault, Volume 2*, pp. 289–90.

13 Quoted in David Macey, *The Lives of Michel Foucault: A Biography* (New York, 1993), p. 94.

14 Macey, *Ibid.*, p. 49. For a peek into la salle Labrouste, the BNF offers a virtual tour, http://www.bnf.fr/visiterichelieu/architecture/lab_ap.htm (accessed on 3 October 2009).

15 Michel Foucault, *History of Madness*, ed. Jean Khalifa, trans. Jonathan Murphy and Jean

It was also in the archives of the Bastille that Foucault found the records of the Lieutenant of the Police along with the well-known *lettres de cachet*. Foucault proposed a book based upon the letters as early as 1964, a project that would come to fruition in 1982 when he, along with historian Arlette Farge, published *Le Désordre des familles: lettres de cachet des Archives de la Bastille*.¹⁶ Primary historical sources on the police, along with criminal notices from old Paris newspapers, turn up in his *Discipline and Punish* where they constitute an “‘ignoble’ archives,” *ignoble* because these texts did not chronicle kings but documented the lower orders.¹⁷ Foucault also conducted extensive archival research in the medico-legal case files of parricides, hermaphrodites, and countless other “abnormals,” called upon to confess to sexologists and psychoanalysts their sexual sins, and whose documentary traces constitute what in the introductory volume of *The History of Sexuality*, Foucault called the “great archive of the pleasures of sex.”¹⁸ We are already some distance from “the Archive.”

It was likely in the BNF that Foucault first came down with archive fever, although decidedly not of the Derridean variety. The pleasures of the archive induced what Foucault called a “feverish laziness,” the burning desire to do nothing other than archival research or to loaf away one’s days in a library. As he explained to the audience listening to his lecture at the Collège de France on 7 January 1976, feverish laziness is “a character trait of people who love libraries, documents, references, dusty manuscripts, texts that have never been read, books which, no sooner printed, were closed and then slept on the shelves and were only taken down centuries later ... and, as you well know, its external signs are found at the foot of the page.”¹⁹ Archive fever produced, not, as for Derrida, a subconscious and always-already doomed desire for the originary or, worse, a violent playing out of the death drive,²⁰ but, for Foucault,

Khalfa (London and New York, 2006; originally published as *Folie et Déliraison: Histoire de la folie à l’âge classique*, 1961).

- 16 Arlette Farge and Michel Foucault, *Le Désordre des familles: lettres de cachet des Archives de la Bastille* (Paris, 1982).
- 17 Michel Foucault, *Discipline and Punish: The Birth of the Prison*, trans. Alan Sheridan (New York, 1979; originally published as *Surveiller et punir: Naissance de la prison*, 1975), p. 191.
- 18 Michel Foucault, *The History of Sexuality, Volume 1: An Introduction*, trans. Robert Hurley (New York, 1980; originally published as *La Volonté de savoir: Histoire de la sexualité, 1*, 1976), p. 63.
- 19 Michel Foucault, “*Society Must Be Defended*”: *Lectures at the Collège de France, 1975–1976*, ed. Mauro Bertani and Alessandro Fontana, trans. David Macey (New York, 2003), p. 5.
- 20 Derrida writes, “What is at issue here ... is the violence of the archive itself, *as archive, as archival violence*”; he then goes on to claim: “The death drive is not a principle ... It is what we will call, later on, *le mal d’archive*, ‘archive fever.’” Derrida, *Archive Fever*, pp. 7 and 12.

a longing to pursue archival research simply for the love of dusty old documents, generating perhaps nothing more than “useless erudition.” Of course, Foucault did not really think archival knowledge was useless. He was toying with his audience, as he often did during his lectures, in this instance feigning worry over what might appear to be the “fragmented, repetitive, and discontinuous” character of his researches over the previous four or five years. Do not blame him for this, Foucault teased, for he had a bad case of archive fever.²¹

There is no denying Foucault loved archival documents and dusty manuscripts. The *lettres de cachet*, written on parchment or rag paper, were brittle and often in a poor state of preservation; he painstakingly copied them out by hand over the years. As David Macey suggests, Foucault’s research methods “gave him a physical familiarity with his chosen texts.”²² Foucault disdained photocopying which, he told a friend, destroyed the charm of the text, “which becomes almost lifeless when you no longer have the printed page before your eyes and in your hands.”²³ Archival research had other physical dimensions for Foucault. In his remarkable essay, “The Lives of Infamous Men,” Foucault described how reading historical documents in the archive gave “rise to a certain effect of beauty mixed with dread,” and evoked in him a feeling of “intensity,” a “physical” sensation that “stirred more fibers within me” than great works of literature.²⁴ Foucault’s tactile attachment to the document, his physical experience of the archive, capture well the premise of this paper that for Foucault the archive was much more than a metaphor. This is something French historians have understood about Foucault for some time. Foucault haunts the pages of Arlette Farge’s evocative account (*Le Goût de l’archive*) of the rapport between the historian and archival research, in which she discusses “*le réel de l’archive*.”²⁵ (Stoler cites *Le Goût*, noting its affinity with her own

21 Foucault, “*Society Must Be Defended*,” pp. 5 and 4.

22 Macey, *The Lives of Michel Foucault*, p. 454.

23 David Macey, *Michel Foucault* (London, 2004), p. 67.

24 Michel Foucault, “The Lives of Infamous Men,” in *The Essential Works of Foucault, 1954–1984, Volume 3: Power*, ed. James Faubion, trans. Robert Hurley and others (New York, 2000), pp. 164 and 158. I elaborate on Foucault’s experience in the archives in my forthcoming study, *Infamous Men: Perversion and Policing in Toronto, 1880–1940*, which takes Foucault’s essay as one of its principle inspirations. “The Lives of Infamous Men” was also the focus of a major exhibition this past summer at the Bibliothèque municipale de Lyon. See “Archives de l’infamie, une collection imaginaire,” <http://www.bm-lyon.fr/expo/09/foucault/presentation.php> (accessed on 3 October 2009). See also Collectif Maurice Florence, *Archives de l’infamie* (Paris, 2009).

25 Farge also writes, “*l’archive entretient toujours un nombre infini de relations au réel*.” Closely connected to the archive’s relation to the real is a tie to the “truth” it is imagined to store: “*L’archive ne dit peut-être pas la vérité, mais elle dit de la vérité, au sens où l’entendait Michel Foucault, c’est-à-dire dans cette façon unique qu’elle a d’exposer le Parler de l’autre, pris entre des rapports de pouvoir et lui-même, rapports que non seulement il subit, mais qu’il actualise en les verbalisant*.” Arlette Farge, *Le Goût de l’archive* (Paris, 1989),

notion of “the pulse of the archive.”²⁶) Or consider Philippe Artières who, with his own impressive historiographical output and as a member of the editorial team of the Michel Foucault Archives, has done perhaps more than anyone to solder the link between Foucault and archives as *lieux et espaces*.²⁷

Tasty, murmuring, pulsating, stirring; a locale, a physical space in which one works and is fully embodied; a “real” experience of passion and prolonged feverish intensity – all this, for me, is the Foucauldian archive. It also helps to explain Foucault’s down-to-earth approach to the archive as an institution.

Archives as “Complete and Austere Institutions”

Foucault took a sharp turn to the left following his archaeological works of the mid- to late-1960s, and especially after 1968, entering his *période gauchiste*, in which he began to rigorously root his theoretical and historical work in political activity, in the genealogical critique of, and concrete struggle against, institutions enmeshed in practices of power/knowledge.²⁸ Foucault’s work on prisons comes most readily to mind,²⁹ but this 1970s period of radical, political engagement also had important implications for Foucault’s understanding of the archive. For one thing, Foucault traded in the rarified “Archive” for a more material and historical institution. Unlike Derrida who found it impossible to *penser l’archive* in historical terms,³⁰ Foucault insisted that archives had a particular history, one coincident with the rise of disciplinary society during the eighteenth and nineteenth centuries. In “The Punitive Society” (1972), Foucault suggested that the class antagonisms set in motion by the emergence of industrial capitalism called forth new techniques to instill docility in rebellious workers’ bodies. Labourers’ subjection to factory time

pp. 41 and 40.

26 Stoler, *Along the Archival Grain*, p. 19.

27 See, for example, Philippe Artières, “Espaces d’archives,” introduction to “Lieux d’archives,” a special issue of *Sociétés et représentations* 19 (2005); Artières, “Michel Foucault: L’Archive d’un rire,” in *Questions d’archives* (Paris, 2002). See also, Artières and Mathieu Potte-Bonneville, *D’Après Foucault: gestes, luttes, programmes* (Paris, 2007).

28 On the power/knowledge dynamic, see, Foucault, *Power/Knowledge: Selected Interviews and Other Writings, 1972–1977*, ed., Colin Gordon (New York, 1980).

29 See Philippe Artières, Laurent Quéro, and Michelle Zancarini-Fournel, eds., *Le Groupe d’information sur les prisons: Archives d’une lutte, 1970–1972* (Paris, 2003).

30 As is so often the case with Derrida, there can be no assurance of a relationship between the signifier and the signified: “Have we ever been assured of the homogeneity, of the consistency, of the univocal relationship of any concept to a term or to such a word as ‘archive’?” With no assurance about the content of the concept of archive, with no certainty about what one might be looking for in the past, there can be no history. “It is thus our impression that we can no longer ask the question of the concept, of the history of the concept, and notably of the concept of the archive. No longer, at least, in a temporal or historical modality dominated by the present or by the past.” Derrida, *Archive Fever*, p. 33.

needed to be precisely measured, and the vagabonds and beggars who idled on the fringes of the capitalist economy had to be carefully monitored if they were to be recruited as *soldats* in a reserve army of labour or inserted into the self-perpetuating system of prison/delinquency.³¹ And, so, in *Discipline and Punish* (1975) Foucault drew attention to the “whole mass of documents,” to the “system of intense registration and of documentary accumulation,” that policed as it produced a “meticulous archive constituted in terms of bodies and days.”³²

This is very similar to Foucault’s observation with which I began this paper, which stated that the punitive society depended on the “organization of a police, [the] institution of a system of archives (with individual files), [and the] establishment of a panopticism”: in a nutshell, the central elements of police/archives. Consider first the relationship Foucault suggests between the organization of the police and a system of archives. This will be abundantly clear to anyone who has done research in archival police records. In my own work, I think of the thousands of individual entries in police registers, of the Bertillon system of anthropometric measurements used to identify criminals in prison records, and of the Finger Print Section of the RCMP. These constitute a massive archive, the documentary base of a system that not only punished but also produced new types of individuals, such as “the criminal” and other “dangerous individuals.” Much of Foucault’s own work – certainly the *History of Madness* and *Discipline and Punish* – could not have been written without the police/archive. The *police as archives*, then, constitute an integral dimension of the reciprocal police/archives relationship.³³

But I want to focus on another link Foucault sketched in the police-archives-panopticism relationship: the one between archives and panopticism, or *archives as police*. I do not mean to suggest that working in an archives is like being locked up in a prison cell (although I do recall one summer at the Archives of Ontario, researching in the case files of training schools

31 Foucault wrote: “Inadequate wages, disqualification of labor by the machine, excessive labor hours, multiple regional or local crises, prohibition of associations, mechanism of indebtedment – all this leads workers into behaviors such as absenteeism, breaking of the ‘hiring contract’, migration, and ‘irregular’ living. The problem is then to attach workers firmly to the production apparatus, to settle them or move them where it needs them to be, to subject them to its rhythm, to impose the constancy or regularity on them that it requires – in short, to constitute them as a labor force.” Foucault, “The Punitive Society,” pp. 33–34.

32 Foucault, *Discipline and Punish*, p. 189.

33 For examples of work on the police as archives, see, Michel Rey, “Parisian Homosexuals Create a Lifestyle, 1700–1750: The Police Archives,” in *Tis Nature’s Fault: Unauthorized Sexuality during the Enlightenment*, ed. Robert Purks Maccubbin (Cambridge: Cambridge University Press, 1987), pp. 179–91. In the British context, see Chris Williams and Clive Emsley, “Beware of the Leopard?: Police Archives in Great Britain,” in *Political Pressure and the Archival Record*, ed. Margaret Proctor, Michael Cook, and Caroline Williams (Chicago, 2006).

and being sequestered in a special room with two members of the Ontario Provincial Police who were using the same records for their research, albeit for different reasons). Police/archives does not normally rely upon the presence of actual police officers in the building. Rather, police/archives operates in a more subtle fashion and in at least two different ways. The first, as the references to panopticism might suggest, is spatial/architectural. For Foucault, power/knowledge did not always take a textual form and the same holds true for police/archives.³⁴ A growing body of archival and historical writing looks at how the architectural layout or spatial arrangement of archives and libraries orders individuals in space so as to create a generalized and constant surveillance.³⁵ Probably the best-known example of this is the panoptical reading room of the British Museum (1857), but BNF's la salle Ovale performs a similar function, guaranteeing "*une surveillance plus facile*."³⁶ Archivists must be able to see that we researchers are using our pencils!

Second, police/archives draw their power from their status as what Foucault called "complete and austere institutions" (see Figure 1).³⁷ Complete institutions refer to the same thing that, in his critique of Foucault, Michael Ignatieff called "total institutions," back when he was pleased to publish articles in a journal of socialist and feminist historians.³⁸ In "total institutions" it is hard

34 See Foucault, "Questions on Geography" and "The Eye of Power" in Foucault, *Power/Knowledge*. See also the excellent collection, Jeremy W. Crampton and Stuart Elden, eds., *Space, Knowledge and Power: Foucault and Geography* (Burlington, 2007).

35 See, for example, Eric Ketelaar, "Archival Temples, Archival Prisons: Modes of Power and Protection," *Archival Science* 2 (September 2002), pp. 221–38 and Lilly Koltun, "The Architecture of Archives: Whose Form, What Functions?" *Archival Science* 2 (September 2002), pp. 239–61. See also, Alistair Black, "The Library as Clinic: A Foucauldian Interpretation of British Public Library Attitudes to Social and Physical Disease, ca. 1850–1950," *Libraries & Culture* 40 (Summer 2005), pp. 416–34 and Lewis C. Roberts, "Disciplining and Disinfecting Working-Class Readers in the Victorian Public Library," *Victorian Literature and Culture* 26 (Spring 1998), pp. 105–32.

36 As the "virtual visit" on the BNF's website explains about la salle Ovale, "*d'un bureau central dominant la salle, un bibliothécaire peut en effet surveiller et diriger les différentes parties du service*." See http://www.bnf.fr/visiterichelieu/architecture/ova_ap.htm (accessed on 17 September 2009). On the reading room of the British Museum, see http://www.britishmuseum.org/the_museum/history_and_the_building/reading_room.aspx (accessed on 17 September 2009).

37 On "complete and austere institutions," see Foucault, *Discipline and Punish*, pp. 231–56.

38 Michael Ignatieff, "Total Institutions and Working Classes: A Review Essay," *History Workshop: A Journal of Socialist and Feminist Historians*, vol. 15, no. 1 (1983), pp. 167–73. See also Ignatieff, "State, Civil Society and Total Institutions: A Critique of Recent Social Histories of Punishment," *Crime and Justice* 3 (1981), pp. 153–92. The notion of the total institution belonged to Erving Goffman. In his critique, Ignatieff incorrectly faulted Foucault for failing to cite Goffman. On Foucault's admiration for Goffman, see Jacques Lagrange's "Course Context" in Michel Foucault, *Psychiatric Power: Lectures at the Collège de France, 1973–1974*, ed. Jacques Lagrange, trans. Graham Burchell (New York, 2006), p. 359.

Figure 1: The Archive as “Complete and Austere Institution.” The Metro Toronto Archives and Record Centre (now the City of Toronto Archives), September 1991. Reproduced with permission of the artist, Vid Ingelevics.



not to hear an echo of “total archives,” that distinctly Canadian contribution to archival practice in which both public and private records, in all manner of media, often end up under the purview of a government archives. Much of the commentary on total archives

has, understandably, focused on issues of archival practice, such as the potentially deleterious effect of the promiscuous mixing of different documents and media on the principle of provenance. But total archives can also help to focus our attention on one of the central characteristics of the total institution: its relationship to the state. As Laura Millar has explained, “the total archives concept grew from a recognition of the central role of the government in archival enterprise.”³⁹ Speaking in more historical terms, Foucault pointed out how “the organization of the police apparatus in the eighteenth century” – an apparatus, we know, linked to a system of archives – “sanctioned a generalization of the disciplines that became co-extensive with the state itself.”⁴⁰

Connections between the state and disciplinary institutions can take a host of forms. In the specific case of police/archives, the link is often a legal one in the form of access legislation. Indeed, disagreements between archivists and researchers over the interpretation and application of access laws can be viewed profitably as power/knowledge struggles. In the Canadian context, one

39 Laura Millar, “Discharging our Debt: The Evolution of the Total Archives Concept in English Canada,” *Archivaria* 46 (Fall 1998), p. 117.

40 Foucault, *Discipline and Punish*, p. 215.

thinks of historians Greg Kealey and Reg Whitaker who used federal access to information legislation – characterized as “often frustrating, always tedious, and sometimes expensive” – to acquire RCMP security bulletins, the periodic reports on the RCMP’s surveillance of labour and the left in Canada.⁴¹ Rather than holding onto the bulletins for their own private research, Kealey and Whitaker embarked upon an ambitious publication program, beginning in 1989, to make the documents publicly available. There are eight volumes in the series, covering the years 1919 to 1945; they are also on-line in an open-journal system, making for even greater public access to these once secret intelligence reports.⁴² Kealey underscores the importance of access legislation, particularly in opening up areas of historical research. He explains that his work could not have been done “without this ‘access’ legislation ... Cumbersome and expensive though it may be, the ATI [*Access to Information Act*] of 1983, especially when combined with the *National Archives Act* of 1986 [*sic* for 1987], has helped to create a renewed interest in the study of Canada’s secret service.” One of the paradoxical features of a total or complete institution is that a relatively elaborate bureaucratic structure, while often bemoaned by researchers (and I shall do a bit of this a little further on), nevertheless provides the necessary mechanisms to start up the access machinery. At the same time, Kealey never loses sight of the policing function, in this instance, not so much of archives but of the state security apparatus itself: “[R]esearchers who wish to pursue such topics should be forewarned that they will have to battle the Canadian Security Intelligence Service (CSIS) every step of the way to access materials even from the 1920s.”⁴³

Archivists represent another crucial link between the state and police/archives. Weighed against archivists’ “professional myth of impartiality, neutrality, and objectivity,” Schwartz and Cook entreat that archivists’ power “should no longer remain naturalized or denied, but opened to vital debate.”⁴⁴ But what is the nature of archivists’ power under a police/archives regime? It might be helpful to think of police/archives as Foucault did power, that is, as both punitive and productive. He describes the relationship between sex and

41 Gregory S. Kealey, “Filing and Defiling: The Organization of the State Security Archives in the Interwar Years,” in *On the Case: Explorations in Social History*, eds., Franca Iacovetta and Wendy Mitchinson (Toronto, 1998), p. 89. See also Kealey, “In the Canadian Archives on Security and Intelligence,” *Dalhousie Review* 75 (1995), pp. 26–38 and Kerry Badgley, “Researchers and Canada’s Public Archives: Gaining Access to the Security Collections,” in *Whose National Security?: Canadian State Surveillance and the Creation of Enemies*, eds. Gary Kinsman, Dieter K. Buse, and Mercedes Steedman (Toronto, 2000), pp. 223–28.

42 Gregory S. Kealey and Reg Whitaker, eds., *The RCMP Security Bulletins* (St. John’s, 1989–1997). For the on-line version see, <http://journals.hil.unb.ca/index.php/RCMP/index> (accessed on 3 October 2009).

43 Kealey, “Filing and Defiling,” p. 89.

44 Schwartz and Cook, “Archives, Records, and Power,” p. 1.

the police in the introductory volume of *The History of Sexuality*: “A policing of sex: that is, not the rigor of a taboo, but the necessity of regulating sex through useful and productive discourses.”⁴⁵ And so we might think of the archivist’s policing function less as a prison guard and more as a traffic cop – regulating the archival traffic between the public and the past in useful and productive ways, sometimes acting as security guards for the state (but also protecting people’s right to privacy, and/or fragile or rare documents), and other times facilitating the public’s research interests by serving as a citizen’s police escort direct to the documentary scene of the crime. Which path is taken will depend, I suspect, on individual archivists and how they view their role, something vigorously debated within the archival profession. Are they archivist-historians with the critical distance from institutions such a designation usually entails, or are they government employees, with the loyalty of a civil servant hired to manage and monitor who is poking around in government records, and why?

In the case of the Police Museum and the Toronto Police Service are we really to believe they are here “to Serve and Protect – Working with the Community,” as their letterhead states? The gay/lesbian community knows a long and troubled history with the police that would suggest otherwise. Think, for example, of the RCMP’s surveillance of queers during the 1950s and 1960s, part of the post-war purge of gay men and lesbians from the federal civil service. As the vital work of Gary Kinsman and Patrizia Gentile demonstrates, the RCMP’s surveillance extended well beyond the civil service into Ottawa’s gay/lesbian communities, generating a police/archive of thousands of names. For Kinsman and Gentile, as for Kealey and Whitaker, federal access legislation proved pivotal in retrieving state documents crucial to recovering this moment in Canadian queer history.⁴⁶

Such uneasy histories between the police and some of the communities they are supposed to serve, underline the need for archivists to establish a high level of faith with researchers that archivists are indeed working in the interests of the public and not the police/archives.⁴⁷ Making the case for the archivist as public research advocate, John Smart suggested:

I think our profession should say that the present situation is indefensible where, in our

45 Foucault, *The History of Sexuality*, p. 25.

46 Gary Kinsman and Patrizia Gentile, *The Canadian War on Queers: National Security as Sexual Regulation* (Vancouver, forthcoming). See also Gary Kinsman, “Constructing Gay Men and Lesbians as National Security Risks, 1950–1970,” in Kinsman, *Whose National Security?*; and Kinsman, “The Canadian Cold War on Queers: Sexual Regulation and Resistance,” in *Love, Hate, and Fear in Canada’s Cold War*, ed. Richard Cavell (Toronto, 2004), pp. 108–32.

47 See, for example, Glenn Dingwall, “Trusting Archivists: The Role of Archival Ethics Codes in Establishing Public Faith,” *American Archivist* 67 (Spring–Summer 2004), pp. 11–30.

provincial and federal government records archives, so many key records series from deputy ministers' offices, justice departments, and police agencies are missing. Our profession should take as one of its principles that it should be possible for the public to review all publicly funded activities ... At present in Canada, this principle of public review through research does not exist for many key public agencies and their historians.⁴⁸

Much has undoubtedly changed since Smart made his case more than twenty years ago, especially with the introduction of more access legislation, but my experience with the Toronto Police Museum would suggest that key records are still missing from public archives and the principle of public review through research continues to be hampered.

Watching the Detectives: The Case of the Missing Morality Department

For nearly two decades, I have been researching and publishing work on the history of sex between men in Toronto in the years from 1880 to 1940. Policing in both its strict and fuller Foucauldian sense has been one of my central themes. In part, this is a reflection of my sources. The bulk of my research has been in criminal court records of "homosexual offences" housed at the Archives of Ontario.⁴⁹ I realized early on during my research that the Morality Department of the Toronto Police Force would play a substantial role in the story. Officers of the Morality squad figured in the vast majority of more than 350 cases of homosexual crimes that turned up in my research. A distinct unit dedicated to morality was first established within the Toronto Police in 1886. David Archibald, staff inspector of the new Morality Department, had a wide mandate, including the prosecution of prostitutes and houses of ill-fame, illicit liquor sellers, gambling dens, and sex between men. Archibald filed a report on the first year of work in the Morality Department. The chief constable appended Archibald's report to his own annual report, which regularly appeared in the minutes of city council. Although the chief constable made subsequent references in his annual reports to further reports from Archibald, none of these appeared in the minutes. I wanted to know where these other reports were and what other records from the Morality Department existed. To answer these questions, I turned to the City of Toronto Archives, which has a substantial collection of historical records relating to the Toronto Police. While these records proved invaluable to my research, I

48 John Smart, "The Professional Archivist's Responsibility as an Advocate of Public Research," *Archivaria* 16 (Summer 1983), p. 145.

49 I offered an early statement on the problems and possibilities of doing this kind of research in an earlier paper. See Steven Maynard, "'The Burning, Wilful Evidence': Lesbian/Gay History and Archival Research," *Archivaria* 33 (Winter 1991–92), pp. 195–201.

found nothing substantive in them that related to the Morality Department, other than several more tantalizing yet frustrating passing references to the existence of various Morality Department documents.

While researching in police records at the City of Toronto Archives, I had always been aware that some of the police department's historical documents remained in the possession of the police at the Toronto Police Museum within the Toronto Police Service (TPS). The Police Museum is located at police headquarters in downtown Toronto. I made my first visit to the Museum in the early 1990s. At that time, the Museum was run by Jack Webster, a police officer who, after he retired in 1988, became the Force's official historian and *de facto* archivist.⁵⁰ He adopted a very protective, proprietorial attitude toward the police records. To gain access required presenting oneself before "Copper Jack" and hoping he liked the researcher enough to allow her/him to see "his" documents. I must have made a favourable enough impression, for Webster escorted me down into the depths of police headquarters to sub-level 3. There, in a windowless room, crowded with old police registers, duty books, and other documents, Webster sat me at a desk and gave me a selection of documents to look through. How Webster chose which documents to let me see was never clear, and I was not allowed to search through them myself. As I poured over the records, Webster sat at a desk occasionally peering over the paperback he was reading to check up on me. It was not the most conducive arrangement in which to conduct research. Doing any kind of sustained, detailed, empirical research was out of the question, for there was no escaping the feeling that my presence was keeping Webster from something else he would rather be doing, probably anything else besides "babysitting" me. I returned several times, but needless to say, this research arrangement did not last, and I did not locate the missing Morality Department.

A subsequent visit to the Police Museum in 2006 revealed some changes. Webster had left his position, and the Museum had been expanded to include a public exhibition space with a number of historical and contemporary displays. Still, there is nothing resembling a research room, and the spatial separation between researchers and the records is now securely in place: there are no more visits to the basement. In fact, members of the public are not allowed to look at the historical documents at all. Rather, the Museum requires one to submit a research request along with personal credit card information (for research that takes more than fifteen minutes, there is a \$25/hour charge) and a "museum researcher" performs the research on the researcher's behalf. From the perspective of a professional historian, there is any number of problems with this highly irregular practice. Archivists may

50 See Jack Webster, with Rosemary Aubert, *Copper Jack: My Life on the Force* (Toronto, 1991).

stand as gatekeepers between researchers and their records, but once they grant access to the records, they usually allow one to do her/his own research – not so at the Police Museum. Nonetheless, I secured a research grant from my university and submitted a request with the Museum. Even compiling the request was difficult because the Museum does not have a descriptive database of its holdings, at least not one it shares with the public. There are no references to the Toronto Police Service in the detailed “directory of records” for city departments maintained by the Corporate Access and Privacy Unit of the City Clerk’s Office. Neither will one find the Police Service among city departments that have developed plans for the “routine disclosure” of documents, which are designed to help identify the types of information that can be made available to the public.⁵¹ This should have been my first clue that the police would be more interested in policing rather than disclosing documents.

After a three-month wait, I was informed that some reports had been located, that other documents were still being gathered, and that I would be told soon how much if anything could be released. This sounded promising. However, despite my repeated requests for updates from the Museum, I heard nothing for the next year and a half. If the Morality Department had been missing before, it now seemed to have disappeared forever behind the proverbial police code of silence. Such stonewalling, as it were, has a long history in the research and writing of the queer past. Some time ago, gay historian Martin Duberman detailed his ordeal with an archive to get access to, and publish, several early-nineteenth-century letters with homoerotic content. Duberman made clear his “chief purpose is not to establish the villainy of archivists,” but to tell his story so that it “might encourage other scholars to persevere in the search for long-suppressed material; might offer tactics for extracting it; might alert them to some of the obstacles and ploys custodial guardians will use to deflect the search.”⁵² In my case, deflection took the form of delay as well as distortion. When, finally, I heard from the Museum again, the TPS Director of Public Information, then responsible for the Museum, informed me that my research request “on the changing perceptions of crime and morality by the people of Toronto is not one which can be answered by the Toronto Police.” The Director explained: “You would have to approach sources which have access to popular publications of the time including books, newspapers, and other accounts or academic studies on the subject.”⁵³ But my research request was quite specific. It made no mention of

51 See http://wx.toronto.ca/inter/dir_recs.nsf/CRCSRecs?OpenView and http://www.toronto.ca/cap/routine_disclosure_plan.htm (both accessed on 9 September 2009).

52 Martin Duberman, “‘Writhing Bedfellows’ in Antebellum South Carolina: Historical Interpretation and the Politics of Evidence,” in Duberman, *About Time: Exploring the Gay Past* (New York, 1991), p. 13.

53 Director of Public Information, Toronto Police Service, to Steven Maynard, 16 May 2008.

“the people of Toronto” and their views, and was quite explicitly about policing, which presumably the Police Museum could answer. Taking a specific request, refashioning it, and then, on that basis, claiming it is impossible to answer is what Duberman might call a ploy and what I would call another technique of police/archives.⁵⁴

In February 2008 I redoubled my efforts to track down the Morality Department. This time I bypassed the Museum and raised my concerns directly with the TPS. My first question concerned the relationship of the Museum to the TPS. The Museum’s Web page explains that it was “built entirely from private donations,” and that it “exists solely on the profits of our gift shop and donations.”⁵⁵ Museum staff, when they were still communicating with me, explained that while technically the Museum belongs to the TPS, it has legal charitable status and does not receive funding from the TPS. The TPS has a slightly different understanding. According to the Director of Corporate Services, “Although the Museum was established with financial contributions from various private donors, to my knowledge, it has no separate legal status and is simply an ongoing project of the Toronto Police Service.”⁵⁶ The difference of opinion is disconcerting and raises some questions. One the one hand, the Museum, with legal charitable status and built from, and existing on, private donations, sounds like a private organization, or at least one that is relatively autonomous from the TPS. If so, the crucial question becomes: How did the rare, historical records of a publicly funded institution such as the city police come to be in the custody of a private group? On the other hand, if the Museum really is “simply an ongoing project of the Toronto Police Service,” then the Museum should be subject to legislation governing access to information.

The *City of Toronto Act, 2006* mandates that the “City shall retain and preserve the records of the City and its local boards in a secure and accessible manner,” and that subject “to the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*, any person may, at all reasonable times,

54 In a not unrelated case earlier this year, the Toronto Police Service (TPS) lost a six-year-long battle with the *Toronto Star* over the *Star*’s access to information request for electronic records related to racial profiling. The TPS argued it could not answer the request, as it would be too time-consuming and too difficult to generate the requested data from its existing computer programs. The Court of Appeal for Ontario disagreed and ordered the TPS to comply with the access request immediately, the judge in the appeal ruling that “the public’s right to obtain this kind of information must be interpreted liberally.” As commentators on the affair correctly noted, however, the struggle may not be over, for the TPS has any number of other exemptions under *MFIPPA* it can invoke. Tracey Tyler, “Star Wins ‘Landmark’ Court Fight over Records,” *The Toronto Star* (14 January 2009).

55 See <http://www.torontopolice.on.ca/museum> (accessed on 19 April 2009).

56 Director of Corporate Services, Toronto Police Service, to Steven Maynard, 9 June 2008.

inspect any of the records under the control of the clerk.”⁵⁷ At the same time, however, legal recognition of the public’s right to know has been balanced by the protection of privacy, and not just the privacy of individuals but also the “privacy” of some of the city’s institutions. *MFIPPA*, despite operating under the principle that “information should be available to the public” and despite providing a “right of access to information,” nevertheless contains ten categories of exemptions, including one for “law enforcement,” which further stipulates seventeen different reasons why the police can refuse to disclose a record, most of which relate to preventing interference with ongoing law enforcement operations. It is difficult, however, to imagine how any of the exemptions could reasonably be applied to the documents I am seeking, which are now between one hundred and one hundred and twenty-five years old. For example, one *MFIPPA* exemption states that the police “may refuse to disclose a record if the disclosure could reasonably be expected to reveal investigative techniques and procedures currently in use or likely to be used in law enforcement.”⁵⁸ My research revealed the police surveillance of sex between men in public washrooms in the late nineteenth and early twentieth centuries. The surveillance techniques were quite rudimentary – police constables set up wooden ladders and sawhorses on the exterior backside of public washrooms, which they would climb and proceed to peer into the washroom through gaps in the wall.⁵⁹ I do not doubt that surveillance of public washrooms continues, but I’m guessing that the apparatus of police surveillance no longer includes the use of wooden ladders and sawhorses and, thus, my research is not likely to blow the cover on any “techniques and procedures currently in use or likely to be used in law enforcement.”

Consequently, I submitted a formal *MFIPPA* request with the TPS’s Access and Privacy Section. The result was mixed. On the plus side, I received a response to my request in a timely fashion, in something considerably less than the over 630 days that it took the Museum to respond to my

57 *City of Toronto Act, 2006*, c.11, Sched. A, s. 200 (1) and c.11, Sched. A, s. 199(1). In fact, the *Municipal Act* (predecessor to the *City of Toronto Act*), provided people with this right to inspect public records long before the introduction of our current freedom of information legislation. The difficulty in those earlier years was that many administrators and members of the public were unaware of the *Municipal Act’s* provisions. In the case of the City of Ottawa, for instance, “the public was effectively excluded by this ignorance from the city’s records.” See Edwin Welch, “Freedom of Information in Municipalities,” *Archivaria* 6 (Summer 1978), pp. 161–62. See also Jerome O’Brien, “Archives and the Law: A Brief Look at the Canadian Scene,” *Archivaria* 18 (Summer 1984), p. 41.

58 *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, s. 8 (1)c.

59 Steven Maynard, “Through a Hole in the Lavatory Wall: Homosexual Subcultures, Police Surveillance, and the Dialectics of Discovery, Toronto, 1890–1930,” *Journal of the History of Sexuality* 5 (October 1994), pp. 207–42.

initial research request. On the not so positive side, the access co-ordinator determined that “your specific request ... does not fall under the auspices of the Act.” No reason was given, and I was “advised that your request for access to information under the Act has been withdrawn and is now closed.”⁶⁰ At the same time, the co-ordinator was pleased to inform me that special arrangements had been made to allow me to view *some* records. And, in fact, I did finally get to see one historical register from the Morality Department. But this research trip turned out not unlike my first one with Copper Jack. I viewed the register not in the Museum or a reading room, but in the office of a detective attached to the Corporate Services Section. When I asked whether there were more documents I might be able to see, the detective disappeared into the basement and returned with another register, although this one not from the Morality Department at all. The problems persist and questions remain: How many documents are in the police basement? What types of documents are they? What years do they cover? How are they to be easily accessed? It seems impossible to know.

What, then, can we make of this? My experience at the Police Museum would seem to support Stoler’s observation that in some archives “the panoptic is a frail conceit.”⁶¹ The Police Museum is not a total archives. In fact, in its scattergun approach to historical records and with its informal procedures, the Museum is the exact opposite of the rational archives of the state. At the same time, the Police Museum is connected to one of the paradigmatic complete and austere institutions in our society: the police. The researcher trying to access historical police records, then, confronts a two-pronged problem; the Toronto Police Service, exerting its power through the terse interpretation of the access legislation; the Police Museum, exploiting its ambiguous position between public and private, and ultimately protected by the authority of the TPS. In this situation, I think what we encounter is not so much frailty as the dual deployment of the power of a total institution with a more anarchic approach to archives.⁶² This can be a disorienting experience for the researcher as s/he is bounced within the police bureaucracy from the Museum to the Public Information unit, from the Access and Privacy section to Corporate Services, required to submit to formal procedures in one place only to encounter lax archival practices in another.

One might have guessed that dealing with an archive attached to the police, one would discover archival panopticism at its most powerful. But we want to be careful not to overstate the completeness or totality of the power

60 Co-ordinator, Access and Privacy Section, Toronto Police Service, to Steven Maynard, 11 June 2009.

61 Stoler, *Along the Archival Grain*, p. 23.

62 Thanks go to one of the journal’s reviewers for suggesting “anarchic” as an apt characterization of the Museum’s archival mode.

of police/archives. In contrast to Derrida who saw in the archive only an ahistorical and inescapable power,⁶³ Foucault would emphasize the cracks in the archival edifice, the potential points of penetration, its susceptibility to pressure. The possibilities are indicated by my partial success in using access to information legislation – if only as a prod – to finally catch a glimpse of the Morality Department. Still, it is a precarious arrangement in which power ultimately rests on the side of police/archives – at least so far. In response to my queries, the Director of Corporate Services explained: “The challenge immediately before us is to ensure that the policies and practices in the Museum do not prohibit members of the community from gaining access to information they are entitled to receive.”⁶⁴ And yet, very shortly after I first raised my concerns with the TPS, research requests at the Museum were suspended. As the Museum’s Web page explains: “The museum is currently reviewing *The Access and Privacy Section Policy and Procedures Act* and will not be receiving any research requests at this time.”⁶⁵ That was well over a year ago and, as of the writing of this article, the Museum remains in lockdown as far as research requests are concerned. Shutting down public access to documents is the ultimate police/archives tool.

“To Establish the Greatest Accessibility ...”

My goal in pressing the Police Museum relates to issues of public access and police accountability. First, access. Over thirty years ago, when some of the historical records of the Toronto police were transferred to the city archives, the City Clerk, in conjunction with the archives, suggested to the police the need for an access policy to its historical records. “These records are a rich source of data for the study of Toronto’s social history,” wrote the Clerk, “which brings into focus the question of establishing an access policy for their use.” The Clerk argued that “the goal should be to establish the greatest accessibility to bona fide scholars and students consistent with the considerations of confidentiality which may apply to some of the records.” The Clerk further suggested that it may be “desirable to pay special attention to the bona fides of persons wishing to use those records less than, say 50 years old, and the responsibility for making such checks might be assigned to the City

63 As Steedman writes, “In Derrida’s description, the *arkhe* – the archive – appears to represent the *now* of whatever kind of power is being exercised anywhere, in any place or time.” Further on, she states that “‘Archive’ is thus inflated to mean – if not quite Everything – then at least all the ways and means of state power; Power itself, perhaps, rather than those quietly folded and filed documents that we think provide the mere and incomplete records of some of its inaugural moments.” Steedman, *Dust*, pp. 1 and 6.

64 Director of Corporate Services, Toronto Police Service, to Steven Maynard, 9 June 2008.

65 See <http://www.torontopolice.on.ca/museum> (accessed on 8 September 2009).

Archivist.”⁶⁶ The Board of Commissioners of Police agreed to leave matters relating to the police’s historical records, including the establishment of an access policy, to the City Archivist.⁶⁷

I draw attention to this historical moment because it seems to me that even though some of the specifics of the Clerk’s recommendations – the fifty-year rule, for example – may or may not correspond with current access legislation, I think the more general intent of his proposal remains sound. It represents precisely what is missing at the Toronto Police Museum today: an appreciation for, and understanding of, History. There needs to be a clear distinction between the TPS’s historical records and its more recent records, the latter of which may more legitimately fall under *MFIPPA* exemptions. There is no reason this cannot be done. *MFIPPA* already makes exceptions to many of its exemptions for records that are more than twenty years old. Once historical records have been identified, they should, rather than being left to rot in the basement of police headquarters, be transferred to the City of Toronto Archives, where the bulk of police records are already housed, and where they have an appropriate physical environment, professionally trained archivists, and proper access/privacy policies in place. The precedent for this already exists in the arrangement between the Board of Commissioners of Police and the City of Toronto Archives, which dates back to the mid-1970s. Even with such a transfer, however, we would need to remain vigilant. There is no guarantee that the removal of records from the police department to a more “complete” state archive would facilitate a more complete access, as is made clear by the many blacked-out sections of the documents obtained by those working on the history of state repression of labour/the left, and gays and lesbians. Foucault would caution us to remain wary of any such move between institutions, viewing it less as a democratization of access and more like a strategic reconfiguration of police/archives within the multiple levels of state power.

My second concern relates to accountability, particularly important when it comes to police/archives. Part five of the *City of Toronto Act* is devoted to “accountability and transparency.”⁶⁸ But how are citizens to scrutinize the past operations of the police if its historical records are not easily accessible to the public? Accountability is, of course, also an issue of concern to archivists. John Dirks has discussed the shift in rationale for archives from history (i.e., archives as cultural memory, national heritage) to accountability, that is, archives as repositories of records that can be used as a check on power in

66 Toronto City Clerk to Board of Commissioners of Police, 26 April 1976. This letter is found in the City of Toronto Archives’ administrative files relating to their acquisition of police records.

67 Executive Secretary of the Board of Commissioners to Toronto City Clerk, 18 May 1976.

68 *City of Toronto Act, 2006*, c. 11, Sched. A, s. 156–183.

democratic society (provided, of course, one can access those records). The shift from claims based on history to accountability has occurred in large part because state institutions are more responsive in these days of public scandal – think Native residential schools – to issues of accountability than they are to appeals to history. While Dirks is no doubt mapping a real shift, the distinction is somewhat dubious, for present-day issues of public accountability, such as the residential schools, are also profoundly historical. Dirks is keenly aware of this, and he argues for a dual history/accountability approach.⁶⁹

Dirks points to the work of social historians as an example of this dual approach. Social historians often combine an appreciation for history, indeed often arguing for the greater retention of records, with a politics of accountability: “Underpinning [historians’] need for detailed documentation of the experiences of individuals under institutional or other controls is an element of justice and a demand for moral, if not legal accountability.”⁷⁰ This works as a good description of my own approach to queer history and police/archives. But Dirks also points to something he regards as “ironic.” He notes that with their appeals for more archives, social historians, influenced by a Foucauldian understanding of archives as power, ironically bolster the very archival authority they critique. Dirks is right, of course, although I would not call this ironic, for according to Foucault, this is precisely how power operates in modern society. Let me give a different but related example. In its *Access and Privacy Manual*, a document intended for internal use, the City of Toronto’s access/privacy unit states that “The *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)* establishes an access to information regime, based on the following fundamental principles: Informed citizens are essential to the democratic process and the more that citizens know about their government the better they will be governed.”⁷¹ Setting aside the fact that *MFIPPA* does not actually make any reference to “citizens” or “democracy,” I read this as something of a Foucauldian slip. I suspect what they mean is the more that citizens avail themselves of access to government information, acting as a check and balance on government power, the better government we will have. But a Foucauldian reading would stress that the more that citizens engage with the state through such things as its “freedom of information” laws, the more totally and effectively they become governed by the state via processes of incorporation, legitimation, etc. This is what Patrick Joyce means in his discussion of the “liberal archive” by “the rule of freedom”: the

69 John M. Dirks, “Accountability, History, and Archives: Conflicting Priorities or Synthesized Strands?” *Archivaria* 57 (Spring 2004), pp. 29–49.

70 *Ibid.*, p. 41.

71 Corporate Access and Privacy Unit, City of Toronto, *Access and Privacy Manual*, 2nd ed. (March 2006), <http://www.toronto.ca/cap/pdf/capman/pdf> (accessed on 19 September 2009).

notion that freedom is not, as commonsense would have it, freedom from power, but in fact represents yet another clever ruse of ruling.⁷²

In the face of this insidious quality of modern power – the more we practice our “freedom,” the more we are ruled – should we just put our hands up and surrender? For Foucault, the answer would be an emphatic *Non!*; the political struggle against the power of total or complete institutions, be it a prison, a psychiatric facility, or police/archives, was paramount. In waging that struggle, historical-archival research plays a pivotal part. In the same lecture from 1976 in which Foucault described “the feverish laziness” of working in archives and libraries, he made an impassioned *cri de cœur* for the “insurrection of subjugated knowledges,” “disqualified and marginal” forms of knowing, the kind of “knowledges from below” that often surface in the course of doing primary, archival research. These types of research and knowledge were significant, Foucault insisted, because they allow us “to constitute a historical knowledge of struggles and to make use of that knowledge in contemporary tactics,” be it “jamming the workings of the psychiatric institution,” or in the “strange efficacy of the attacks that have been made on, say, morality and the traditional sexual hierarchy,” or, we can add, in demanding greater public access to and accountability over police/archives.⁷³

But in whose name, under what banner of identity, do we wage the struggle against police/archives? Schwartz and Cook maintain that “whether conscious of it or not, archivists are major players in the business of identity politics,” and they point to, among others, “gays and lesbians.”⁷⁴ This may be so, but is it desirable? Foucault wrote that he was not interested in the archive as “evidence of a continuing identity.”⁷⁵ In all his intellectual work and throughout his political life, Foucault remained hyper-suspicious of claims to identity, including sexual identity. For Foucault, sexuality was not something to be claimed but something we should always keep at a critical distance. His interest in sexuality was not in how it might be embraced to name the truth of who we are, but rather how it might be used as a vehicle to invent and multiply new forms of relations and ways of knowing. This creative process might begin with queer experience, but it should ultimately have a more universal appeal, something available to everyone rather than the property of any one particular sexual constituency. In this paper, I have tried to avoid an appeal

72 Patrick Joyce, “The Politics of the Liberal Archive,” *History of the Human Sciences* 12 (May 1999), pp. 35–49. See also Joyce, *The Rule of Freedom: Liberalism and the Modern City* (New York, 2003).

73 Foucault, “Society Must Be Defended,” pp. 7–8, 5. For a similar interpretation of these lectures, see Neil Levy, “History as Struggle: Foucault’s Genealogy of Genealogy,” *History of the Human Sciences* 11 (November 1998), pp. 159–70.

74 Schwartz and Cook, “Archives, Records, and Power,” pp. 16–17.

75 Foucault, *The Archaeology of Knowledge*, p. 145.

to identity. I have not argued for the greater inclusion of queer history in archives. Neither have I tried to make the case for queer archives as a specialized subfield of archival practice or theory. These may be worthwhile endeavours, but they are not mine. Rather, following Foucault, I have tried to address the notion of police/archives, not queer archives. Beginning but not ending with my experience as a queer researcher in archives, my goal has been to raise more universal issues of public access and accountability. If this aids and abets, and I hope it does, in the transfer of historical documents from the Police Museum to the City of Toronto Archives, then any resulting expanded access will benefit not only queer researchers but also anyone interested in the historical scrutiny of the police. But the “if” is crucial, for it remains to be seen whether this story will conclude on the side of police authority or on the side of greater public command over police/archives.