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ORAL HISTORY ARCHIVES: BALANCING KEEPING RECORDS AND RESPECTING PEOPLE'S CHOICES

Oral history has long served as a powerful method for preserving voices often excluded from traditional historical records. Through recorded interviews, archivists and scholars capture memories that offer deep insight into personal, cultural, and political experiences. Yet, as oral history moves from dusty tapes in archives to globally accessible digital collections, questions of ethics, particularly around consent, become urgent and unavoidable. Informed consent is no longer a static agreement but a dynamic process shaped by evolving technologies and social expectations. Early oral history programs, such as those launched at Columbia University in the late 1940s, did not foresee the world of searchable databases and open-access repositories.[1] Consent agreements from that era often focused solely on the physical preservation of interviews, not their digital transformation. This shift raises a central ethical question: how can archivists honor the rights and intentions of narrators whose stories now circulate in ways they never imagined?

Dejah Rubel highlights this dilemma, noting that most older donor agreements did not include provisions for online access, leaving many institutions to navigate legal grey areas as they seek to expand public access.[2] Moreover, as Hirsch and Spitzer argue, digital witnessing complicates the relationship between storytelling, memory, and archival presence.[3] Once an interview is digitized, the narrator's voice enters a broader arena, one where context may be lost,

[1] David Lance, "Oral History Archives: Perceptions and Practices," *Oral History* 8, no. 2 (1980): 59
[2] Dejah T. Rubel, "Accessing Their Voice from Anywhere: Analysis of the Legal Issues Surrounding the Online Use of Oral Histories," *Archival Issues* 31, no. 2 (2007): 172-73
[3] Marianne Hirsch and Leo Spitzer, "The Witness in the Archive: Holocaust Studies/Memory Studies," in *Memory: Histories, Theories, Debates*, ed. Susannah Radstone and Bill Schwarz (New York: Fordham University Press, 2010), 390-91

reinterpretation is possible, and privacy becomes precarious. This paper examines how informed consent has evolved within oral history practices and explores the ethical challenges that digitization presents. It focuses on how archives can responsibly preserve memory while protecting the rights of narrators, especially when dealing with materials created under outdated consent frameworks. To understand these challenges, it is first necessary to examine how oral history entered archival institutions and how archivists initially approached their role in preserving these narratives.

The roots of oral history as an archival practice in the United States date back to 1948, when Columbia University launched one of the first major programs under the leadership of Allan Nevins. Nevins' intent was clear: he wanted to capture and preserve first-person accounts of public figures, accounts that might otherwise be lost to history.[4] This initiative was archival in nature, driven more by the desire to supplement institutional collections than by the pursuit of collaborative or interpretive history. The model Nevins helped to establish, autobiographical interviews of political and cultural elites, would dominate oral history for the next two decades. In those early years, archivists often treated oral histories as static objects to be preserved like any other manuscript collection. David Lance observed that oral history recordings were typically structured in ways that paralleled traditional documentary forms: interviewers allowed narrators to speak freely, without applying specific thematic aims or hypotheses.[5] The resulting interviews, while rich in anecdote, often lacked depth in analysis or contextual framing. For archivists, this

[4] James E. Fogerty, "Filling the Gap: Oral History in the Archives," *The American Archivist* 46, no. 2 (Spring 1983): 149

[5] Lance, "Oral History Archives," 60.

approach aligned with established professional instincts that emphasized impartiality, comprehensiveness, and a respect for the creator's voice over scholarly interpretation.[6]

Yet this method was not without its limits. By the early 1980s, practitioners began to recognize that relying on unstructured, autobiographical narratives risked redundancy and overlooked critical information, especially when dealing with public figures whose paper records already existed. James Fogerty argued that oral history should not simply replicate what could be found in a donor's papers. Instead, it should be used to uncover candid insights, contextual motivations, and emotional truths often absent from written documentation.[7] Without well-structured interviews, many collections failed to capture the full depth of a person's experience. Simultaneously, broader shifts in historiography began to reshape the field. As social historians in the 1960s and 70s turned their attention toward working-class communities, women, and minority groups, oral history emerged as a tool to document voices historically excluded from archives.[8] Archivists, once skeptical of oral sources due to concerns about memory reliability, started embracing the methodology as essential to building inclusive collections. Ellen Swain notes that this transformation expanded the role of archivists, not only as custodians of memory but also as collaborators in shaping more democratic and representative historical records.[9]

This evolution laid the groundwork for contemporary debates about ethics and consent. As archives became more inclusive, the question of how to responsibly manage, share, and revisit the narratives within them, particularly in digital environments, gained new urgency. As oral history expanded to document a broader spectrum of voices, archivists could no longer treat interviews

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[6] Lance, "Oral History Archives," 60.
[7] Fogerty, "Filling the Gap," 150–51.
[8] Ellen D. Swain, "Oral History in the Archives: Its Documentary Role in the Twenty-First Century," *The American Archivist* 66, no. 1 (Spring–Summer 2003): 140
[9] Swain, "Oral History in the Archives," 147.

solely as artifacts for preservation. Ethical considerations, particularly surrounding informed consent, emerged as central to the practice. Ensuring that narrators understood how their stories would be preserved, accessed, and potentially disseminated became a fundamental responsibility, not an afterthought. Initially, informed consent often involved signing a simple release form, frequently without extensive conversation about future uses. Valerie Raleigh Yow highlights how early oral historians rarely engaged participants in discussions about long-term implications, focusing instead on obtaining permission for immediate academic use.[10] This procedural approach sufficed when access was restricted to reading rooms or limited audiences. However, as archives increasingly digitized collections and placed them online, early notions of consent began to unravel under new pressures.

Scholars like Heidi McKee and James Porter emphasize that consent must be treated as an ongoing, revisitable process rather than a one-time event.[11] They argue that researchers and archivists have an ethical duty to anticipate how evolving technologies might alter the exposure and interpretation of recorded narratives. By foregrounding the "person-ness" of archival materials, McKee and Porter call attention to the living legacies embedded in oral histories, legacies that digitization can amplify in ways narrators never anticipated. The legal dimension of consent also evolved to accommodate these concerns. John Neuenschwander notes that contemporary release agreements often include "future use" clauses designed to account for technological developments unknown at the time of recording.[12] These updated frameworks attempt to preserve the spirit of informed participation by acknowledging that oral histories may travel far beyond their original intended

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[10] Valerie Raleigh Yow, *Recording Oral History: A Guide for the Humanities and Social Sciences*, 2nd ed. (Walnut Creek, CA: AltaMira Press, 2005), 83–85.
[11]Heidi A. McKee and James E. Porter, "The Ethics of Archival Research," *College Composition and Communication* 64, no. 1 (September 2012): 62–63
[12] John A. Neuenschwander, *A Guide to Oral History and the Law*, 2nd ed. (New York: Oxford University Press, 2014), 45–46.

audiences. Still, no legal language can fully predict how narrators might feel decades later when their private reflections become instantly accessible across the world. Cases involving narrators seeking to withdraw or revise their interviews underscore this tension. Dejah Rubel observes that older agreements rarely addressed the possibility of internet dissemination, placing archives in ethically precarious positions when participants request removal or restriction of materials.[13] In these moments, legal rights may diverge from ethical obligations, leaving archivists to navigate a delicate balance between public access and individual dignity.

As questions of consent and privacy grow increasingly complex, oral history practitioners recognize that ethical stewardship demands more than compliance with forms. It requires a relational approach grounded in transparency, flexibility, and a deep respect for the evolving needs of narrators. By embracing these principles, archivists can ensure that oral histories serve not only as records of the past but also as living testimonies honored in the present. The ethical complexities surrounding informed consent have become even more pronounced in the digital era. Digitization has revolutionized archival access, allowing materials once restricted to physical reading rooms to reach audiences worldwide with a few clicks. While this shift has greatly expanded the educational and cultural value of oral history, it has also introduced new risks, particularly for narrators who never imagined their testimonies circulating in such expansive, unpredictable ways.

Older oral histories present some of the most difficult challenges. Many of these interviews were conducted before the internet existed and under agreements that contemplated only local, limited use. As Dejah Rubel explains, digitizing and publishing these materials online without revisiting consent agreements exposes both legal vulnerabilities and ethical breaches.[14] Archivists must therefore confront difficult questions: Does the original consent still apply? Should institutions

[13] Rubel, "Accessing Their Voice from Anywhere," 173–74,
[14] Rubel, "Accessing Their Voice from Anywhere," 175–76,

seek re-consent from narrators or their families when possible? And how should they handle interviews where participants are deceased or unreachable?

Beyond legal concerns, the digital environment transforms the context in which oral histories are experienced. Marianne Hirsch and Leo Spitzer argue that witnessing itself changes when mediated through new technologies.[15] A narrator's voice, once situated within a specific archival setting, becomes decontextualized in the vastness of the internet. Stories can be clipped, remixed, or reframed in ways that strip away nuance and relational meaning. What began as an intimate act of memory-sharing risks becoming a detached or even sensationalized public artifact. Archivists, then, must rethink traditional notions of accessibility. Randall Jimerson suggests that ethical archival practice demands sensitivity not only to the principle of open access but also to the potential harm that unfettered dissemination might cause.[16] Jimerson's reflections on the controversy surrounding the release of Thurgood Marshall's papers illustrate how archival decisions, even those made with public interest in mind, can carry unintended consequences for individuals and communities.

In response to these dilemmas, some archives have adopted tiered-access models, providing different levels of availability based on the sensitivity of the material or the preferences of narrators. Others have implemented review processes that allow narrators or their representatives to revisit access terms over time. These practices represent important steps toward aligning archival responsibility with the realities of digital exposure. Ultimately, digitization compels archivists to move beyond rigid proceduralism and embrace a more relational, dynamic model of stewardship, one that recognizes memory not as a static object to be displayed, but as a living dialogue between narrators, archives, and future publics.

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[15] Hirsch and Spitzer, "The Witness in the Archive," 391–92,
[16] Randall C. Jimerson, "Ethical Concerns for Archivists," *The Public Historian* 28, no. 1 (Winter 2006): 88–89,

The increasing visibility of archived oral histories in digital spaces has not only raised concerns about initial consent but also about narrators' ability to modify or withdraw their participation after the fact. As ethical awareness deepens, many archives now grapple with how to handle requests from narrators who wish to restrict, alter, or even erase interviews that they once freely gave. Such cases often reveal the tension between the archival impulse to preserve history and the personal rights of individuals to control their own narratives. John Neuenschwander explains that while legal release forms typically protect an archive's right to retain materials, ethical obligations may point in a different direction.[17] When narrators experience regret or new vulnerabilities, whether due to political changes, social exposure, or personal reconsideration, archives must decide whether to prioritize institutional rights or human dignity.

The challenges become even sharper when oral histories involve sensitive topics such as trauma, identity, or contested political events. Heidi McKee and James Porter emphasize that archivists should view consent as recursive, meaning it must be revisited whenever the context of an interview's use changes dramatically.[18] They argue that it is insufficient to rely on initial permissions without recognizing that narrators' understanding of the risks associated with public access may evolve over time. Yet revisiting consent is not always straightforward. In many instances, narrators are deceased, unlocatable, or incapacitated, leaving archivists to interpret wishes that were never formally updated. As Dejah Rubel observes, older collections without flexible consent language leave institutions vulnerable to ethical criticisms, especially if materials are widely accessible online.[19] Archives must then carefully balance competing priorities: the

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[17] Neuenschwander, "*A Guide to Oral History and the Law*," 104–105.
[18] McKee and Porter, "The Ethics of Archival Research," 65–66,
[19] Rubel, "Accessing Their Voice from Anywhere," 176–77,

commitment to historical completeness, the rights of surviving family members, and the evolving norms around privacy and informed participation.

Some institutions have begun creating withdrawal or re-negotiation policies to address these scenarios. These policies often allow narrators, or their designated representatives, to request changes to the level of access granted to their materials. Although such accommodations can complicate archival operations, they reflect a broader shift toward viewing oral histories not as property to be managed but as relationships to be honored. The ability to adapt, revise, or remove interviews recognizes that history is not only what is recorded but also how communities and individuals remember, contest, and reshape their pasts. Through flexible consent practices, archivists can reaffirm their commitment to ethical stewardship, even when doing so challenges traditional archival norms.

Faced with the ethical complexities of digitization, consent withdrawal, and evolving notions of privacy, many archives have adopted new practices aimed at safeguarding both the integrity of collections and the rights of narrators. Rather than relying solely on legal protections, archivists increasingly recognize the need for relational and responsive stewardship models. One important best practice involves developing layered consent processes. Valerie Yow recommends offering narrators multiple options regarding access and use at the outset, such as restricting interviews for a period of time, limiting access to certain audiences, or separating sensitive portions from public versions.[20] By providing narrators with choices instead of presenting a single, all-or-nothing release, archivists build trust and ensure that participants maintain greater control over their narratives. Professional ethics codes have also grown in importance as frameworks for guiding these decisions. Glenn Dingwall emphasizes that public trust in archivists depends heavily on the

[20] Yow, "*Recording Oral History,"* 96–98.

ethical standards they uphold, particularly regarding transparency, accountability, and respect for narrators' rights.[21] Ethical codes not only protect narrators but also strengthen the perceived legitimacy of archival institutions, encouraging broader participation and collaboration.

Moreover, participatory approaches to archiving have gained prominence. Ellen Swain points out that involving narrators and communities throughout the lifecycle of an oral history project, from interview planning to access decisions, enhances both ethical rigor and historical richness.[22] Rather than viewing narrators as subjects whose stories are collected, participatory archives position them as co-creators and stakeholders in the preservation process. Archivists who adopt flexible access policies further strengthen these efforts. Institutions that allow for embargoes, periodic review of access permissions, and narrator-initiated modifications signal that memory work is an ongoing dialogue, not a one-time extraction. These approaches reflect a shift from static preservation models toward dynamic, ethically informed stewardship. By embedding flexibility, transparency, and mutual respect into their practices, archivists can ensure that oral history archives continue to serve both historical scholarship and human dignity in the face of evolving technological and cultural landscapes.

The evolution of oral history archiving reflects an ongoing negotiation between preserving collective memory and respecting individual autonomy. As archives shift from physical repositories to digital platforms, questions surrounding informed consent, privacy, and ethical responsibility have become central to the stewardship of recorded narratives. Early oral history efforts, shaped by archival traditions focused on preservation, did not fully anticipate the complex ethical terrain that would arise with broader access and technological innovation. What began as

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[21] Glenn Dingwall, "Trusting Archivists: The Role of Archival Ethics Codes in Establishing Public Faith," *The American Archivist* 67, no. 1 (Spring–Summer 2004): 14–15,
[22] Swain, "Oral History in the Archives," 148.

a method to "fill the gaps" left by traditional documentation now demands a continuous commitment to transparency, flexibility, and shared authority.[23] Narrators are not simply contributors to historical record; they are partners whose rights must be honored as contexts change.

Informed consent can no longer be viewed as a static moment captured at the time of recording. As Heidi McKee and James Porter argue, ethical archiving requires acknowledging that relationships with narrators extend beyond the interview and into the life cycle of the archive itself.[24] Re-consenting processes, withdrawal options, and participatory governance models offer ways to uphold these responsibilities while maintaining the integrity of historical collections. Ethical frameworks, such as those outlined by Glenn Dingwall and Randall Jimerson, provide archivists with the tools necessary to navigate these evolving challenges.[25] By prioritizing ethical stewardship over institutional convenience, archives can sustain public trust, encourage broader participation, and ensure that the act of remembering remains a collaborative, respectful endeavor. Ultimately, oral history archives must embrace their dual role: preserving invaluable testimonies for future generations while safeguarding the dignity and agency of those whose voices give the archive its life. In doing so, archivists affirm that memory is not merely a resource to be mined but a living dialogue to be honored across time.

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[23] Fogerty, "Filling the Gap," 148–49
[24] McKee and Porter, "The Ethics of Archival Research," 65–66,
[25] Dingwall, "Trusting Archivists," 13–14, Jimerson, "Ethical Concerns for Archivists," 88–89

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