

New Uses for Old Images. Shared Management in the Exploitation of Photographic Archives

Mela Dávila Freire

[Trad. Graham Thomson]

We live with such easy assumptions, don't we? For instance, that memory equals events plus time. But it's all much odder than this. Who was it said that memory is what we thought we'd forgotten? And it ought to be obvious to us that time doesn't act as a fixative, rather as a solvent. But it's not convenient – it's not useful – to believe this; it doesn't help us get on with our lives; so we ignore it.¹

As has so often been said, there is no doubt that photography made its definitive entry into the canon of art history in the second half of the twentieth century. However, a review of the theoretical and historiographical debates in the recent literature suggests that in many ways the question of photography continues to occupy an invariably ambiguous position, at the intersection between a series of conflicting values: between the document and the work of art, between realistic representation and fictitious staging, between the unique original and the infinitely reproducible copy ... and also between the potential to trigger memories and the ability to make them disappear, superposing itself on them and edging them out of the observer's memory.

In similar fashion, photographers themselves also occupy an ambivalent position: not having entirely transcended their artisan origins and ascended in full to the condition of artist, they are ranked both in the collective unconscious and — with more serious consequences — in institutional assessment somewhere halfway between the two categories. This ambivalence may be one reason — but not the only one — why even now that the inclusion of photographic work in contemporary art collections is so widespread there is still heated debate about who should take charge of photograph archives, which in the meantime are gradually being shared out among non-institutional associations, local libraries, public administration archives, newspaper archives, historical documentation centres and even, though as yet to a lesser extent, art museums. This last is precisely the case of the archive of the photographer Xavier Miserachs, which in 2011 was deposited with the documentary collections of the Study and Documentation Centre at the Barcelona Museum of Contemporary Art (MACBA), making MACBA the first contemporary art museum in this country to undertake the conservation and management of the complete documentary legacy of an individual photographer.

The MACBA's Study and Documentation Centre was set up in December 2007 with a remit to identify, collect, conserve and provide access to the documentary heritage — huge and at the same time diffuse and widely scattered — which illustrates and complements contemporary art practices. The launch of the Study and Documentation Centre was MACBA's response to the increasing importance that documentation had acquired in the field of art in the course of the twentieth century as a result of such factors as, among others, the progressive dematerialization of art and the shift of the interest towards process rather than product and the specific situation at that time of the Spanish State, whose fabric of art institutions and private collections had only been in existence for a few decades and had not yet had time to consolidate the documentary legacy of twentieth century art. The Study and Documentation Centre came into being with a commitment to fill this gap and at the same time expand and enrich the notion of 'document' in the field of contemporary art. Along

¹ Julian Barnes: *The Sense of an Ending* (2011). London: Vintage, 2012, p. 63.

with a major reference library, its fonds therefore include very heterogeneous collections: not only the personal archives of artists and art critics, but also documents generated by art galleries, various 'raw' materials used by artists in the creation of certain works, video recordings of a large number of performances, some particularly important collections from publishing houses, MACBA's historical archive of its own activity... and, of course, artists' books, which make up the group of 'documents' most obviously linked to the artworks in the museum's collection. A decisive factor in the process of defining the documentary collections of the Study and Documentation Centre was the belief that works of art and documents are linked by a close relation of contiguity: for MACBA, artworks and documents constitute adjacent parts of the heritage continuum and are therefore distributed between the art collection and the Centre on the principle not of subsidiarity but of conservation and accessibility.

Within the discursive framework designed to structure and order the growth of the documentary collections that were to make up the Study and Documentation Centre's fonds, photography has occupied a prominent place from the outset: 'Photography, not only as an art genre but also very particularly in its condition as document constitutes another major thematic axis. The regular acquisition of historically significant photography books [...] is complemented by the work of conserving the personal archives that the Study and Documentation Centre has taken on, centred on the legacies of local photographers and photography critics who attained significance during the second half of the twentieth century, a period which suffers from an acute lack of research and analysis, due in part to the continuing difficulties of gaining access to the documentation that illustrates it.'²

In this period, and in the specific context of MACBA, Xavier Miserachs occupies a position of undeniable centrality, and from the outset the custody of his archive was a key priority of the Study and Documentation Centre.

Xavier Miserachs (Barcelona, 1937-1998) joined the Agrupació Fotogràfica de Catalunya in 1952 and exhibited with Ricard Terré and Ramón Masats in two shows in 1957 and 1959 which obtained considerable notoriety and marked the beginning of the 'new avant-garde' in Spanish photography.³ From 1961 on Miserachs combined his work as a professional photographer with personal creative projects, which he published in some of the epoch-making photo-books of the nineteen sixties: *Barcelona, Blanc i Negre* (1965), *Costa Brava Show* (Kairós, 1966) and *Los cachorros* (Lumen, 1967), milestones of the Spanish avant-garde photography of the time. In later years Miserachs continued to expand his activity as a photographer, working in advertising, reportage and on commissions from publishers, and as a correspondent for the magazines *Actualidad Española*, *Gaceta Ilustrada*, *La Vanguardia*, *Interviú* and *Triunfo*, for which he wrote numerous articles. Towards the end of his life he became increasingly interested in writing and in putting down in print his conception of photography. His last two books, *Fulls de contactes. Memòries* (Edicions 62, 1998) and *Criterio fotogràfic* (Omega, 1998), were published in the year of his death.

After the photographer's death, his two daughters, Arena and Mar Miserachs, inherited the rights to his work, and took on the custody and management of his documentary legacy. This legacy, spanning the forty-four years of Xavier Miserachs' activity as a photographer (between 1954 and 1998),

² Mela Dávila Freire: '¿Es una obra, o es un documento? El Centro de Estudios y Documentación del MACBA', in Glòria Picazo (ed.): *IMPASSE 10. Llibres d'artista, edicions especials, revistes objectuals, projectes editorials, edicions independents, publicacions especials, edicions limitades, autoedicions, edicions d'artistes, publicacions digitals*. Lleida: Ajuntament de Lleida, Centre d'Art La Panera, 2011, pp. 300-308.

³ In the words of the photography critic Josep Maria Casademont, whose personnel archive is also conserved at MACBA's Study and Documentation Centre.

consisted of vintage prints and tests made by Miserachs himself, and about 80,000 photographic images, of which approximately 60,000 are negatives and 20,000 are transparencies in various formats, as well as some 2,500 contact sheets. There are also numerous documents relating to Xavier Miserachs' professional activities, including, among other series, a collection of correspondence (1964-1979) and a small number of notebooks and scribbling pads in addition to his personal photography library, with many of his own books as well as titles by other authors, a selection of specialist magazines and so on.

In the latter half of 2009, through the mediation of Jorge Ribalta, who was then advising the Study and Documentation Centre on matters of photography, MACBA contacted Miserachs' daughters, and at the same time initiated a thorough investigation of methods of managing photographic archives as a basis for evaluating, together with the Miserachs family, the possible advantages of having a public institution take charge of the photographer's archive, in order to give maximum exposure to the fonds and promote and facilitate research into his work without detriment to its status as family property.⁴

In the autumn of that year, when the institution and the Miserachs family had come to an agreement on the management of the fonds and were engaged in drawing up the legal document embodying this and in the preparation and public presentation of the agreement, a major public controversy irrupted in Catalonia which suddenly placed photograph archives in the public spotlight and triggered widespread interest in rescuing them from oblivion. The immediate cause was that the Spanish Ministry of Culture had just purchased, for the sum of 800,000 euros, the negatives of Agustí Centelles, one of the outstanding photographers of the Spanish Civil War, in order to deposit these in the Centro Documental de la Memoria Histórica in Salamanca. The great symbolic weight of both the collection of negatives and the institution they were being consigned to, together with the fact that the Centelles legacy was to be taken out of Catalonia, led to a sometimes bitter public debate that nevertheless had some positive consequences: not only did it focus a good deal of attention on the precarious circumstances of many uniquely valuable photograph archives and the lack of institutional coordination to ensure their conservation, it also prompted working photographers to reassess their attitude to their own archives.⁵

Meanwhile, the as yet private process of negotiating the agreement between MACBA and the Miserachs family duly culminated in the signing of an accord on February 3, 2011, and the transfer of the archive to the Study and Documentation Centre. Under this agreement, the museum and the family assumed joint responsibility for the legacy, in the following way: the physical material archive, which in legal terms is known as the *corpus mechanicum*, was deposited with the MACBA for safekeeping, while the family retained possession of the *corpus mysticum* or intellectual creation embodied in the physical archive (without which it would not exist). Specifically, the Miserachs family ceded to the museum for a period of twenty five years, free of charge, custody of the legacy (with

⁴ This research revealed that at present there are countless different models for the management of photograph archives, based on radically different premises, starting with the very definition of 'archive', the meaning of which is not agreed on even by people professionally involved with photography. This diversity of models also reflects to some extent the different ways of understanding copyright law in different parts of the world.

⁵ It must be said, however, that in the political arena the ensuing debates were centred on establishing which of the Catalan institutions should take charge of these archives, instead of considering the alternative possibility, advocated by MACBA, of concentrating efforts on the definition of standardized criteria of cataloguing and conservation that would make it possible to coordinate the work of the different entities are now and will be in the future responsible for the upkeep of photograph archives.

the exception of the vintage prints and tests), as well as the responsibility for conserving and cataloguing the fonds and making its content known in any medium, including exhibitions, publications, public events, digital formats and so on. The museum, for its part, took on, together with these responsibilities, the obligation to promote the study of the fonds in a proactive fashion — by organizing, among other things, an exhibition of Miserachs' work and by encouraging research into the content of the fonds in the context of its postgraduate programme⁶ — and to supervise the reproduction of Miserachs' photographs and any other material forming part of the legacy, with the collection of royalties in each case.⁷

Reflecting as it does the mutual desire to find innovative ways of undertaking the shared management of the Miserachs legacy, the agreement between the family and MACBA also included a number of pioneering conditions. Of note among these is the family's authorization of the posting of images from the legacy in low resolution on the Study and Documentation Centre's profile page on the Flickr social network⁸ and the dissemination of a limited number of photographs by Xavier Miserachs, selected in consultation with the family, under a Creative Commons licence of the CC BY-NC-ND 3.0 type, which allows the images to be reproduced free of charge provided that reproduction is not for commercial purposes and the authorship and origin of the images is properly acknowledged and attributed.⁹ These two initiatives were received with great enthusiasm by the specialists, and the first albums of Xavier Miserachs' work on the Study and Documentation Centre's Flickr profile page, in the days immediately following the public announcement of the agreement, received a tremendous number of visits for a collection of this nature.

The public presentation of the agreement took place on February 21, 2011, a few days after the signing and transfer of the legacy to the museum. Thanks in part to the sudden upsurge of interest in photographic archives prompted by 'the Centelles case' only a few months earlier, the news was met with an unexpected amount of interest in the media and society. On the whole, public opinion and the political institutions linked to the world of culture and museums responded very positively, while the country's documentary photographers varied in their evaluation of the move and raised a number of objections, particularly to the fact that MACBA had paid nothing to the owners of the archive and the. In the opinion of many photographers, this demonstrated once again the institution's lack of recognition of the cultural heritage generated by the profession. For MACBA, however, this was a particularly important aspect of the agreement, in that in view of the cost of conserving and properly cataloguing an archive (not only of photography but in general), the museum is already in itself a clear expression of financial commitment by an institution that only a few months earlier had expressed its determination not to devote its resources to the purchase of archives.

⁶ The MACBA's Independent Studies Programme, whose first course started a year before the opening of the Study and Documentation Centre.

⁷ MACBA agreed to share these royalties with the estate at a ratio of 20% -80% respectively. It should also be noted that in the context of this agreement, the term 'reproduction' referred to the copying of photographs and other documents in the fonds in any format or medium, and expressly excluded the making of what is usually known as a 'photographic copy' (an enlargement of a negative printed on photographic paper and intended to be exhibited or sold), with the Miserachs family retaining the exclusive right to do this.

⁸ <http://www.flickr.com/photos/arxiu-macba/>

⁹ Creative Commons Attribution-NonCommercial-NoDeriva 3.0 Licence Spain.
<http://creativecommons.org/licences/by-nc-nd/3.0/es/>

Once the excitement of the public presentation had died down, the team at the Study and Documentation Centre got down to defining the cataloguing methodology, because the Miserachs archive, with its 80,000 images, was in fact the first major photographic archive to be acquired by MACBA.¹⁰ Having established the parameters of cataloguing, the Study and Documentation Centre began to incorporate the archive into its documentary fonds, a process that has brought to light the complexities of managing an archive similar of this nature.

For example, the scanning of a photographic archive confronts many risks that can threaten its very survival in a technological environment in continual rapid transformation, in which media and formats can be superseded even before they have been widely adopted. Among these risks, some of the most dangerous are the absence of generally accepted standards for digital formats and specific description metadata for photograph archives, the lack of consensus as to what is the ideal software for managing large sets of digital images, and the costs of the servers that make it possible to manage such extensive archives.

At the same time, the choice of platform for making images available online is a far from trivial matter. In contrast to the cost and the human effort that would have been required for the archive to develop its own software for the dissemination of digital images online, Flickr offered clear advantages: the software is free, is already online and is tremendously popular, all of which speak in favour its future continuity and therefore the survival of the images stored on it. It is important to bear in mind, however, that this being proprietary software — private property, in fact — its owners have the final word on its stability and thus on its contents, and they have taken on very little in the way of obligations to the many users — including institutions — who have loaded it with content.

What is more, although a presence on a platform such as the social network Flickr offers tremendous potential accessibility, and in theory allows the user some degree of ‘interaction’ with the archive via tools such as tagging and geolocation, among others, in practice this potential has not been realized in the actual participation of users. Certainly, the number of queries registered in the Flickr albums devoted to Xavier Miserachs has not been negligible, especially at times when coverage in the ‘traditional’ media acted as a draw or prompt, but experience indicates that users have not been attracted by the opportunity to exercise an active role in engaging with the archive, which seems to suggest that a social network is not necessarily the best vehicle for circulating contents of this kind.

Similarly, the potential circulation offered by the Creative Commons licence chosen to disseminate ten of the archive’s most iconic images has hardly taken off, despite the favourable reception of the initiative. In this case it seems likely that a general lack of awareness of the range of Creative Commons licences and what each one is best for has a lot to do with the lack of interest from potential users. But it is also possible that the current polarization of positions between those who call for the open circulation of digital content with no copyright restrictions and those who wish to conserve at all costs the privileges of authors and institutions has undermined initiatives such as this, situated halfway between the two extremes.

Finally, on a less pragmatic and more conceptual level, as the process of cataloguing progresses and our knowledge of the contents of the Miserachs legacy deepens, our appreciation of its substance

¹⁰ The method adopted treats each contact sheet as a single item, in order to carry out the cataloguing of the large volume of material in a reasonable time, and bearing in mind that all of the images on the same contact sheet will usually be of the same subject. To catalogue the contents of the images, the Study and Documentation Centre has created a hierarchical structure for the materials based on the BIMA protocol (Image Base, the name given to Barcelona City Council’s documentary image database) produced by Sílvia Domènech for the Arxiu Fotogràfic Municipal de Barcelona.

and richness continues to increase, as do our certainties about gaps in information generated by the configuration of the archive itself. To give a specific example, on the basis of Xavier Miserachs' correspondence we could draw up a fairly reliable chronology of his work for magazines such as *Triunfo*, *Destino* and *Interviú*. However, the archive does not in fact have the negatives of the shots he took for these clients, because the negatives were systematically kept by the magazines that had commissioned the work and never returned to the photographer. This means that a significant part of Miserachs' professional work is missing from his archive, which only has copies of some of the magazines in which the photographs appeared. However, the temptation to try to fill these gaps raises questions about the coherence of the method and the best use of resources which are not easy to answer: should the institution attempt to fill the gaps in an archive, or should it confine itself to noting their existence? Does it have the human resources to undertake research of this nature, and if it does, should it do so, or should this task be delegated to the users as potential researchers?

Tensions such as these are by no means the only difficulties; of note among the others are those deriving from MACBA's responsibility for policing the reproduction of images from the archive. In weighing up an application to reproduce an image from the Miserachs archive, what is the ideal way to reconcile the moral right of the photographer, as the author of the image, with the right to privacy or to their own image of the individuals who appear in the photographs? To what extent does the management of reproductions imply control over the uses made of Xavier Miserachs' photographs? In the best case, this control will seek to maintain or improve the artist's reputation, but it may end up causing his work to be read in a particular way... Is this the proper role of the institution with respect to the artist's legacy? And if this is the role it assigns itself, what are its limits?

As the cataloguing of the Miserachs archive proceeds, other and equally complex problems will no doubt arise. The responses that are valid in the context of the Miserachs archive may not be appropriate in other cases, but will surely help pave the way to greater collaboration between private archives and public institutions in the conservation of the photographic heritage.

Quite apart from the question of how the management of this archive is defined and formalized, however, the Study and Documentation Centre will soon face the next phase of the project, involving the definition and implementation of strategies to stimulate use of the contents of the archive. When that time comes, thanks to its condition as a graphic document of the past (albeit the very recent past, which many users of the archive will recall, or precisely for that reason), the Xavier Miserachs photographic archive will undoubtedly find itself addressing questions that can be extrapolated to any other photograph archive, in that any photograph, regardless of who took it, is a document that becomes 'historical' and 'culturally significant' with the passage of time.¹¹ These questions have a lot to do with the use of photography as a mechanism that activates memory, a use that literally embodies the expression 'an act of memory' in the sense of 'building' or 'fashioning' memory from photographic images instead of retrieving it from recollections of past experiences. In the specific case of Xavier Miserachs, whose book *Barcelona, Blanc i Negre* is of crucial importance for the construction of the collective image of the city in the second half of the twentieth century, the revival of this facet of his archive, combining and superimposing it on the 'lived' memories of potential users of the legacy, may end up producing some particularly revealing tensions and contrasts about the ability of the photographic medium to reconstruct history in its own image and likeness, 'that certainty produced at the point where the imperfections of memory meet the inadequacies of documentation'.¹²

¹¹ 'Photographs are documents of cultural significance.' Akram Zaatari: 'Photographic Documents / Excavation as Art / 2006', in Charles Merewether (ed.): *The Archive*. London and Cambridge, Mass.: The Whitechapel Gallery and The MIT Press, 2006, p. 183.

¹² Julian Barnes, op. cit., p. 59.