

## **The Pennsylvania Historical and Museum Commission and the Papers of the Harmony Society: An Acquisition, a Five-Decade Loan, and Recovery**

Abstract: Among archivists and manuscript collectors, the term “replevin” commonly describes efforts by government archives to recover public records that are in private hands. At times, such efforts can provoke friction, raising questions about the line between public and private property rights. This article chronicles an atypical replevin case in Pennsylvania, one that focuses on the struggles over the ownership of papers of a private origin, but which became government property with their transfer to the Commonwealth in 1937. This is a custodial history of a collection of papers documenting the Harmony Society, a religious separatist society once located in western Pennsylvania and in southwest Indiana. It is a story that involves a former Harmonist, a scholar, misplaced trust, and recovery that highlights the complex psychology of ownership.

Keywords: Harmony Society; ownership; property; Pennsylvania Historical and Museum Commission; Karl Arndt; John S. Duss; replevin

The Karl Arndt Collection of Harmony Society Materials is part of the collections of the Pennsylvania State Archives and is housed at Old Economy Village, a Pennsylvania Historical and Museum Commission (PHMC) historic site eighteen miles northwest of Pittsburgh. There is a seemingly innocuous line that appears in the scope and content notes for the manuscript group. It reads, “The majority of the materials in this collection were obtained by Dr. Arndt through a series of interlibrary loans, 1941–1943, from the Old Economy Village historic site while the remainder was collected independently by Dr. Arndt.”<sup>1</sup> This article probes the story that sits behind this brief statement. In doing so, it chronicles the custodial history of the papers of the Harmony Society, a separatist religious group once based in Pennsylvania and Indiana, and situates this history within the concept of replevin, a legal term that describes efforts to recover property that is wrongfully held by another party. This custodial history demonstrates that property can be a complex and controversial concept, with various interests and ties to an object eliciting differing views of rightful ownership.

## **The Harmonists and their Records**

Even the youngest of school-aged children in the United States learn, often every November before Thanksgiving, about religious separatism. John Archibald Bole, author of the 1904 publication titled *The Harmony Society: A Chapter in German American Culture History*, characterizes religious separatist groups as communities that sever ties with an established church.<sup>2</sup> Like the Pilgrims before them who found a spiritual home in America, the German followers of Pastor George Rapp departed their homeland and settled in Pennsylvania in 1804. There, in February of 1805, the members of the Harmony Society, or “the Harmonists,” penned and signed the first iteration of the group’s “articles of association,” a set of agreements that codified a practice of communal living.<sup>3</sup> During their active years, the Harmonists met with prosperity in the three locations that they made home: Harmony, Pennsylvania (1804 to 1815), New Harmony, Indiana (1815 to 1824), and Economy (now Ambridge), Pennsylvania (1824 to 1905).<sup>4</sup> Rapp, who lived until 1847, served as the leader of the Harmonists at each of the three sites, but decision-making powers were also extended to a string of designated trustees.<sup>5</sup> John S. Duss (1860–1951) and Susanna C. Duss (1859–1946) were the final two individuals to hold trustee positions; the former, an individual who figures prominently in the story of the records, was the Senior Trustee during the period of 1892 to 1903, while his wife held this same office from 1903 to 1905.<sup>6</sup>

Over time, membership in the Harmony Society dissipated dramatically and the group, in single numbers, formally dissolved in 1905. In 1910, legal proceedings and negotiations commenced to determine the party or parties that would secure ownership of the Harmony Society’s property. In 1919, the state of Pennsylvania procured the Harmonists’ land in

Ambridge, Pennsylvania and opened the grounds to the public in 1921.<sup>7</sup> Today, the PHMC continues to administer the Harmony Society settlement as a historic site named Old Economy Village.

Robert M. Dructor and Roland M. Baumann's introduction to the PHMC-published *Guide to the Microfilmed Harmony Society Records* provides an historical account of the religious society's records. The guide is useful in building an understanding of the custodial history of the Harmonist papers that now form the collections in the state's care (see Figure 1 for an illustration of the custodial history outlined in this section and the next section of the paper). While the state of Pennsylvania acquired the Ambridge land and buildings in 1919, records and artifacts were a later acquisition, largely delayed by former Senior Trustee John S. Duss's sense that he and his wife were the private owners of these materials. As one of the last living Harmonists, Duss planned to pen and publish both his memoirs and a history of the Harmony Society and desired to have exclusive access to the papers until he was able to do so. His writing ambitions undoubtedly contributed to his reluctance to transfer ownership of his source material.<sup>8</sup>

Dructor and Baumann characterize the 1930s as "an important decade for the records;" it was during these years that there was some loosening of Duss's tight grip over the records, though, as this essay demonstrates, he did not totally relinquish total control during the remainder of his life.<sup>9</sup> The involvement of the Works Projects Administration (WPA) in the arrangement and preservation of the Harmonist papers was a notable development in the 1930s. It was the WPA's work at Old Economy Village, coupled with the Commonwealth's appeals, that contributed to the Dusses' decision in 1937 to sell the records and artifacts to the Commonwealth at the sum of one dollar.<sup>10</sup> These materials now compose *Manuscript Group*

185, *Harmony Society Papers, 1742–1951*, but the materials that are the focus of this essay—those that the Commonwealth loaned to Arndt and recovered decades later—are included within *Manuscript Group 437, the Karl Arndt Collection of Harmony Society Materials, 1794–1949*.

Even with the transfer to the Commonwealth in 1937, Duss continued to feel a strong sense of ownership over the records. This was evidenced when Margaret Lindsay, leader of the WPA records project at Old Economy Village, suggested that the Commonwealth had an obligation to make the Harmony Society records available for researchers' use. Duss balked at this, responding, "I note what you write about the papers being Commonwealth property and the Commission therefore not in position to deny to research applicant [*sic*] the privilege of examining said papers. However I happen to be still laboring under the impression that Mrs. Duss and I have not as yet turned over the collection to the Commonwealth. (I am speaking morally not legally as to Major Melvin's [the Chairman of the Pennsylvania Historical Commission] imperfect and misleading contract)."<sup>11</sup> To Duss, the signed transfer agreement did not invalidate his hold over the materials; "morally," the papers remained his property, shared only with his wife. The papers documented a community that totaled 1,050 members over its century-long lifetime and the Dusses, as surviving Harmonists, viewed themselves as having a remaining true connection with them.<sup>12</sup> The possessiveness Duss felt toward the materials is signified by his desired name for the collection. He corrects a reference to the papers as the "Harmony Society Archives," remarking, "Pardon me, but I don't like the 'Harmony Society Archives'...All the books and papers at 'Old Economy' were personal property. And, as specified in the contract twixt the Dusses and the Commonwealth, the entire collection is to be known as 'The Duss Exhibit.'"<sup>13</sup>

<p style="text-align: center;"><b>1905</b> The Harmony Society dissolves</p>
<p style="text-align: center;"><b>1919</b> The State of Pennsylvania acquires Harmonist land and buildings in Ambridge, PA</p>
<p style="text-align: center;"><b>1921</b> The Ambridge land and buildings open to the public (now the Old Economy Village historic site)</p>
<p style="text-align: center;"><b>1930s</b> The Works Projects Administration works to preserve and arrange the Harmonist papers</p>
<p style="text-align: center;"><b>1937</b> The State of Pennsylvania acquires the artifacts and papers of the Harmony Society</p>
<p style="text-align: center;"><b>1939</b> Karl J.R. Arndt contacts the “Custodian of Records” at the Harmony Society to inquire about the papers</p>
<p style="text-align: center;"><b>1940</b> S.K. Stevens arranges for a loan of Harmonist papers to Arndt</p>
<p style="text-align: center;"><b>1950 and 60s</b> Old Economy Village staff express suspicion that missing Harmonist papers are in Arndt’s custody</p>
<p style="text-align: center;"><b>1968</b> Daniel Reibel recovers some “loose letters” from Arndt, who said he was safeguarding them from John S. Duss</p>
<p style="text-align: center;"><b>1991</b> Arndt passes away; PHMC Executive Director Brent Glass contacts Arndt’s widow to request return of records; PHMC employees recover state-owned Harmonist papers that entered other archival collections</p>

**Figure 1: A glimpse at the custodial history of the Harmonist papers**

### **Dr. Arndt and the Harmonist Records**

Karl J. R. Arndt (born 1903 or 1905; died 1991), then a professor of German at Louisiana State University, entered the narrative while the WPA project was in residency at Old Economy Village.<sup>14</sup> Arndt spent part of his childhood in China, where his missionary father established a Lutheran Church, before beginning his academic study of German in the United States and ultimately earning his Ph.D. from Johns Hopkins University. In addition to his professorship at Louisiana State University from 1935 to 1945, Arndt later found scholarly homes at the University of Heidelberg in Germany and Clark University in Massachusetts, and was recognized with a prestigious fellowship from the John Simon Guggenheim Memorial Foundation.<sup>15</sup> In his career, there were several threads that Arndt explored through his research: the life and work of Austrian-American journalist and author Charles Sealsfield; the German-American press more broadly; the experience of Germans in the United States; and, of particular relevance to this paper, utopian religious communities in the United States. Arndt's obituary in the *Proceedings of the American Antiquarian Society* attributes to him the publication of thirteen volumes on the Harmony Society.<sup>16</sup>

Arndt was a collector of materials that related to the objects of his study, accumulating, for example, a collection of materials related to Charles Sealsfield, which his wife donated to the American Antiquarian Society after his death.<sup>17</sup> His scholarly interest in German-Americans in Louisiana was presumably the generative force behind his acquisition of the papers of the *Deutsche Gesellschaft*, a German social society in New Orleans, and the society's director, J. Hanno Deiler. The Historic New Orleans Collection now manages and preserves the *Dr. Karl J. R. Arndt Collection of J. Hanno Deiler Papers and Deutsche Gesellschaft Records*.<sup>18</sup> Most

notable for this essay, the Pennsylvania State Archives addresses Arndt's practice of collecting documentation related to his scholarship in the scope and contents note for the *Karl Arndt Collection of Harmony Society Materials*. It reads: "these materials were collected by Dr. Arndt during the course of his research and publication of documentary histories of the Harmony Society (1805–1905) of Harmony, Pennsylvania; New Harmony, Indiana; and Economy, Pennsylvania."<sup>19</sup>

A June 25, 1939 letter from Arndt is among the earliest records in the PHMC collection that points to his scholarly interest in the documentation of the communal group. Addressed to the Harmony Society's "Custodian of Records," the letter reveals Arndt's discovery of records created by another German separatist group, this one consisting of former Harmonists and located in Louisiana. Arndt essentially submitted a reference request, asking for information about the records in Harmony and noting an interest in visiting the site, should there be material relevant to his scholarship.<sup>20</sup> Despite the 1937 transfer of the records' ownership to the state of Pennsylvania, John S. Duss responded to the letter, illustrating the continuation of his perceived authority over the Harmonist papers. Arndt's scholarly curiosity was evidently kindled by the response he received. He made plans to travel to Pennsylvania that same summer.<sup>21</sup>

The correspondence subsequent to his initial inquiry, however, provides insight into an involved relationship that Arndt would form with the Harmonist records, a relationship that would move beyond one in which Arndt saw himself as simply a records user. Upon learning of the holdings in Harmony, Arndt immediately suggested that his knowledge of the German language could prove to be an asset to Duss and the WPA project team that was arranging and describing the Harmonist records<sup>22</sup> Arndt would later stress to his readers that he played an instrumental role in efforts to organize the Harmonist materials, claiming that after the

completion of the WPA project, he assumed the role of “*de facto*” archivist of the Harmony Society Archives.”<sup>23</sup> His hands, time, and expertise were lent to the early efforts to process the papers, which likely served to legitimize his later implicit and explicit expressions of rightful control over them.

After making his summer trip to Pennsylvania, Arndt did not delay in requesting physical custody of the original Harmonist records for private use in his research. In October 1939, Arndt wrote to Duss and said that while he had commissioned photographs of records taken in Pittsburgh, the quality was such that the surrogates were of no use to him. Awaiting the arrival of re-developed photographs from Pittsburgh, Arndt writes to Duss, “I wonder whether you could not arrange to have the manuscripts sent here [Louisiana State University] so that I may use them here? I am still hoping that I will get the photographs, but if the new photographs are as dark as those that I have[,] it will be impossible to read them. I fully appreciate the value of manuscripts, but I do believe they ought to be used by those who can read them in the original.”<sup>24</sup> Duss expressed regret that Arndt’s photographs are illegible but replied that he did not have the necessary “authority” to send the originals, a notable admission given the former Harmonist’s aforementioned remarks to WPA project director Lindsay concerning his moral rights over the collection.<sup>25</sup> Instead, he was pessimistic that Arndt will be successful in this request, remarking, “I doubt your being able to secure permission to have them sent.”<sup>26</sup>

Duss expressed, in no uncertain terms, a refusal to endorse a research grant application that would enable Arndt to work as a scholar in residence, a temporary research post, at Old Economy Village. This was the first evidence of growing strife between the competing scholars. Arndt’s research would likely conflict with his own memoirs and historical account, said Duss, even if the academic were to constrain his study to the period of the Harmony Society’s history



that predated Duss' birth. In a letter to Arndt, Duss tells him, "Your idea of limiting yourself to the early history does not appeal to me because I have already written that; and you can bet your boots...no one is going to cross swords with me and come out the victor."<sup>27</sup> Duss proved to be incorrect in his prediction about the outcome of Arndt's request to the Commonwealth for physical custody of the records. With Pennsylvania State Historian S.K. Stevens as an advocate, Arndt was able to arrange for the PHMC to loan the records in 1940. "Hand in glove. It was all hand in glove stuff," said Roland M. Baumann, of the loan agreement between the Pennsylvania Historical Commission and Arndt.<sup>28</sup>

The Harmony Society records strayed from government custody directly because of special privileges that Stevens, along with WPA project director Lindsay, extended to Arndt. Some documentation that reveals the arrangements between the Pennsylvania Historical Commission (now the PHMC) and Arndt is accessible in the accessions folder for the Karl Arndt Collection of Harmony Society Materials, in the Pennsylvania State Archives' collections management records in Harrisburg. There is a definite suggestion that Lindsay thought the loan would cultivate a relationship with Arndt, a potential donor. She wrote to Stevens, "I'm very anxious that Dr. Arndt feel disposed to deposit his collection of books and papers discovered in Louisiana with us rather than with a library where they will not have such a close relationship to materials on hand. I know that Dr. Arndt feels inclined to do this at the moment and would not care to see him change his mind."<sup>29</sup> It is likely that there were dual motives at play for lending Arndt the papers. For Stevens, he was helping a fellow historian move forward with his research. For Lindsay, she was nurturing a relationship with a party who possessed a related record collection that was relevant to the historic site. It was perhaps Duss' territorial hold over the records—and over the Harmony Society's history—that caused Arndt to refrain from disclosing

an arrangement for a loan of records from the Pennsylvania Historical Commission. Arndt makes no outward reference to the arrangements he successfully secured in the correspondence that is now preserved among the John S. Duss papers at Old Economy Village.<sup>30</sup>

As archival educator and researcher Richard J. Cox has oft-reminded the archival community, an understanding of the history of the profession is important to an understanding of the profession's present concerns.<sup>31</sup> Indeed, archival loans to individuals did occur in archival practice at this time. In 1955, for example, Waldo Gifford Leland issued a staff instruction paper to employees at the National Archives, which Archivist of the United States Wayne Grover approved. The instruction paper stipulated that public officials should be given the same level of access to records following the transfer of the records to the collection as they enjoyed prior. Leland provides limited parameters to the loan process, indicating simply the "documents should not be withdrawn without giving a receipt for them, and they should be promptly returned."<sup>32</sup> Moreover, the evolution of archival ethics throughout the twentieth century provides valuable historical context to this study. The formalization of professional codes of ethics for archivists occurred in the years following Stevens and Lindsay's facilitation of the state's loan to a private researcher.<sup>33</sup> Today, the Society of American Archivists' Core Values Statement (approved in May 2011) and the Code of Ethics for Archivists (last revised in January 2012) call for "fair ... and equitable" relationships with stakeholders and "open and equitable access to the records in their [the archivists'] care within the context of their institutions' missions and their intended user groups."<sup>34</sup> It is heartening to note a shift in professional ethics since this 1940 loan, a shift that would likely place Arndt's exclusive access of the Harmonist materials (to the detriment of other researchers) as outside of the scope of good archival practice. Writing in 1992, Mary Jo Pugh maintained, "Repositories should not loan archival materials to individual users[,] ... the

expanded use of interlibrary loan might considerably assist individual users and facilitate research. At this time few repositories loan original materials ... but more might consider it.” Since Arndt’s loan, there have been successful examples of inter-institutional lending programs, suggesting that the considerable contributions that Arndt made to the scholarship on the Harmony Society might have still been possible with a carefully documented arrangement between his academic institution and the Pennsylvania Historical Commission.<sup>35</sup>

### **Recovering the Harmonist Records**

Arndt would, as his years of Harmony Society research advanced, come to mirror Duss’s possessive relationship with the records. This relationship necessitated the state of Pennsylvania to ultimately engage in recovery efforts so that the records would be publicly accessible. While the PHMC recovered some of the records from Arndt during his lifetime, the majority of the records from the original loan were transferred back to the Commonwealth in the aftermath of the scholar’s death. It remains possible, however, that there are records that were part of the 1937 acquisition that remain outside of Commonwealth custody, a consequence of scant documentation of the 1940 loan to Arndt and the likelihood that additional materials escaped Old Economy Village in the decades that followed.

The natural question to ask is why the Commonwealth allowed Arndt to retain the records as long as he did. A letter from Lawrence Thurman, then curator of Old Economy Village, to John W. Oliver, University of Pittsburgh history professor and Pennsylvania Historical and Museum Commissioner, suggests that there was not universal knowledge of the approved loan within the agency or certainty of Arndt’s role in the papers’ displacement. Thurman highlighted notable Harmonist items that were included in the WPA’s finding aid of

the collection but that, at the time of his writing in 1954, could no longer be located at Old Economy Village. “I have the strongest feeling,” Thurman wrote, “that they [the missing papers] were here after the WPA left.”<sup>36</sup> He explained, however, that this “feeling” is indeed just that: a hunch that Thurman had as a consequence of his familiarity with Old Economy Village’s records and a verbal account he heard only indirectly. Thurman said that he understood that a foreman of maintenance at Old Economy Village, deceased at the time of his writing, sent numerous “boxes and bundles of records” to Arndt. He goes on to maintain, “Loan slips were not made, and to my knowledge this sending of documents was a matter between Mr. Arndt” and the referenced employee.<sup>37</sup> There was, indeed, non-specific and little documentation surrounding the loans. Moreover, the collections management records held in Harrisburg challenge the notion the materials found their way into Arndt’s custody as a sole consequence of loans and raise the possibility that he took even more than what the Commonwealth sent to him.

The literature pertaining to archival theft points to the perils of extending privileges to trusted researchers. Charles Merrill Mount, who was arrested and tried in the 1980s for stealing manuscripts valued at more than \$100,000 from the Library of Congress and the National Archives and Records Administration, used friendships with staff and a resultant insider status to secure special accommodations; his belongings, for example, were not inspected by Library of Congress guards, who were told by staff that Mount was ““okay.””<sup>38</sup> Like Mount, Arndt was able to gain initial physical possession of the records in 1940 because of a privileged status and arrangements that are not commonly extended to archival researchers. Further, like Mount, there is a suggestion that Arndt may have acquired records through less legitimate methods than the initial loan. In 1968, Daniel Reibel, then Curator at Old Economy Village wrote to S.K. Stevens, who had by this time risen to the rank of Executive Director of the PHMC, and reported the

following concern: “In 1967 we had a girl microfilm the archives for the Workingman’s Institute in New Harmony. She checked off each document as she found it [using the WPA catalog]. If she did not find it she was instructed to stop and check with us; therefore we know which documents we had as of August, 1967. Dr. Arndt was the next person to use these archives; he used them unsupervised. Now we find a great number of documents is missing.”<sup>39</sup> If this insinuation is true, Arndt’s accumulation of the records was a slow, prolonged process, with his acquisition of Commonwealth-owned records continuing twenty-five years after the initial loan agreement.

Replevin of the archival records began under Reibel’s tenure as Director of the Old Economy Village historic site. *Black’s Law Dictionary*, a principal reference text for the legal profession that is now in its ninth printing, defines replevin as “an action for the repossession of personal property wrongfully taken or detained by the defendant, whereby the plaintiff gives security for and holds the property until the court decides who owns it.”<sup>40</sup> It is, as attorney and archivist Menzi L. Behrnd-Klodt describes, a remedy that a party can employ in order to regain personal property “from one who has taken it wrongfully or holds it unlawfully.”<sup>41</sup> Archivists Gary M. Peterson and Trudy Huskamp Peterson explain that an archival repository technically exercises a replevin action when it sues another party for the return of a document.<sup>42</sup> The archival and manuscript collecting community’s understandings of replevin do not depart fully from its meaning in the legal field. However, archivists and collectors have traditionally expanded its definition to describe the transfer (or attempts for transfer) of public records in the possession of private parties to a government repository.<sup>43</sup>

The recovery case involving the Harmony Society papers is an atypical one in Pennsylvania. Former State Archivist of Pennsylvania David Haury remarked, “This [notion of]

replevin and recovery—the only time it applies to private papers would be if they already were given to the archives and someone stole them. And that’s pretty rare.”<sup>44</sup> Still, while the existing archival literature on replevin uses the term to describe governmental efforts to recover public records in private hands, this case study suggests that there are instances in which replevin actions include governmental efforts to recover government-owned property records in private hands.

Replevin cases are initiated when either a public employee or an external tipster locates records in private hands that are believed to be public property.<sup>45</sup> In the case involving the Harmony Society papers, Reibel and his staff’s examination of Arndt’s publications prompted the first sequence of recovery efforts and negotiations. In comparing the WPA-produced catalog of Harmonist records with Arndt’s citations, Reibel found that Arndt “cites a great number of documents listed as being in the Archives here. Almost without fail any important document mentioned in his book is missing from the Archives.”<sup>46</sup> When asked about the missing documents, Arndt shifted the responsibility onto Duss, positing that the now-deceased Harmonist destroyed the papers, presumably to prevent any other parties from using or possessing them. Two months later, however, Arndt’s account changed; he admitted that he had Harmonist papers in his possession but argued that he had been safeguarding them from Duss. Reibel informed Stevens that Arndt returned papers to the Commonwealth “with the statement to me that he had to take them to keep Duss from burning them. Along with them he gave some loose letters. He did not give all the letter books mentioned in his citations... This raises the question in my mind of just how much did Dr. Arndt take from the Archives and what he intends to do with it.”<sup>47</sup> The inconsistency in the understanding of the loan agreement across the agency and over time likely extended the period in which the scholar held the remainder of the Harmonist records.

Although Reibel was successful in recovering some records from Arndt, the replevin efforts largely occurred following the scholar's passing in 1991. Upon learning of Arndt's death, Brent D. Glass, the Executive Director of the PHMC, wrote to Blanca H. Arndt, his widow, and requested the transfer of the government-owned Harmonist papers back to the state. She replied that she intended to transfer the Harmony records, including those now on loan for half a century, to another professor of German, stating, "I am fully aware of the fact that Dr. Arndt's papers contain materials which were graciously loaned to him by the Commission. I also realize that these papers should be returned the Commission. However, [Arndt's faculty colleague] will require these papers in order to complete Dr. Arndts' [sic] work."<sup>48</sup> With this response, Mrs. Arndt suggested that she could exercise some control over the materials, now fifty years outside of the Commonwealth's custody.

In common law, property refers to "not things but *rights*, rights in or to things" and legal rights to a thing can be shared and separated.<sup>49</sup> While Mrs. Arndt acknowledged the Commonwealth's legal title, she implied with her letter that she possessed rights associated with the alienation of the papers. For legal scholar J.E. Penner, alienability "includes the rights to abandon [property] ..., to share it, to license it to others (either exclusively or not), and to give it to others in its entirety."<sup>50</sup> Mrs. Arndt had the right, she suggested, to share these papers with an academic interested in continuing her husband's research.

The PHMC, however, was unwilling to extend the length of the loan any further. As is common in archival replevin cases, however, Glass demonstrated a readiness to compromise during this negotiation phase.<sup>51</sup> Although Mrs. Arndt could not transfer the records to the professor, the PHMC would, after receiving the records that were originally placed on loan to Arndt, "identify those items necessary for [Arndt's faculty colleague] continued research and

determine the most appropriate way to reproduce those items ... at no charge.”<sup>52</sup> With this determination, the PHMC politely countered Mrs. Arndt’s suggestion that she held any rights to the materials and she, for her part, allowed Old Economy Village Director Raymond Shepherd, to travel to her home in Worcester, Massachusetts to recover physical custody of the records.<sup>53</sup>

Staff of the PHMC, and specifically the administrators at Old Economy Village, did not recover all of the loaned materials directly from Arndt’s widow. There are papers that have an even messier custodial history, finding their way into academic archives and the possession of other private parties through transfers by the Arndts. The PHMC engaged in discussions with the University of Southern Indiana, which had collections from Arndt, and Clark University in Massachusetts, which was considering acquiring collections from the Arndt estate. In these secondary replevin cases, however, the institutions cooperated fully with the Commonwealth. The archivist at the latter institution said that university policy would require the library to return any property to its rightful owner that Arndt did not possess title to should they enter the university’s collection. Linda A. Ries, an archivist at the Pennsylvania State Archives, remarking on her communications with the Clark archivist, conveyed to her colleague Robert Dructor, “Apparently they have acquired in the past papers of other professors who ‘borrowed’ materials from other institutions, and are familiar with this type of situation.”<sup>54</sup>

A receipt signed by Shepherd in 1991 reveals documents that were on loan to Arndt first entered the University of Southern Indiana’s collections before returning to Ambridge. It reads, “These materials had been in the temporary custody of USI [University of Southern Indiana]. I [Shepherd] agree to place them immediately in their original repository with the Pennsylvania Historical and Museum Commission.”<sup>55</sup> Today, the Archives and Special Collections at the



University of Southern Indiana University's David L. Rice Library retains photocopies of the Harmonist papers that were returned to the PHMC's custody.<sup>56</sup>

When materials were recovered from Arndt, they re-entered the PHMC's collection as part of *PHMC Manuscript Group 437, the Karl Arndt Collection of Harmony Society Materials, 1794–1949* rather than rejoining *PHMC Manuscript Group 185, titled the Harmony Society Papers, 1742–1951*. This latter collection contains the materials that the PHMC (then the Pennsylvania Historical Commission) acquired from the surviving Harmonists in 1937, an acquisition that included those materials lent to and retained by Arndt.<sup>57</sup> The *Karl Arndt Collection of Harmony Society Materials* now includes state-owned papers that were recovered from Arndt. Arndt's perception of the records originally loaned to him as part of his personal collection of Harmony Society papers is thus partly perpetuated by the PHMC's processing decisions.

### **The Psychology of Ownership**

The custodial history of these papers serves as a lens to consider the psychology behind ownership. Jon L. Pierce, Tatiana Kostava, and Kurt T. Dirks, all academics in the fields of business, management and organizational behavior, define “psychological ownership” as “the state in which individuals feel as though the target of ownership or a piece of that target is ‘theirs.’”<sup>58</sup> There is, the authors explain, a distinction between legal ownership and psychological ownership; Duss's feelings in relation to the papers evidence this contrast. Legal ownership, “is recognized foremost by society ... and protected by the legal system. In contrast, psychological ownership is recognized foremost by the individual who holds this feeling.”<sup>59</sup> Pierce et al. and others argue that the latter can exist without the legal rights to the property;

Duss, who was dismissive of the legal agreement that extended property rights to the Commonwealth of Pennsylvania, is testament to the independent nature of these ownership perspectives.<sup>60</sup> The authors' review of the literature on ownership and self-identity provides some insight into what may be at the root of Duss' continued attachment.<sup>61</sup> They write, "We propose that ownership helps people define themselves, express their self-identity to others, and maintain the continuity of the self across time."<sup>62</sup> Duss' connection to the Harmony Society began in his childhood and continued until the group's dissolution. Perhaps his desire to hold on to the records of his community was motivated by more than his interest in writing, as discussed above, the authoritative history of the Harmonists. The persistence of his efforts to exact some authority over the materials may have been Duss' way to hold on to his Harmonist identity now that the Harmony Society itself no longer persisted.

There is a sizable body of literature on collecting, with a segment of this literature focused on motivations that drive collectors to accumulate objects.<sup>63</sup> Arndt, as chronicled above, was himself both a scholar and a collector of materials related to his objects of study. Developmental psychologist Ruth Formanek's work is a notable contribution to the study of motivation of collecting. Through a questionnaire that asked collectors for their attitudes, feelings, and practices related to their collections, Formanek identifies a series of five motivations for collecting. She writes, "(1) Collecting has meanings in relation to the self, (2) to other people, (3) as preservation, restoration, history, and a sense of continuity, (4) as financial investment, and (5) as addiction."<sup>64</sup> Formanek's framework can help make sense of Arndt's tendency to collect materials connected his scholarship. While Formanek's questionnaire respondents described expanding their social circles through collecting, Arndt may have felt connected to his scholarly subjects by physically possessing historical materials that told their

stories. Moreover, Arndt suggested to Reibel that he had retained the state-owned records, absorbing them into his personal collection, out of fear that Duss would destroy them. It is uncertain whether this fear was true or founded, but Arndt at least suggested a motivation that connects to Formanek's third theme.

Pierce et al. identify experiences and conditions under which an individual will be most prone to feeling psychologically connected to objects. Two are particularly applicable to Arndt's actions and attitude with regard to the Harmony Society papers. First, Pierce et al. draw upon the work of psychologists and philosophers and suggest that in instances in which an individual has closely worked with or come to deeply know an object, he or she will see the object as part of the self. The French philosopher Simone Weil is persuasive in her description of this phenomenon. She maintains, "All men have an invincible inclination to appropriate in their own minds, anything which over a long, uninterrupted period they have used for their work, pleasure, or the necessities of life. Thus, a gardener, after a certain time, feels that the garden belongs to him."<sup>65</sup> It is not difficult to liken the hypothetical gardener's attachment to his plot to Arndt's proprietary relationship with the Harmonist. For Arndt, the "long, uninterrupted period" during which he worked with the papers was indeed quite sustained. Arndt sent his first inquiry about the materials in June of 1939 and he continued to research the Harmony Society throughout his decades-long career, with one of his documentary histories published posthumously in 1993.

## **Conclusion**

There is a secondary history concerning the Harmony Society that is presented in this paper, one that sits behind the records that provide evidence of the religious separatist society. The custodial history of the papers, as it turns out, provides rich insight into the complex and, at times messy, nature of ownership of the documentary record.

Three actors are at the heart of this custodial story. The first is John S. Duss, the Harmonist who struggled with lessening his grasp over the material culture of his community. Karl J.R. Arndt was entrusted with a loan that he became possessive of and attached to, an attachment that likely deepened during his decades-long study of the Harmonists. Both provide interesting insight into the psychological nature of property ownership and collecting. Finally, there are lessons learned about the Pennsylvania Historical and Museum Commission, the agency home to the Pennsylvania State Archives and Old Economy Village historic site, and the nature of archival practice more broadly. These lessons are encouraging ones. In 1940, when the loan to Arndt was made, the entrusted stewards of the materials were willing to privilege their relationship with an academic over their commitment to the public's access to the documentary heritage of the state of Pennsylvania. A handshake with the borrower, it would seem, occurred in place of well-documented and agreed-upon terms and conditions for the loan. In the decades that followed, however, employees at the Pennsylvania Historical and Museum Commission persisted in reuniting members of the public to the Harmonist, papers demonstrating the crystallization of an archival tradition and ethic that prioritizes equitable access to the documentary record.

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<sup>1</sup> "Manuscript Group 437, Scope and Content Note, Karl Arndt Collection of Harmony Society Materials, 1794–1949," *PHMC*, accessed July 18, 2013, <http://www.phmc.state.pa.us/bah/dam/mg/mg437.htm>.

<sup>2</sup> John Archibald Bole, *The Harmony Society: A Chapter in German American Culture History* (Philadelphia: Americana Germanica Press, 1904), 5.

<sup>3</sup> Bole, *The Harmony Society*, 6-7.

<sup>4</sup> Robert M. Dructor and Roland M. Baumann, "Introduction," in *Guide to the Microfilmed Harmony Society Records: 1786–1951*, ed. Roland M. Baumann (Harrisburg, PA: Pennsylvania Historical and Museum Commission), 3. As this article is not the appropriate space for a complete historical account of the Harmony Society and their settlements, readers may choose to reference the PHMC's brief guide to the historic site of Old Economy Village: Daniel B Reibel, *Old Economy Village: Pennsylvania Trail of History Guide* (Mechanicsburg, PA: Stackpole Books, 2002). Bole's text, cited above, is notable as the first written history of the communal group. The works of two others, John S. Duss and Karl J.R. Arndt, both players in this replevin case study, are additional resources. It is necessary to note, however, that Reibel and Arndt call into question claims made by Duss, one of the final surviving

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members of the Harmony Society, in his *The Harmonists: A Personal History* (Harrisburg, PA: Pennsylvania Book Service, 1943).

<sup>5</sup> Reibel, *Old Economy Village*, 22–23.

<sup>6</sup> Reibel, *Old Economy Village*, 25.

<sup>7</sup> Reibel, *Old Economy Village*, 5.

<sup>8</sup> Dructor and Baumann, *Guide to the Microfilmed Harmony Society Records*, 6–7. Duss ultimately went on to publish his historical account in *The Harmonists: A Personal History* (Harrisburg: Pennsylvania Book Service, 1943).

<sup>9</sup> Dructor and Baumann, *Guide to the Microfilmed Harmony Society Records*, 6.

<sup>10</sup> Dructor and Baumann, *Guide to the Microfilmed Harmony Society Records*, 7.

<sup>11</sup> John S. Duss to Margaret Lindsay, January 22, 1940, MG-310 John Duss Papers, Box 4 Incoming and Outgoing, Folder 43 Correspondence Margaret Lindsay, Old Economy Village, Ambridge, PA.

<sup>12</sup> Bole, *The Harmony Society*, 34.

<sup>13</sup> John S. Duss to Karl J.R. Arndt, January 21, 1941, MG-310 John Duss Papers, Box 2 Incoming and Outgoing, Folder 14 Correspondence: Karl J. Arndt, Old Economy Village, Ambridge, PA.

<sup>14</sup> There are conflicting references to 1903 and 1905 as Arndt's birth year. 1903 is cited in: Mortimer Herbert Appley, "Karl John Richard Arndt," Proceedings of the *American Antiquarian Society* (1992), 21–26, accessed May 9, 2015, <http://www.americanantiquarian.org/proceedings/44517783.pdf>; 1903 is cited in: David Whitesell, "The Acquisitions Table: German-American author Charles Sealsfield," *Past is Present: The American Antiquarian Society Blog*, accessed May 10, 2015, <http://pastispresent.org/2010/acquisitions/the-acquisitions-table-german-american-author-charles-sealsfield/>; 1905 is cited in: Manuscript Group 437, Scope and Content Note, Karl Arndt Collection of Harmony Society Materials, 1794–1949," *PHMC*, accessed July 18, 2013, <http://www.phmc.state.pa.us/bah/dam/mg/mg437.htm>.

<sup>15</sup> "Karl J.R. Arndt," John Simon Guggenheim Memorial Foundation, accessed May 25, 2015, <http://www.gf.org/fellows/all-fellows/karl-j-r-arndt/>.

<sup>16</sup> Appley, "Karl John Richard Arndt," 25.

<sup>17</sup> Whitesell, "The Acquisitions Table."

<sup>18</sup> Daniel Hammer, "J. Hanno Deiler, German Orleanian," *The Historic New Orleans Collection Quarterly* 26, no. 3 (Summer 2009): 6–8.

<sup>19</sup> "Manuscript Group 437, Scope and Content Note, Karl Arndt Collection of Harmony Society Materials, 1794–1949," *PHMC*, accessed July 18, 2013, <http://www.phmc.state.pa.us/bah/dam/mg/mg437.htm>.

<sup>20</sup> Karl J. Arndt to Custodian of Records, Harmony Society, June 25, 1939, MG-310 John Duss Papers, Box 2 Incoming and Outgoing, Folder 14 Correspondence: Karl J. Arndt, Old Economy Village, Ambridge, PA.

<sup>21</sup> Karl J. Arndt to John S. Duss, July 10, 1939, MG-310 John Duss Papers, Box 2 Incoming and Outgoing, Folder 14 Correspondence: Karl J. Arndt, Old Economy Village, Ambridge, PA.

<sup>22</sup> *Ibid.*

<sup>23</sup> Karl J.R. Arndt, Foreword to *Harmony on the Connoquenessing, 1803–1815: George Rapp's First American Harmony, A Documentary History*, edited by Karl J.R. Arndt (Worcester, MA: Harmony Society Press, 1980), xvi.

<sup>24</sup> Karl J. Arndt to John S. Duss, October 24, 1939, MG-310 John Duss Papers, Box 2 Incoming and Outgoing, Folder 14 Correspondence: Karl J. Arndt, Old Economy Village, Ambridge, PA.

<sup>25</sup> John S. Duss to Margaret Lindsay, January 22, 1940, MG-310 John Duss Papers, Box 4 Incoming and Outgoing, Folder 43 Correspondence Margaret Lindsay, Old Economy Village, Ambridge, PA.

<sup>26</sup> John S. Duss to Karl J. Arndt, November 1, 1939, MG-310 John Duss Papers, Box 2 Incoming and Outgoing, Folder 14 Correspondence: Karl J. Arndt, Old Economy Village, Ambridge, PA.

<sup>27</sup> John S. Duss to Karl J. Arndt, February 14, 1940, MG-310 John Duss Papers, Box 2 Incoming and Outgoing, Folder 14 Correspondence: Karl J. Arndt, Old Economy Village, Ambridge, PA.

<sup>28</sup> Roland M. Baumann, interview by author, July 24, 2013, Oberlin College, Oberlin, OH.

<sup>29</sup> Margaret Lindsay to S.K. Stevens, September 6, 1940, MG-185 Accessions Folder: "Karl Arndt," Pennsylvania State Archives.

<sup>30</sup> The relationship between Duss and Arndt would disintegrate in the years that followed Arndt's first communication and visit to Old Economy Village. Duss' correspondence with the academic reveals a relationship that was irrevocably damaged after by Arndt's review of Duss' *The Harmonists: A Personal History* (Harrisburg: Pennsylvania Book Service, 1943) in which Arndt questioned the historical accuracy of the account.

<sup>31</sup> Richard J. Cox, "On the Value of Archival History in the United States," *Libraries & Culture* 23, no. 2 (Spring, 1988): 135–151.

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- <sup>32</sup> Waldo Gifford Leland, "National Archives Staff Information Paper #20" in *Archival Principles: Selections from the Writings of Waldo Gifford Leland* (Washington DC: National Archives and Records Service, March 1955), 21; accessed May 24, 2015, <https://archive.org/details/archivalprincipi00lela>.
- <sup>33</sup> Chronicling a history of archival ethics in the United States, Karen Benedict cites Wayne C. Grover, Archivist of the United States from 1948 to 1965, as the author of the first ethical code in 1955, intended to guide the actions of employees at the National Archives. It was not until late 1976 that the Society of American Archivists began to draft a code for applicable for archivists working outside of the National Archives, published in 1980. Karen Benedict, "Archival Ethics," *Managing Archives and Archival Institutions*, ed. James Gregory Bradsher (Chicago: University of Chicago Press, 1988): 174-184.
- <sup>34</sup> "SAA Core Values Statement and Code of Ethics," Society of American Archivists, accessed May 24, 2015, <http://www2.archivists.org/statements/saa-core-values-statement-and-code-of-ethics>
- <sup>35</sup> See, for example a discussion on archival interlending in Wisconsin: Timothy L. Ericson and Joshua P. Ranger, "The Next Great Idea' : Loaning Archival Collections," *Archivaria* 47 (Spring 1999): 85-113.
- <sup>36</sup> Lawrence Thurman to John W. Oliver, August 18, 1954, the administrative files of Old Economy Village, folder titled "Archives," Old Economy Village, Ambridge, PA.
- <sup>37</sup> Ibid.
- <sup>38</sup> Theresa Galvin, "The Boston Case of Charles Merrill Mount: The Archivist's Arch Enemy," *American Archivist* 53, no. 3 (1990): 449.
- <sup>39</sup> Daniel B Reibel to S.K. Stevens, October 26, 1968, the administrative files of Old Economy Village, folder titled "Archives," Old Economy Village, Ambridge, PA.
- <sup>40</sup> *Black's Law Dictionary* 1413 (9th ed. 2009).
- <sup>41</sup> Menzi L. Behrnd-Klodt, *Navigating Legal Issues in Archives* (Chicago: Society of American Archivists, 2008), 168.
- <sup>42</sup> Gary M. Peterson and Trudy Huskamp Peterson, *Archives and Manuscripts: Law* (Society of American Archivists, 1985), 91.
- <sup>43</sup> Richard Pearce-Moses, *A Glossary of Archival & Records Terminology, Archival Fundamentals Series II* (Chicago: Society of American Archivists, 2005), 342; Peterson and Peterson, *Archives and Manuscripts: Law*, 91.
- <sup>44</sup> David Haurly, interview with author, July 5, 2013, Pennsylvania State Archives, Harrisburg, PA.
- <sup>45</sup> For a discussion of the stages of replevin, see Eleanor Mattern, "A Six-Stage Process for Recovery of Public Records: Replevin and the State of North Carolina," *Archival Science* (ePub Available 2014), doi: 10.1007/s10502-015-9241-9.
- <sup>46</sup> Daniel B. Reibel to S.K. Stevens, October 26, 1968, the administrative files of Old Economy Village, folder titled "Archives," Old Economy Village, Ambridge, PA.
- <sup>47</sup> Ibid.
- <sup>48</sup> Blanca H. Arndt to Brent D. Glass, PHMC Executive Director, January 22, 1992, Administrative Files of Ray Shepherd, "Arndt Folder," Old Economy Village, Ambridge, PA.
- <sup>49</sup> C.B. MacPherson, "The Meaning of Property," in *Property: Mainstream and Critical Positions*, ed. C.B. MacPherson (Toronto: University of Toronto Press, 1978), 2.
- <sup>50</sup> J.E. Penner, *The Idea of Property in Law* (Oxford: Clarendon Press, 1997), 103.
- <sup>51</sup> For a discussion of the nature of negotiation in archival replevin cases, see Mattern, "A Six-Stage Process for Recovery of Public Records."
- <sup>52</sup> Brent D. Glass, PHMC Executive Director, to Blanca H. Arndt, February 28, 1992, MG-185 Accessions Folder: "Karl Arndt," Pennsylvania State Archives, Harrisburg, PA.
- <sup>53</sup> Blanca H. Arndt to Brent D. Glass, March 24, 1992, MG-185 Accessions Folder: "Karl Arndt," Pennsylvania State Archives, Harrisburg, PA.
- <sup>54</sup> Memo from Linda A. Ries to Robert M. Dructor, November 19, 1991, MG-185 Accessions Folder: "Karl Arndt," Pennsylvania State Archives.
- <sup>55</sup> Receipt of Transfer between Raymond Shepherd, Old Economy Village and Bette Walden, University of Southern Indiana, February 14, 1992, the administrative files of Old Economy Village, folder titled "Archives Correspondence, 1990—91," Old Economy Village, Ambridge, PA.
- <sup>56</sup> Arndt, Karl Collection (CS 660), University of Southern Indiana, University Archives & Special Collections, David L. Rice Library, Evansville, Indiana; Harmonist Papers (CS 053) University of Southern Indiana, University Archives & Special Collections, David L. Rice Library, Evansville, Indiana; Finding aids emailed to author, May 13, 2015.
- <sup>57</sup> "Manuscript Group 437, Scope and Content Note, Karl Arndt Collection of Harmony Society Materials, 1794-1949," *PHMC*, accessed July 18, 2013, <http://www.phmc.state.pa.us/bah/dam/mg/mg437.htm>.

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- <sup>58</sup> Jon L. Pierce, Tatiana Kostova, and Kurt T. Dirks, "The State of Psychological Ownership: Integrating and Extending a Century of Research," *Review of General Psychology* 7, no. 1 (2003), 86.
- <sup>59</sup> Pierce et al., "The State of Psychological Ownership," 87.
- <sup>60</sup> Pierce et al., "The State of Psychological Ownership," 87; Amitai Etzioni, "The Socio-Economics of Property," *Journal of Social Behavior and Personality* 6, no. 6 (1991), 465–468; Lita Furby, "The Origins and Early Development of Possessive Behavior," *Political Psychology* 2, no. 1 (1980), 30–42.
- <sup>61</sup> See, for example: George Herbert Mead, *Mind, Self, And Society: From the Standpoint of a Social Behaviorist* (Chicago: University of Chicago Press, 1934); Helga Dittmar, *The Social Psychology of Material Possessions: To Have Is To Be* (New York: St. Martin's Press, 1992).
- <sup>62</sup> Pierce et al., "The State of Psychological Ownership," 89.
- <sup>63</sup> Donald O. Case, Professor Emeritus at the University of Kentucky College of Communication and Information, makes a notable contribution to this body of literature with a 2011 literature review published in *Library Trends*. Donald O. Case, "Serial Collecting as Leisure, and Coin Collecting in Particular," *Library Trends* 57, no. 4 (Spring 2009), 729–752.
- <sup>64</sup> Ruth Formanek, "Why They Collect: Collectors Reveal Their Motivations," *Journal of Social Behavior and Personality* 6, no. 6 (1991), 284.
- <sup>65</sup> Simone Weil, *The Need for Roots: Prelude to a Declaration of Duties Towards Mankind* (London: Routledge & Kegan Paul, 1952), 33.