

# What are Records?

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*The meaning of the word 'record' is discussed from a legislative point of view, comparing meanings given by the Oxford and Webster's Dictionaries, writers on archives theory and several Australian and overseas statutes relating to archives. These various definitions were devised to suit particular circumstances and purposes and the differences between them are not necessarily contradictory. The definition offered by the writer was intended for the guidance of the Parliamentary Counsel in framing new legislation in South Australia.*

Everyone knows what *records* are, but try defining them. Lexicographers, legislative draftsmen and writers on archives theory all seem to have had difficulty with the word.

According to the Oxford English Dictionary, the principal meaning in current use is, apart from strictly legal usage,

An account of some fact or event preserved in writing or other permanent form; a document, monument, etc. on which such an account is inscribed; any thing or person serving to indicate or give evidence of, or preserve the memory of, a fact or event; a memorial.

Webster's Dictionary is similar:

That which is written or transcribed to perpetuate a knowledge of acts or events; also that on which such record is made, as a monument; a memorial.

The Supplement to the Oxford mentions gramophone records, while Webster's goes on to refer to magnetic wire, ribbon, disk and perforated paper. It is evident that the meaning of the word is expanding and is likely to go on expanding.

*Document* is defined in the Oxford Dictionary as

Something written, inscribed, etc., which furnishes evidence or information on any subject, as a manuscript, title deed, tomb-stone, coin, picture, etc.

and in Webster's as

A writing (as a book, report or letter) conveying information; a material substance (as a coin or stone) having on it a representation of the thoughts of men by means of some conventional mark or symbol.

Writers on archives theory emphasise a point that may be implied but is not explicitly made in these definitions. It is characteristic of most records that accumulate in offices that they do not set down facts or events after they have happened; that they are made not to perpetuate knowledge but to get business done. A typical record is created concurrently with a transaction and itself forms part of the transaction. For example, a letter is an alternative means of communication to speech. The act of communicating and the recording of it are virtually inseparable. The importance of this characteristic is universally recognised by archivists. The topic is treated at some length by Sir Hilary Jenkinson in his *Manual of archives administration*.<sup>1</sup>

Jenkinson declines to use the word *record*, describing it as 'highly technical and narrow in its correct sense and exceedingly loose in its ordinary usage.' He quotes as a 'typical definition' of it 'An authentic and uncontrovertible testimony in writing contained in rolls of parchment and preserved in Courts of Record.' This is narrower than the dictionaries but it is one of the basic ideas from which present day usage has grown. Instead, Jenkinson chooses the word *documents*, gives it a rather special meaning for his purpose and then defines *archives* as a special class of documents. He sums up in this way:

First we have defined a document as covering for our purpose manuscript, typescript and printed matter, with any other material evidence which forms part of it or is annexed to it. A document which may be said to belong to the class of Archives is one which was drawn up or used in the course of an administrative or executive transaction (whether public or private) of which itself formed a part; and subsequently preserved in their own custody for their own information by the person or persons responsible for that transaction and their legitimate successors.

The 'other material evidence' can include such things as a pair of epaulettes and a length of whip-cord (part of a cat-o'-nine tails). His definition includes personal papers provided they were created for some formal purpose.

T.R. Schellenberg<sup>2</sup>, basing his theory on modern American archives, defines *records* as

All books, papers, maps, photographs, or other documentary materials, regardless of physical form or characteristics, made or received by any public or private institution in pursuance of its legal obligations or in connection with the transaction of its proper business and preserved or appropriate for preservation by that institution or its legitimate successor as evidence of its functions, policies, decisions, procedures, operations, or other activities or because of the informational value of the data contained therein.

He does not define 'documentary materials' or 'documents'. This definition, modelled on a United States law for the disposal of Government records, is narrower than Jenkinson's definition of documents in that it excludes personal papers.

Archives, to Schellenberg, are

Those records of any public or private institution which are adjudged worthy of permanent preservation for research and reference purposes and which have been deposited or have been selected for deposit in an archival institution.

This also is narrower than Jenkinson, who does not insist on research purposes or deposit in an archival institution.

In a later work<sup>3</sup>, Schellenberg gives the following explanation:

Records — a generic term, used synonymously with the term *material*, that includes both *archives*, a term customarily used to refer to material of public origin, and *historical records*, customarily used to refer to material of private origin.

To explain one term — records — by reference to a wider term — material — is not very helpful. What he is saying is that records include government records and non-government records — a necessary statement for the purpose of that book.

Michael Cook,<sup>4</sup> writing principally for English county and business archivists, follows Schellenberg fairly closely and goes on to draw a distinction between records and manuscripts. The latter, he maintains, are

individual documents, or more or less arbitrary collections of documents, which are of interest for research but which do not have the essential character of either archives or records referred to above — that is, they did not arise from, or have not been kept in association with the conduct of business.

Jenkinson makes a similar point, stressing the importance for the authenticity of archives of an unbroken line of legitimate custody, and contrasting the archives in the Public Record Office with the miscellaneous collections of documents in the British Museum (now British Library).

David Iredale<sup>5</sup> is closer to Jenkinson. He says

A document is something written to provide evidence or information on any subject under the sun. Coins, gravestones, films or Breughel paintings are documents ...

(Writing in a more popular style for users of English archives, his use of words is not so disciplined — paintings are not written.) Jenkinson's definition of documents appears to exclude paintings except as annexes to written or printed matter. Iredale goes on

When a document is drawn up or used in the course of a public or private transaction and preserved in the custody of the people responsible for the transaction, it becomes part of an archive. An archival document is frequently no longer in current use but set aside for permanent preservation ... the haphazard purchases of an antiquarian cannot be an archive. The archives is the office or repository where are stored documents of all types, whether archival or not. Many archives are now called record offices because here are found parish, legal and official records. Any document created as authentic evidence of a matter of legal importance is known as a record: a marriage register at a church for example.

But later he comes very close to using *records* and *documents* interchangeably.

We have then, Schellenberg's definition of records as certain kinds of 'documentary material' (to which one might reasonably apply the definition of documents in Webster's dictionary), Jenkinson's definition of documents (which is an extension of the meaning given in the Oxford Dictionary) and Iredale's definition of documents (which corresponds even more closely with the Oxford). None of these writers was preparing a statute. Each was concerned principally with a definition of the word archives for the purposes of a professional text book. We also have a number of definitions in the Oxford and Webster's Dictionaries, the latter being on the whole narrower than the former.

The dictionary definitions tend to emphasise the historical nature of records. Archivists emphasise their spontaneous, unselfconscious, administrative nature. Orthodox archival theory is based principally on the records of governments and other collective bodies and the more formal administrative papers of individuals. Even the informal papers of an individual are generally made or accumulated for a purpose and form an organic unit. This gives them the quality of archives, but to say that they are made or used in the course of an administrative or executive transaction is stretching common usage and could lead to confusion in the interpretation of an act.

Although the South Australian Libraries and Institutes Act<sup>6</sup> deals with *public documents*, other archives acts written in English generally prefer the word *records*. Some acts attempt an exhaustive definition, saying '*records* means ...' while others more prudently say '*records* includes ...'. A common approach is to make a long list of recording media. One of the most elaborate is in the Tasmanian Archives Act:

'records' means papers, letters, documents, memoranda, reports, records and remembrances of courts, registers, books, maps, plans, drawings, prints, plates, photographs, photographic plates and negatives, cinematograph films and negatives, sound recordings of any kind and matrices there for and other materials made or collected in the course of his official duties by a person for future reference by the public or by persons in the office or organisation in which he is employed, whether made by original work or

made by compilation of materials originating in that office or organisation or elsewhere.<sup>7</sup>

A few acts give a brief general statement which is meant to be all-embracing. A very brief one is in the English Public Records Act: ‘“records” includes not only written records but records conveying information by any other means whatsoever.’<sup>8</sup> This is obviously not an attempt to define the word records but it does give some indication of the sense in which it is used.

Some acts combine a general statement and a list of recording media, as in the New Zealand Archives Act:

‘Public records’ means all papers, documents, or records of any kind whatsoever officially made or received by any Government office in the conduct of its affairs or by any employee of the Crown in the course of his official duties; and without limiting the generality of the foregoing provisions of this definition, includes registers, books, maps, plans, drawings, photographs, cinematograph films, and sound recordings so made or received; and also includes copies of public records.<sup>9</sup>

The United States archives legislation has no less than four definitions of records, historical materials, documentary materials — prepared at different times, for slightly different purposes, and each differing from the others.<sup>10</sup>

There are as many definitions, theoretical and legislative, as there are writers. The words records, documents, archives and manuscripts are shuffled about, the writers agreeing to a large extent on most of the basic principles, diverging in matters of detail, and differing widely in their interpretation of words. The differences arise in part from varying local circumstances and the different purposes the definitions are intended to serve. One is reminded inevitably of Humpty Dumpty’s famous remark to Alice.<sup>11</sup>

‘When I use a word,’ Humpty Dumpty said in rather a scornful tone, ‘it means just what I choose it to mean — neither more nor less.’

‘The question is,’ said Alice, ‘whether you *can* make words mean so many different things.’

‘The question is,’ said Humpty Dumpty, ‘which is to be master — that’s all.’

Jenkinson, an authority no less redoubtable than Humpty Dumpty, takes a more moderate, but basically similar view. Discussing the difficulty of deciding what is a document and what is not, he concludes ‘probably our best course is to be dogmatic.’<sup>12</sup>

One can be dogmatic in a statute, limiting or modifying the dictionary definitions, provided the limitations or modifications are explained and reasonable attention is paid to common usage. A definition or explanatory statement need not dwell on those points that are widely accepted, but it

may be necessary to make special mention of shades of meaning that might be called into question by people directly affected by the statute. So 'papers, letters, documents, memoranda ...' need not be listed. But it is possible that the application of the act to programmes and data in computers might be disputed. Hence the reference to 'magnetic tape or disk' in the Commonwealth Government's Archives Bill clause 3(1) and the insistence in clause 26(5) that updating a computer file by replacing some of the information in it constitutes destruction of a record. The list of recording media in clause 3(1) is already out of date, as it fails to mention the silicon chip, though 'coded storage device' might cover all computer hardware.<sup>13</sup>

Limiting the Oxford Dictionary definitions to those that are most suitable for our purpose, we have the following paraphrase: *Record* means an account of some fact or event preserved in writing or other permanent form; a document or other object on which such an account is inscribed; any thing serving to indicate or give evidence of, or preserve the memory of a fact or event.

This includes the letter that says 'Dear Jill, I love you, Yours faithfully, Jack,' which is — or at least purports to be — an account of a fact. It also includes a cash book, minutes of meetings and Jenkinson's epaulettes and whip-cord. But does it include a written instruction, a novel, a poem, a sound recording of instrumental music, a script for a radio comedian or a child's painting? These things are not necessarily accounts of facts or events and they may or may not be intended to convey information. But they have in common the fact that they are forms of communication from person to person or from one person to himself. In common usage these things are referred to as records.

Throughout this Act the word is intended to have a very wide meaning including traditional material that is hand written, typed, printed, drawn, painted, etc, sound recordings, photographs, motion picture films and the more recent devices such as microfilm, microfiche, computer tapes, disks, chips, etc., as well as devices yet to be invented. It is meant to include records that have the quality of archives and records that have lost that quality by being taken out of context — the 'individual documents' and 'haphazard purchases' of Cook and Iredale. No distinction is made between what is published and what is unpublished. Printed books, periodicals, etc., usually thought of as library material, can, in some circumstances, be archives.

The speed at which communications technology is developing indicates that a short general statement is, on the whole, preferable to a long list that could be out of date before the act is passed.

Archivists are acutely aware of the impermanence of records, so 'lasting form' is more suited to our purpose than 'permanent form'.

So, to re-phrase the paraphrase: *Record* means any communication preserved in writing or other lasting form; a document or other object in which a communication is embodied; or any thing serving to indicate or give evidence of, or preserve the memory of a fact, event or person. The term includes programmes and data in computers and any other machine-readable records.

This is no more than an attempt to indicate the sense in which the word is to be used in the proposed act. Perhaps it will help in the formulation of other definitions for other purposes.

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Since this essay was written there have been two significant developments: the passing into law of the Commonwealth Government's Archives Bill which is referred to above, and the passing of the Tasmanian Government's Archives Act 1983. In the latter, the long 'shopping list' type of definition has been thrown out in favour of the brief all-inclusive statement. This is lifted from the Commonwealth Act but without the list of recording media. A record is defined as 'a document or an object ...' but document is not defined. Nevertheless, read in a common sense way, what the Tasmanians have produced is an admirably concise statement with a very wide meaning. Perhaps it is carping to wonder if it is too wide!

#### FOOTNOTES

1. Hilary Jenkinson. *A manual of archives administration*. 2nd ed. London, 1966. p.2-11.
2. T.R. Schellenberg. *Modern Archives*. Melbourne, 1956. p.16.
3. T.R. Schellenberg. *The Management of Archives*. New York, 1965 p. xv.
4. M. Cook. *Archives Administration*. Folkestone, Kent, 1977 p.1.
5. D. Iredale. *Enjoying Archives*. Newton Abbot, 1973 p.9.
6. South Australia. *Libraries and Institutes Act 1939-1975 Part III*. Adelaide, 1978.
7. Tasmania. *Archives Act No. 47 of 1965, Section 2*. Hobart 1966.
8. Great Britain. *Public Records Act 1958 Section 10 (1)* London, Official Rev. ed. Cumulative Supplement to 1st January 1983.
9. New Zealand. *Archives Act No. 13 of 1957. Section 2*. Wellington, Reprint 1979.
10. United States. Code Title 44 Public Printing and Documents, 2101, 2201, 2901, 3301, 3315.
11. Carroll, Lewis *Through the looking glass* Chapter 6.
12. Jenkinson *op. cit.* p.6.
13. Now: Australia. *Archives Act No. 79 of 1983*. Canberra.