

Journals of Record - Measure of Quality or Dead Concept?

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This research was supported by an Early Career Researcher Grant awarded by the Faculty of Arts, University of Melbourne.

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## Journals of Record - Measure of Quality or Dead Concept?

The last two years have been an unusual time for observers of Australian news media. As a result of the telephone hacking scandal in the United Kingdom, together with a battle between the federal Labor Government and News Limited, several inquiries have been conducted into the issue of how journalism standards are policed and enforced. First, there was the Convergence Review (Boreham, Long & Melvogue, 2012), which had a much wider brief for the regulation of Australian media. Then there was the Finkelstein Independent Media Inquiry, which operated as a late add on to the Convergence Review, with a specific brief to look at the regulation of journalism (Finkelstein, 2012). Finally the Government announced its response to these inquiries, including Bills that would have made the media's exemption from the Privacy Act contingent on membership of a self regulation body meeting certain standards. There was a resulting inquiry by the Senate Standing Committee on Environment and Communications in March 2013. A number of media proprietors appeared before it.<sup>1</sup>

In submissions and appearances before these inquiries, news media organisations, almost all vehemently opposed to increased regulation, were called upon to articulate the value of a free news media to society. Finkelstein, in particular, asked them to spell out the arguments for media freedom and discuss the media's role in the "marketplace of ideas" (Finkelstein, 2011). The result was a wealth of material, in submissions and the transcripts of public hearings that discloses something of how our modern media understands its role and responsibilities. (Independent Inquiry into Media and Media Regulation Inquiry, 2011; Parliament of Australia, 2013)

This material is fodder for a research project we are currently engaged in at the Centre for Advancing Journalism, aimed at exploring historical notions of news media as a "journal of record", and its relationship to notions of "quality" in journalism.

The journal of record function is particularly important to issues of media regulation, because it is a pivot in the relationship between news media and the law. Without comprehensive coverage of civic forums, citizens are deprived of the kind of information that allows them to participate

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<sup>1</sup> Declaration: Margaret Simons made submissions to both the Independent Media Inquiry and the Senate Committee, and appeared in public hearings before them.

meaningfully in representative democracy. This is the rationale behind defenses in defamation and other laws that protect the ability of the media to fairly and accurately report public forums, including parliaments, local government meetings and the courts.

Providing a journal of record has been understood as one of the core functions of print media, (though not, usually, of broadcast media) featuring in the foundation documents of publications such as *The Manchester Guardian*, *The Times of London* and the *New York Times* (Scott, 1921; Okrent, 2004).

In Melbourne, *The Age* newspaper has traditionally considered itself to be the local "newspaper of record" a key aim of editorial performance being that a reader of *The Age* should be confident that he or she was informed about all events of importance that had taken place in parliament, the courts, the stock exchange and other civic, public and business forums (The Age Company Ltd, 2011; Nolan 2001; Nolan 2011b). However in recent years, an editorial executive from *The Age* declared to Simons that the concept of a newspaper of record was dead, and no longer achievable. The reasons given included a lack of journalistic resources and the ability of citizens to access sources, such as Hansard, online (Simons, 2011a). Media commentators have suggested that online media and the ease of measuring reader interest through "clicks" online has led to an increased focus on popularised news content, rather than serious reporting of public forums with an eye on the historical record (Salter, 2007).

Other commentators, though, have suggested that the rise of digital technology makes the "journal of record" function easier to achieve than ever before (Martin and Hansen, 1998; Simons 2007; Simons 2011b).

The project in which the current authors are engaged will involve, early in 2014, a team of student reporters providing intense and comprehensive coverage of an autumn sitting of the Victorian Parliament for the Centre's online publication *The Citizen*. The reporting team will use all the means of information dissemination available to them through the online and social media presence of *The Citizen*, including liveblogging, Twitter and Facebook. *The Citizen* will provide not only news reports of events before the parliament, but also hotlinks to relevant parliamentary papers, government reports and other primary sources associated with the proceedings of Parliament. At the conclusion of the Parliamentary sitting the research team will assess the

coverage in *The Citizen* on the key “journal of record” criteria, and impact on relevant communities of interest. On the basis of this data, conclusions may be drawn about the potential of online and social media to revivify the “journal of record” coverage of parliaments.

In preparation for this exercise, we have been engaged in determining what the concept of “journal of record” has meant historically and also whether this has changed. The latter task has been greatly aided by the statements of senior editorial executives and media proprietors in response to the threat of increased statutory regulation.

There are a number of different accounts of how the term “journal of record” emerged.

The phrase has been attributed to Aldolf Ochs, an early proprietor of the *New York Times*, who from 1896 when he purchased the paper instigated a policy that it be the newspaper of record in the USA, in order to distinguish itself from the excesses of the “yellow press” and create a niche in a highly competitive news media landscape. Comprehensiveness of coverage was a key distinguishing factor. Ochs coined the phrase “All the News That’s Fit To Print”, and established a principle of objective reporting (Cohen, 2008). In Och’s own words:

*It will be my earnest aim that the New York Times give the news, all the news...impartially, without fear or favour, regardless of sect, party or interest, in a clean, dignified and trustworthy manner, so that the New York Times will become known for its honesty, watchfulness, earnestness, industry and common sense (Cited in Vaughan, 2008)*

As we can see from the above, key concerns were impartiality and comprehensiveness.

“Watchfulness” is also mentioned, but as a second order criteria, along with “common sense” and “earnestness” – not terms one often hears these days in the self justifications of media proprietors and editorial executives.

*The New York Times’* archivist Lora Korbut has said the term “journal of record” first appeared in 1927, after sponsorship of an essay contest to promote the annual index of the *Times* – perhaps the best exemplar of the paper’s self image as a form of historical record. The competition’s title was “The Value of The *New York Times* Index and Files as Newspaper of Record” (Okrent, 2006).

However, although the New York Times articulated the concept, it was not the earliest claimant to notions of journal of record. *The Times* of London can trace its role as a journal of record back to its establishment in 1785. Its founder John Walter stated:

*A newspaper ought to be the Register of the times, and faithful recorder of every species of intelligence; it ought not to be engrossed by any particular object; but like a well-covered table, it should contain something suited to every palate.... And by steering clear of extremes, hit the happy medium* (Cited in Stephens, 2007).

In the 1980s, in histories published by the newspaper, *The Times* described the role of a journal of record as providing “the best available account of what went on in the world on a particular day”.

*No other publication attempts to keep such a comprehensive record of such a wide range of the day’s events, from latest appointments at the universities or in the City or the Services, to reviews of new books and first nights, to dispatches and think-pieces from home and abroad. Back issues of The Times are a treasure house for historians and anybody else who recapture a fact or a flavour of the past on a particular day* (Howard, 1984)

Once again, comprehensiveness was seen as a key criteria, and seen as key to lasting credibility and authority.

In Australia, the newspapers of record have traditionally been *The Sydney Morning Herald*, *The Age* and, in earlier days, *The Herald* of Melbourne, now defunct.

*The Age*, established in 1854, from the outset made being a journal of record explicit in the editorial policy, published in the first issue:

*The Age: a journal of politics, commerce and philanthropy, dedicated to: The record of Great Movements, the Advocacy of Free Institutions, the Diffusion of Truth, and the Advancement of Man” ... In its Reports of public proceedings – the sittings of Council and of the Courts of Law, the meetings of commercial companies and of religious and philanthropic institutions –The Age will aim at being comprehensive accurate and impartial* (The Age, 1854).

*The Age* published detailed reports of the proceedings in both houses of parliament, as well as reporting in detail public meetings of all kinds. Articles were long and required careful reading, headlines were not used to sum up the news nor give a colour to it. There were no illustrations and not even maps. "The paper had to be read not just skimmed through" (Whitfield, 1950).

The *Sydney Morning Herald* was also self consciously a journal of record, saying this explicitly in May 1940 in the course of a piece on newsprint rationing. The paper said that its "traditional function of serving as a journal of record in every sphere of national life gives it certain obligations". Among these obligations were its classified advertisements which it felt provided a service to the public. Later in 1944, the *Herald* published an article titled "Progress and Traditions", in response to the shift to front page news, in which it expressed its journal of record principles:

*The 'Herald carries certain traditions and performs certain specialised services for the public which have made it in the past and will still make it in the future inevitably different from other popular papers. Firstly, it is a journal of record, and must carry Law and Parliamentary reports and other serious matter at a length and in a manner not always justified by their news value.*

Once again, comprehensiveness was seen as a key criteria - even more important than news worthiness.

Sir Keith Murdoch, managing director of the Melbourne *Herald*, also subscribed to journal of record principles, as can be seen from his personal papers, held in the National Library of Australia. Murdoch wrote regular notes for his senior staff, designed to encourage them to improve the paper. In note number 121, Murdoch stated:

*Let us find room for all the news, present it tersely, and lightly, but not sensationally, and let us strive for some originality and a few items written in a novel and arresting way (Murdoch, date unknown).*

Overlapping with the priorities of editors and proprietors have been the concerns of governments, and civic institutions such as the courts and administrations. The earliest sanction of this function emerged from the Acts of the First Session of the First US Congress, which

required the US administration to publish in at least three public newspapers “every bill, order, resolution and vote of the houses of Congress, as well as presidential objectives of these actions so that the public might know what their government was doing” (Martin and Hansen, 1998). Other journal of record functions, largely performed by the mandatory placing of advertisements, have included calls for tenders, notices regarding home repossessions and bankruptcy, court orders and so forth.

This is one aspect of “journal of record” likely to change in our own time. Law lists, for example, no longer appear as a matter of course in the hard copies of newspapers, but can be easily accessed from the web pages of the courts themselves. At least one state government has questioned whether it is still desirable to call for tenders via newspaper advertisements, or whether posting material on government administered websites is sufficient (Department of Innovation, Industry and Regional Development, 2010).

This brings us to how things are changing, and likely to change. But first, let us reflect on the key journal of record criteria expressed by these editors and journalists of previous centuries. Comprehensiveness was clearly key - and seen as a guarantee of quality and credibility. Impartiality was important, and another mark of quality and credibility. So too was a moderate tone - notions of "common sense" or "the happy medium". "Watchfulness" is also mentioned - but the modern day notion of proactively holding governments to account, or campaigning journalism, is hardly mentioned at all.

It would seem that internet based publishing should allow for these criteria to be met more fully. Space, for example, is virtually unlimited, allowing for more comprehensive coverage. It is notable that the Wikileaks organisation's notion of "scientific journalism" (not always observed in practice) nods towards old fashioned journal of record ideas. Wikileaks founder Julian Assange has said:

*Scientific journalism allows you to read a news story, then to click online to see the original document it is based on. That way you can judge for yourself: Is the story true? Did the journalist report it accurately?* (Assange, 2010).

Yet in the early years of the present century, a number of commentators both here and overseas have claimed that the notion of the journal of record is no longer relevant to news media. The

reasons proffered have been various. In 2011, the former Minister for Communications, Richard Alston, suggested that only public broadcasters were obliged to be journals of record, because of their public funding. In an opinion piece in *The Age*, as part of an ongoing campaign of criticism against the ABC, Alston said that Labor:

*chooses to wilfully misunderstand the nature and role of the commercial print media. They are not there to be an impartial and objective journal of record. Unlike the ABC, they do not have the luxury of guaranteed income support. We have come a long way from the yellow press of America's late nineteenth century, and Australian media are good by world standards. But they have to operate commercially, which involves product differentiation and some dramatization [emphasis added] (Alston, 2011).*

The idea that it is the job of publically funded media - and only of publically funded media - to adopt the objective and impartial voice of journal of record is frequently stated among right wing critics of the ABC to the present day (Kenny, 2013; Henderson, 2013). But the notion that journal of record criteria are in decline, and perhaps redundant, is not confined to these commentators, but also features in statements by progressive editors and commentators.

In the 2010 Hugh Cudlipp lecture the editor of *The Guardian*, Alan Rusbridger described a key shift in the relationship between the public and journalists and, significantly, connected it to commercial considerations:

*The tension is between a world in which journalists considered themselves – and were perhaps considered by others – special figures of authority. We had the information and the access; you didn't. You trusted us to filter news and information and to prioritise it – and to pass it on accurately, fairly, readably and quickly. That state of affairs is now in tension with a world in which many (but not all) readers want to have the ability to make their own judgments; express their own priorities; create their own content; articulate their own views; learn from peers as much as from traditional sources of authority. Journalists may remain one source of authority, but people may also be less interested to receive journalism in an inert context – i.e. which can't be responded to, challenged, or knitted in with other sources. It intersects with the pay question in an obvious way: does our journalism carry sufficient authority for people to pay – both online (where it*



*competes in an open market of information) and print?... If ever there was a route to building audience, trust and relevance, it is by embracing all the capabilities of this new world, not walling yourself away from them (Rusbridger 2010).*

In August 2009, the managing director of the ABC Mark Scott, gave the annual Arthur Norman Smith Lecture on the topic of “The Fall of Rome: Media after Empire”, and quoted Rusbridger, echoing many of his arguments (Scott, 2009).

This idea of an erosion of exclusive journalist authority is international, and has taken root at those publications that claim to have invented the notion of journal of record. Daniel Okrent, the first Ombudsman of the *New York Times* published a collection of his columns in 2004 in which he rejected the modern idea of the *New York Times* being a newspaper of record.

*In a heterogeneous world, whose record is one newspaper even in the position to preserve? If you rely on the Times as your only source of news, you are buying into the conceptions, attitudes and interests of the people who put it out every day (Okrent, 2006).*

For different reasons, all these people seem to think the notion of a single, authoritative "journal of record" is dead, or changing beyond recognition. Yet despite these claims, the codes of practice that most journalists subscribe to in various countries continue to emphasize journal of record criteria of comprehensiveness, impartiality and accuracy. In Australia, both the Media Entertainment and Arts Alliance Code of Ethics, and the Australian Press Council principles reference and mandate these ideas.

So what to today's media proprietors and executives say about what they do? What elements of journal of record notions survive?

The CEO of Fairfax Media, Greg Hywood, in his appearance before Mr Finkelstein, made a clear reference to the idea of journal of record, though it would have to be said with a lot less self confidence than his predecessors. Hywood said:

*We absolutely can see that the media is not perfect. It is the first cut of history. The second cut of history is a bit better and the third cut, et cetera. There are still issues in*

*the past which are up for massive debate. You never really quite get it "right" in everybody's eyes.*

Later, he suggested that the "fundamental role" of Fairfax's news outlets was not so much to state things with authority, as to ask questions. Hywood emphasised not comprehensiveness, but editorial selection.

*We do make an assumption that the power can be irrationally exercised; therefore, our role in the community is to question people in power relentlessly so that power is, over time, rationally exercised and not irrationally exercised. That is what a free press delivers to a community. Our fundamental role is to ask questions of people. Why did do you this? Why didn't you do that, et cetera. If you are looking in terms of the political process, what we do is we ask questions of why politicians make certain decisions and then report that. We do two things: we report that news, and we judge which is the most important and which is not.*

Hywood eschewed the notion of trying to serve the community at large. Editorial judgements were determined by a perception of the audience for the outlet. Fairfax newspapers did not strive to be comprehensive - yet Hywood seemed to see this as consistent with being "the first cut of history".

*That is the fundamental role that we play and if there is any power involved, it is the power of the choice that we make.... we do not aim to win everybody in the community...the choices that are made are not issues of the editor just thinking, "What am I interested in?"; the choices are made around what the editor knows his or her audience is interested in....It is the first cut of history, as I say.*

Hywood said that fairness was important. Journalists should not be advocates or run agendas. Nevertheless, campaigning journalism, he said, was a key part of the "key role" of asking

questions and holding the powerful to account (Independent Inquiry into Media and Media Regulation).

Hywood's emphasis on question asking and was shared by News Limited, which said in its written submission to Finkelstein that:

*The job of the media is to challenge decision makers and shine a light on corruption and wrongdoings and give readers the facts and perceptions they need to understand their society.*

This, the submission said, made it inevitable that governments would accuse the media of bias. This was a sign of a "healthy free flow of information". There followed a clear appeal to journal of record traditions:

*A well functioning democracy ensures its citizens are able to inform themselves as comprehensively as possible on a range of issues including their government, their court system and the actions of corporations and individuals that impact on society." The media plays a vital role in this process.*

But at this point, the News Limited submission began a different, extremely unusual or perhaps merely confused line of argument.

*The trap of believing that there is one sustaining truth is benevolent dictatorship. Just as there are many untruths to be unmasked so there are, on any issue, many alternative truths or points of view that must be allowed to coexist. Our democratic decision making process allows us to choose and change truths from time to time. We avoid any desire to assert, on an issue, that there is but one truth or correct decision.*

It is hard to imagine anything further from journal of record aspirations. News Limited seemed to be asserting, simultaneously, that it served reliable and comprehensive information essential to the functioning of a democracy, but also that there was no such thing as absolute truth, and that it was obnoxious - indeed dicatatorial - to assert that there was. In this, News Limited cast itself as the custodian of the right to flexible truth (not merely opinion), and government as the dictatorial imposers of a single truth (News Limited, 2011).

Interestingly, among the media proprietors who appeared before the inquiries, it was two of the internet based publishers who seemed to have the most "old fashioned" ideas about journal of record functions. Eric Beecher, a former Fairfax editor and now publisher of the online news service Crikey, said in his submission to the Independent Media Inquiry:

*So what is this holy grail known as "quality journalism"? I would define it as the journalism that reports and analyses the institutions of democracy – governments, parliaments, the public service, courts, police and army, academia, business, science, education, media and other key institutions. It is the journalism that investigates and interrogates those institutions and their issues on behalf of society.*

Beecher asserted that "in reality" there were only four Australian newspapers that made a significant investment in quality journalism - The Australian, The Sydney Morning Herald, The Age and the Financial Review. All these were suffering commercial pressures. Beecher doubted that public interest journalism could survive without government support. He said:

*Is quality journalism really just like any other product or does it also have another crucial purpose that is less commercial – and even noble? And if that's the case, and as its business model unravels, is it possible that quality journalism has ended up in the wrong funding bucket as an accident of history? The reality is that there are many important parts of a civilised society that would not exist if they weren't publicly funded – museums, libraries, theatre*

*and opera companies, public art galleries and many other cultural institutions. Maybe quality journalism is about to move into the same category.*

Beecher's sentiments were echoed in the submission from *The Global Mail*, a new, philanthropically supported outlet, which in its submission defined its mission in terms that the founding editors of the New York Times might have recognised, yet also referenced the notion that this was now the function of publically or philanthropically funded media outlets, and not sustainable commercially.

*Global Mail has a single mission: to provide Australians with non partisan, fact based information and analysis of the issues which directly affect them across public policy, health care, transportation, immigration, energy, the environment, arts, culture, religion, communities and our place in and understanding of the world. We recognize that Australia's national broadcasters—the ABC and the SBS —have a mandate to, in part, serve the same purpose. We believe however, that their journalism is being buffeted by the same digital assaults as commercial media and that it is unhealthy for Australian democracy if the burden of providing Australians with quality journalism remains theirs and that of a decreasing number of sectors in the commercial realm alone.*

On the other hand, the "tabloid" online outlet Ninemsn offered a different understanding of what it might mean to provide a community with a journal of record.

*News media can also serve as a national voice and provide “a means by which a society or a country can learn about itself and build a sense of community and of shared values... The emotionally engaging news media coverage of the victims of Queensland floods for example made more their experience vivid and accessible to all Australians. This kind of reporting enhances curiosity, empathy, and understanding about the impact of the floods on the life in our communities. Quality journalism is therefore equally about interpreting, analysing and giving meaning to the Australian experience.*

So what Survives and what has changed in notions of the journal of record function of news media, and its relationship to quality?

All the media outlets appearing before the inquiries argued that their role in providing information to citizens was their main function, a public trust and the reason why they should be allowed freedom and privileges under the law. However, key components of the journal of record understandings seem to have either fallen by the wayside, or to have fundamentally altered. Comprehensiveness is no longer an aspiration. Rather, proprietors emphasised the professional judgment editors make in deciding what their audiences will be interested in - and this was driven by commercial self interest. One proprietor, Kerry Stokes of Seven West Media, went so far as to assert to the Senate Committee inquiry that his media outlets' public responsibilities were one and the same as his duties to his shareholders. "There is no difference" (Parliament of Australia, 2013).

Echoing Alston, many argued that providing comprehensive information was now chiefly the job of the public broadcasters, precisely because they were freed from commercial imperatives. Commercial media asserted its right to campaign, and to be opinionated and even to "change truth". Freedom from government, and government funding, was key to these freedoms.

This is a major shift. As we have seen, the notion of journal of record originally arose precisely because there was perceived to be a "niche" commercial opportunity for comprehensive, dispassionate information.

The media proprietors and editorial executives of our own time continue to talk about impartiality, but at the same time claim this is not inconsistent with the media's conscious exercise of power through campaigning journalism, which many seem to assert as their main public duty. Modern media executives do not appeal to "common sense" or moderation. In fact they demand the right - even the duty - to question and to select. The primary role of comprehensiveness and dispassion as markers of quality has given way to a notion of proactive campaigning and questioning as the main justification for media freedoms and privileges under the law.

At the same time, a confused sort of post modernism seems to have penetrated, with confused talk of changing truths - even as newspaper executives acknowledge, in the words of John Hartigan, that newspapers campaign to "shape new laws and change history. They build a bridge between public opinion and public policy" (Hartigan, 2009).

So is the old fashioned, pre-modern idea of journal of record over? We would argue not. As one of us has argued elsewhere (Simons 2013b), the commercial trend is away from mass media towards niche outlets serving smaller, more deeply engaged audiences. Yet there is something about the notion of comprehensiveness, impartiality and unchanging truth remains both a marker of quality, and a potential commercial advantage. We have seen nods to this idea in the last few months, with no less than three "fact checking" services set up by, respectively a private company, the ABC and university funded *The Conversation*.

We would argue that comprehensiveness is more achievable than ever before, and also that history suggests that journal of record functions are key to credibility, which in turn is the foundation of the watchdog, questioning function of the press.

In Daniel Ellsberg's *Secrets: A Memoir of Vietnam and the Pentagon Papers*, the idea is put forward that the Pentagon Papers could only be published in the New York Times, due to its paper of record status. In Ellsberg's words:

*Among newspapers, the 'Times was the obvious choice. It was the only journal of record, the only paper that printed long accounts, such as speeches and press conferences, in their entirety. No other paper would do that. Only the 'Times might publish the entire study, and it had the prestige to carry it through (Ellsberg, 2002).*

We can reflect on Ellsberg's decision and choice of outlet in our own time, when organisations such as Wikileaks, and more recently the leaker Edward Snowden, have chosen papers such as *The Guardian* and *The New York Times* as their collaborators of choice.

They did not choose partisan publications with shifting notions of truth. They chose news outlets that, largely through their comprehensive offerings, had gained the trust of sizable audiences. Although business models are challenged, journal of record functions are likely to remain a key feature of public interest journalism, with the internet offering new opportunities for fulfilling this role.

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