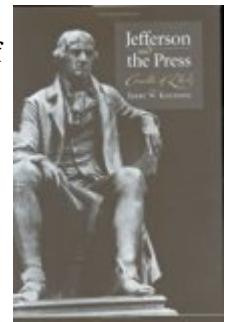


David A. Copeland. *The Idea of a Free Press: The Enlightenment and Its Unruly Legacy.* Foreword by Daniel Schorr. Chicago: Northwestern University Press, 2006. xxiv + 285 pp. \$24.95, paper, ISBN 978-0-8101-2329-8.



Jerry W. Knudson. *Jefferson and the Press: Crucible of Liberty.* Columbia: University of South Carolina Press, 2006. xvii + 221 pp. \$34.95, cloth, ISBN 978-1-57003-607-1.



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As the distinguished journalist Daniel Schorr shows in his foreword to David A. Copeland's *The Idea of a Free Press*, despite their stated adherence to the ideal of civil liberty, Americans have long had ambivalent feelings about unrestrained freedom of speech and of the press. As Copeland concludes, "the urge to suppress and censor is always elevated in times that are perceived to be dangerous for a country or a people.... Many truly believe that allowing extremist points of view to be expressed will destroy the foundation of a nation" (p. 225). In a time of rising terrorism accompanied by passionate disputes about the bounds of civil liberty, it is beneficial that Copeland and Jerry W. Knudson have offered works that revisit

the history of the long and continuing struggle for press freedom.

Copeland's *The Idea of a Free Press* is an ambitious work that seeks to provide an intellectual and social history of freedom of the press covering several centuries in England and North America. The book contains a general survey of major Anglo-American thought about freedom of speech and the press, together with descriptions of a number of controversies on the subject, including prosecutions such as the 1735 John Peter Zenger libel trial. As part of its survey, the book also broadly traces the evolution of the law in this area. Although the book's topic and treatment would be of interest to general historians of the seventeenth and eighteenth centuries, particular-

ly those interested in religious, political, and legal history, for many the work will serve as little more than a broad introduction to these issues, one containing an analysis of limited value on numerous points.

The book begins by considering the origins of the free press in England. Copeland argues that the earliest source of the idea of a free press in England was the tradition of religious dissent in that country that began with the Reformation and flowered into its astonishingly variegated expression during the English Civil War. Copeland considers the role of the press in the English Civil War, as well as the views of John Milton, John Locke, and others on free speech and the press in chapters 2 and 3. The author argues that there were secular reasons behind the rise of a free press as well, including increased demand from a rising middle class for information and Parliament's desire to justify its proceedings to the public. The connection the author sees, if any, between religious motives and secular motives supporting the rise of the free press remains unclear.

Copeland shows that by the time period just after the Glorious Revolution, Parliament had largely abandoned licensing of the press in England, but that the law of seditious libel continued to be valid there, permitting such prosecutions after publication. He dismisses the omission of a guarantee of press freedom from the English Bill of Rights of 1689 as "inconsequential, for the most part" (p. 221). This is a questionable conclusion given the other provisions of the Bill of Rights, which are narrowly drawn to protect only the right of petition and parliamentary freedom of speech, and the course of English law on press freedom then and later, including the triumph of parliamentary sovereignty as the foundation of British constitutional thought.

Chapters 5 through 7 consider the history of free expression in the American colonies and during the American Revolution, including the rise of a "public sphere" in England and the United

States. Copeland argues that during the eighteenth century, the public, particularly in the British colonies, gradually became unwilling to support the use of seditious libel by government officials as a means of controlling the press. He supports that contention through discussion of the Zenger trial and other prosecutions (pp. 153-163). Copeland's discussion (in chapter 7) of the role of the press during the French and Indian Wars is of particular interest. He argues that the French and Indian Wars prompted a sharp growth in the size of the press operating in the United States, and that the experience of seeking inter-colonial unity, and treating news from other colonies as being of local concern, prepared the press for its role as part of the resistance to Great Britain during the American Revolution. Copeland then offers a concluding chapter summarizing the history reviewed and offering observations about its significance.

Although ambition and breadth in a work like this are potential virtues, they are also the source of potential vices. Many historians will regret that the book lacks any systematic effort to engage with the historiography on the issues Copeland addresses, so that it remains unclear precisely how Copeland thinks he is advancing the discussion of his issues. (Though the absence of note numbers in the text suggests that perhaps this work was intended for a more general audience). On the historical evolution of views about the proper bounds of press freedom (beyond the absence of prior licensing), the book fails to present any sustained thesis beyond the idea that "the Enlightenment" (a notoriously vague term used repeatedly as a makeweight here) had an "unruly" legacy. As intellectual history, some of its interpretations are open to question because they gloss over differences in thought with fundamental implications for freedom of the press. For example, although Thomas Hobbes and John Locke may both have believed in "natural rights" in some form, they had profound differences on the ground and nature of such rights that would have

supported diametrically opposed views on press freedom (pp. 88-93).[1] Similarly, readers will puzzle over broad statements such as "Leveller philosophy would become part of the Enlightenment rhetoric of ... the Founding Fathers of the United States" (p. 106), and not solely because the Levellers and the vast majority of the Founding Fathers had remarkably little in common on most issues, including how to actualize the principle of consent of the governed.

While the book says that it will explain how press freedom became part of the American Constitution's Bill of Rights, it paradoxically disclaims any effort to shed any light on the meaning of the First Amendment (p. 4). The book does explore the vigorous efforts of the Patriot press and public to suppress dissent during the Revolution (pp. 208-214). The author terms this suppression "regress[ive]," but still seems to think that perhaps contemporaries sufficiently steeped in "Enlightenment thought" could have understood suppression as consistent with an "absolute right of free speech" (pp. 223, 214). The author acknowledges that during the Revolution, printers were punished for seditious speech, if at all, only at the state level (p. 214). Yet readers will find little exploration (beyond a general discussion of the work of Leonard Levy) of the implications of the fact that when the Bill of Rights was adopted, the First Amendment was widely seen only as a limitation on the Federal government, not on the states. Thus Thomas Jefferson could resolutely oppose the Alien and Sedition Acts, while later recommending state libel prosecutions against his political opponents as "wholesome ... in restoring the integrity of the presses" (quoted in Knudson, p. 169). Despite these gaps, there is a general historical conclusion about freedom of the press that can be drawn from Copeland's work, though perhaps not one that he would endorse.

Copeland's work shows that groups who seized power, such as the Cromwell government or the Patriots, also typically sought to suppress

dissent, while colonial assemblies jousting with colonial governors generally supported press freedom. This history suggests that it has generally been the existence of contending centers of power seeking mass support, rather than ideology or news demand, which has determined whether the ideal of free speech and press became a reality. This conclusion about the sources of press freedom is also supported by the history of Thomas Jefferson's rise to political power, part of the focus of Jerry W. Knudson's *Jefferson and the Press*.

Knudson tells us that it is his purpose "to examine the interaction between the press and the administration of Thomas Jefferson ... by studying representative periodicals of the period" (p. xiii). He does this by summarizing for readers the results of his review of a total of fifty-six years worth of issues of eight early Republic newspapers. He organizes these materials by considering a series of major controversies of Jefferson's Administration, including the election of 1800-1801, Tom Paine's return to America, the Hamilton-Burr duel, the Republican assault on the Federalist judiciary, and the Embargo and related legislation of 1807-1809 (p. xvi). The topic of Knudson's book will be of general interest to historians of the early Republic, particularly those interested in social and political history, but the author's approach and analysis will make it of limited value to them.

Knudson begins with three informative chapters that describe the state of the partisan press during Jefferson's Administration and provide general background on the editors of various newspapers and their political orientations and activities. At the time of the Revolution, Knudson notes, there were 39 newspapers publishing in the United States; by 1810, there were 360, or nearly a ten-fold increase in forty years (p. 1). By comparison, North American population roughly tripled during the same period, so the growth of the press was clearly an important social phenomenon in the early Republic. During this period, as Knudson shows, both public attitudes to-

ward the press, and the role of public opinion in politics, were in sharp flux.

Knudson presents an illuminating quotation from the leading Republican editor, William Duane, who said: "there are in every society large masses of men, who never think or reason, some who have no capacity ... very unfortunately this mixture of ignorance, imbecility and hypocrisy is very numerous ... It is to the major part of this mass that all public discussions are addressed" (p. 5). In the early Republic, this low estimate of public information and opinion led, among other things, to elite opposition to the creation of political associations outside of government and to any form of public dissent by government officials. In such a climate, it was Thomas Jefferson's misfortune to be strongly opposed to the policies of the Washington Administration without any vehicle for expressing that dissent publicly.

As Knudson shows, the emerging partisan press came readily to hand as a political mobilization tool for Jefferson, because he could present his ideas through surrogates, whether pseudonymous writers such as his ally James Madison, or "sympathetic" editors such as Philip Freneau. During this period, Alexander Hamilton and Jefferson each had a partisan paper, and Knudson argues that their rivalry metamorphosed "into America's first political parties" (p. 2). Knudson argues that the press shaped "the political parameters of Federalists and Republicans in the early national period" (p. 7), but historians might be forgiven for thinking that causation ran in the other direction, since Jefferson won a lot of his battles notwithstanding Federalist dominance of the press, and lost others despite having press allies. This tension can be seen in several of Knudson's chapters treating specific political controversies.

In chapter 4, Knudson considers the press coverage of the election of 1800. He shows that during the campaign, Jefferson was the subject of unrelenting attacks on all aspects of his personal morality and political views by the dominant Fed-

eralist press. Given that dominance, Knudson has some difficulty explaining the election of 1800. He concludes that "the Federalist press held the upper hand during the campaign" (p. 65), but then perhaps Jefferson should have lost. The more likely conclusion is that issues other than press coverage determined the outcome of the election, the conclusion reached by most other historians, who generally rely on a broader range of sources. (It is worth noting that Knudson's book contains several good illustrations, including a fine reproduction of one of the earliest American political cartoons from New York, 1793).

Chapter 6 covers the press treatment of the Louisiana Purchase. Readers are unlikely to learn anything new about the politics of the Louisiana Purchase from this chapter, including the fact that the Federalist press opposed it. Knudson concludes that "the Federalist press ... was not able to tarnish the luster of the event" (p. 105). This conclusion about the influence of the press seems at odds with the reality that American expansion into Louisiana was wildly popular before the Purchase, to the point where many advocated military conquest of the region, and that many prominent Federalists, including Alexander Hamilton, supported the Purchase. This raises the more general question: what was the relationship between public opinion and newspaper opinion during Jefferson's Administration?

Knudson "takes issue" with Merrill Peterson's conclusion that Jefferson "had the good sense not to confuse newspaper opinion with public opinion" (p. 165). To support this view, Knudson asserts (without any evidence) that early Republic public opinion was generated primarily by newspapers, not by discussions in taverns, coffeehouses, markets, or churches: newspapers "kept the political fires kindled" (p. 165). Yet Peterson was undoubtedly correct here: Thomas Jefferson succeeded as the first American mass politician precisely because he understood public opinion as well as, if not better than, any politician during

his lifetime, and because from behind the scenes he adroitly used newspapers to help shape that opinion. Jefferson's political tactics necessarily meant that he had to be acutely aware of the difference between the two types of opinion. Here and elsewhere, Knudson's work exaggerates the political influence of newspapers in the politics of the early Republic. Other works on newspaper politics during this era, as well as Sean Wilentz's treatment of various political and social organizations in the early Republic, and the rise of party organizations, are useful correctives to this view. [2]

Notes

[1]. On Thomas Hobbes and John Locke, see *The Cambridge History of Political Thought, 1450-1700*, ed. J. H. Burns with the assistance of Mark Goldie (Cambridge: Cambridge University Press, 1991), 530-544, 589-615, 616-652.

[2]. Jeffrey L. Pasley, *The Tyranny of Printers: Newspaper Politics in the Early American Republic* (Charlottesville: University Press of Virginia, 2001); and Sean Wilentz, *The Rise of American Democracy: Jefferson to Lincoln* (New York: W. W. Norton & Co., 2005).

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