

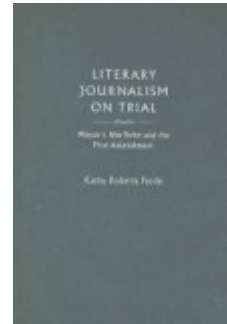


Kathy Roberts Forde. *Literary Journalism on Trial: Masson v. New Yorker and the First Amendment.* Amherst: University of Massachusetts Press, 2008. xii + 288 pp. \$28.95 (paper), ISBN 978-1-55849-653-8; \$80.00 (cloth), ISBN 978-1-55849-652-1.

Reviewed by Joe Marren (Buffalo State University)

Published on Jhistory (September, 2009)

Commissioned by Donna Harrington-Lueker



Delivering on a Literary Promise

A former *Kansas City Star* columnist, the late Bill Vaughan, once wrote something to the effect that the groundhog was a lousy weather prophet. That's because every February 2, it would make its prediction and then disappear into a warm and cozy burrow. My strained analogy is not meant to compare Kathy Roberts Forde to a groundhog. Rather the comparison is made to show that Forde, unlike the aforesaid weather prognosticator of the genus *Marmota monax*, can deliver on a promise.

That promise, as she writes in the introduction to *Literary Journalism on Trial: Masson v. New Yorker and the First Amendment*, is to take the reader on a careful tour of the legal challenges and changes to the interpretation of libel cases. To do so, Forde picked a case that was viewed, reported, and commented on by workaday journalists in daily newspaperdom and their kith and kin in the salons of literary magazines. In 1984, Jeffrey Masson sued Janet Malcolm, a *New Yorker* magazine writer, the magazine itself, and book publisher Alfred A. Knopf, Inc.

The main point of the libel case against Malcolm and the *New Yorker* magazine centered on some quotes that Masson says Malcolm either botched, or fabricated, or condensed from other, out-of-context conversations. Those quotes are in an appendix, but basically Masson says that Malcolm misquoted him when he, speaking as a Freudian scholar and former administrator of the Freud archives, called himself an intellectual gigolo and said that he himself was the greatest analyst who ever lived.

So in the wake of the lawsuit, the question became, was Malcolm's two-part profile in the magazine a product of shoddy journalism? Since it was in the *New Yorker*, it was, of course, considered to be literary journalism. But was it literary journalism run amuck? The court case ended up holding literary journalism up to scrutiny and public ridicule as the case wound itself from courtroom to courtroom during the roughly twelve years it was under focus (from late 1984 to 1996).

Forde also delivers on her promise to examine the case fully. To do so, she analyzed and interpreted many of the historical and legal implications of *Masson v. New Yorker* for both journalists and those outside the pale of deadlines and editors. She also clearly shows there is a certain disdain between traditionalists and their call for constant objectivity and the literary journalists who may argue that they can tell the truth and yet still wink at conventions. So it was a brilliant move on Forde's part to frame the overarching questions about the differences between the two journalistic schools in the debates between philosopher John Dewey and journalist Walter Lippman in the 1920s. By doing so she shows that the divide evolved over time since Dewey favored a robust democracy scrutinized by a literary press, while Lippman said the public needed a more objective press that could explain the workings of the world to the public. Although Lippman's vision dominates daily journalism, the final court ruling in *Masson* seemed, paradoxically, to narrow the interpretation of truth vis-à-vis reportage

while widening the gap between literary and traditional journalists.

As such, the book is also about history, philosophy, and ethics, vis-à-vis the debate about objective journalism versus literary journalism. One thing Forde makes clear is that objective journalism and literary journalism are not supposed to be—and indeed, aren’t—locked in a battle for the hearts and minds of newsrooms across time and space. Forde’s book, then, is also about epistemology and journalism rolled into 223 well-written pages. That number does not include another 65 pages containing an appendix, notes, and a selected bibliography and index. It’s just that the beginning 223 pages contain all the fun and insight.

Particularly illuminating, for example, is chapter 3, which Forde says is a study of case law from the landmark libel case *Sullivan v. the New York Times* (1964) to today. The chapter is also so rich in philosophical insight that it alone makes the book worth the time spent reading it. Although she doesn’t draw a parallel with Trappist monk and philosopher Thomas Merton (1915-68), there is a common concern between journalism and the truth that Merton wrote about in several of his books. Merton characterized his life as a struggle to seek the truth. Merton viewed God as truth and the source of truth. He said that we make ourselves real by telling the truth, which is manifested in our words and actions. But Merton feared that society no longer valued truth. So Merton, in his *Conjectures of a Guilty Bystander* (1968), called for a purification of the media.

Journalists might reply that there is no need for purification since they are committed to the truth. For example, legacy media gatekeepers would say it is the role of the media to monitor government, business, religion,

and other powerful institutions and tell the truth about them. Also, being committed to the truth is a principle that forms the first rule of many professional ethical codes, from the Society of Professional Journalists, to the Radio and Television News Directors Association and the Public Relations Society of America. Yet it is precisely that elusive thing called “truth” that Masson felt was lacking in Malcolm’s two-part profile about him.

What also makes this book fun to read, to ponder, and to absorb are the other chapters that look at libel cases pertaining to the *New Yorker* itself and cultural forces at play in society after *Sullivan* that seem to have made us a litigious society. Oh, yes, this book delivers, indeed.

According to a Web site about the book (literaryjournalismtrial.com/Author_bio.html) and another site from the University of Minnesota (blog.lib.umn.edu/cla/discoveries/2008/07/), Forde is an assistant professor in the in the School of Journalism and Mass Communication at the university’s Twin City campus. She teaches undergraduate and graduate courses in literary journalism, media, and journalism history. So she certainly has the ethos to write a book on the subject of literary journalism and its history. In fact, the book is a revision of her dissertation, and that is one of the few problems with it: At times it still reads like a dissertation. Forde is an excellent and engaging writer, but it is this reviewer’s opinion that simpler writing, especially when discussing legal philosophy, would have made the book stronger.

Given all that, this book would seem to be a must on the bookshelves of journalists. But given its historical and legal aspects, just about anyone with more than passing curiosity about the press, the First Amendment, and our experiment in democracy would be interested.

If there is additional discussion of this review, you may access it through the network, at:

<https://networks.h-net.org/jhistory>

Citation: Joe Marren. Review of Forde, Kathy Roberts, *Literary Journalism on Trial: Masson v. New Yorker and the First Amendment*. Jhistory, H-Net Reviews. September, 2009.

URL: <http://www.h-net.org/reviews/showrev.php?id=25280>



This work is licensed under a Creative Commons Attribution-NonCommercial-No Derivative Works 3.0 United States License.