

Focus: Press Freedom and Right-Wing Extremism

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Looking back – to see today

The fight for the freedom of the press in 1733

Historical analogies are always somewhat questionable. And yet, when reading the following text, it is difficult not to think of the current situation in the US.

It was published in 1733 by the publisher, printer, and journalist John Peter Zenger (1697–1746) in the weekly newspaper New-York Weekly JOURNAL. The article was not written by him, but by one of his correspondents, who remained anonymous and was probably one of the democratically oriented authors of the Cato's Letters distributed in Great Britain.

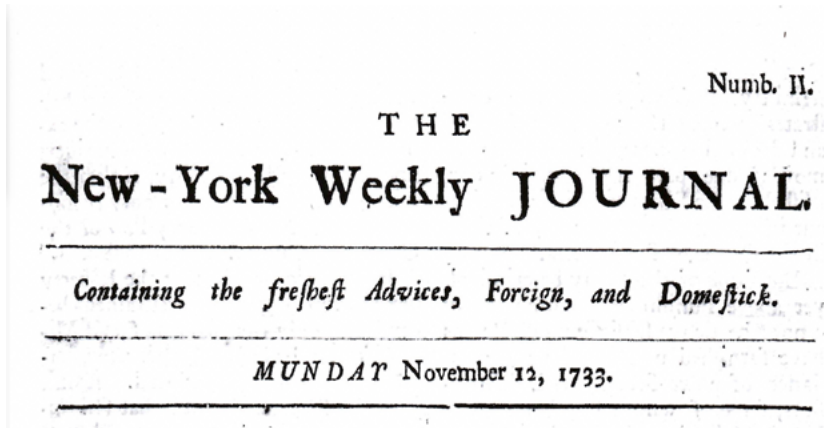
Like Donald Trump's grandfather 175 years later, Zenger came to New York from the Palatinate as a young man. He became an apprentice and employee at the city's only newspaper at the time, the New-York Gazette. He then set up his own business and established his own publishing house. From 1733 to 1751, he published his Weekly JOURNAL which not only competed with the Gazette, but also distinguished him as a sharp critic of the autocratic and self-aggrandizing governor of New York, William Cosby. Zenger repeatedly printed articles against the representative of the British crown. Cosby was furious and, in early 1734, had copies of the JOURNAL publicly burned on Wall Street and offered a reward of £50 to anyone who revealed the names of the anonymous authors. A few months later, Cosby had Zenger thrown into prison for libel. However, the subsequent trial ended with a sensation: Zenger was acquitted without conditions. His lawyers had succeeded in convincing the grand jury that this was a matter of »truth« and »the cause of liberty.«

The acquittal is particularly noteworthy (and a milestone in us press history) because at that time there was no guaranteed freedom of the press in the North American colonies. This was only guaranteed after independence with the Bill of Rights and the first amendment to the Constitution in 1791, which prohibited Congress from restricting the freedom of the press. When the following text refers to the »freedom of the press« as »part of our Constitution,« the author cannot yet invoke a written law, but rather invokes the political principle of a »limited« monarchy in England. What is astonishing here is the broad understanding of the public

sphere. The author writes that even the »damage« that the press may cause to some is acceptable and »insignificant compared to the benefits that the freedom of the press grants us.«

This almost 300-year-old pamphlet, which we are publishing as a »guest contribution« from times past, shows how far the United States has fallen back historically under Donald Trump and his attacks on media freedom.

Fig. 1



The New-York Weekly Journal

[...] There are two Sorts of Monarchies, an absolute und a limited one. In the first, the Liberty of the Press can never be maintained, it is inconsistent with it; for what absolute Monarch would suffer any Subject to animadvert on his Actions, when it is in his Power to declare the Crime, and to nominare the Punishment? This would make it very dangerous to exercise such a Liberty. Besides the Object against which those Pens must be directed, is their Sovereign, the sole supream Magistrate; for there being no Law in those Monarchies, but the Will of the Prince, it makes it necessary for his Ministers to consult his Pleasure, before any Thing can be undertaken: He ist therefore properly chargeable with the Grievances of his Subjects, and what the Minister there acts being in Obediance to the Prince, he ought not to incur the Hatred of the People; for it would be hard to impute that to him for a Crime, which is the Fruit of his Allegiance, and for refusing which he might incur the Penalties of Treason. Besides, in an absolute Monarchy, the Will of the Prince being the Law, a Liberty of the Press to complain of Grievances would be complaining against the Law, and the Constitution, to which they have submitted, or have been obliged to submit; and therefore, in one Sense, may be said to deserve Punishment, So that under an absolute Monarchy,

I say, such a Liberty is inconsistent with the Constitution, having no proper Subject in Politics, on which it might be exercis'd, and if exercis'd would incur a certain Penalty.

But in a limited Monarchy, as *England* is, our Laws are known, fixed, and established. They are the streight Rule and sure Guide to direct the King, the Ministers, and other his Subjects: And therefore an Offence against the Laws is such an Offence against the Constitution as ought to receive a pro per adequate Punishment; the several Constituents of the Government, the Ministry, and all subordinate Magistrates, having their certain, known, and limited Sphere, in which they move; one part may certainly err, misbehave, and become criminal, without involving the rest, or any of them in the Crime or Punishment.

But some of these may be criminal, yet above Punishment, which surely cannot be denied, since most Reigns have furnished us with too many Instances of powerful and wicked Ministers, some of whom by their Power have absolutely escap'd Punishment, and the Rest, who met their Fate, are likewise Instances of this Power as much to the Purpose; for it was manifest in them, that their Power had long protected them, their Crimes having often long preceeded their much desired and deserved Punishment and Reward.

That *Might ever comes Right*, or which is the same Thing, that Might preserves and defends Men from Punishment, is a Proverb established and confirmed by Time and Experience, the surest Dis-coverers of Truth and Certainty. It is therefore which makes the Liberty of the Press, in a limited Monarchy, and in all its Colonies and Plantations, proper, convenient, and necessary, or indeed it is rather incorporated and interwoven with our very Constitution; for if such an over grown Criminal, or an impudent Monster in Iniquity, cannot immediately be come at by ordinary Justice, let him yet receive the Lash of Satyr, let the glaring Truths of his ill Administration, if possible, awaken his Conscience, and if he has no Conscience, Rouze his Fear, by shewing him his Deserts, sting him with the Dread of Punishment, cover him with Shame, and render his Actions odious to all honest Minds. These Methods may in Time, and by watching and exposing his Actions, make him at least more Cautious, and perhaps at last bring down the great haughty and secure Criminal, within the Reach and Grasp of ordinary Justice. This Advantage therefore [...] Exposing the exorbitant Crimes of wicked Ministers under limited Monarchy, makes the Liberty of the Press, not only consistent with, but a necessary Part of the Constitution it self.

It is indeed urged, that the Liberty of the Press ought to be restrained, because not only the Actions of evil Ministers may be exposed, but the Character of good ones traduced. Admit it in the strongest Light, that Calumny and Lyes would prevail, and blast the Character of a great and good Minister; yet that is a less Evil than the Advantages we reap from the Liberty of the Press, as it is a Curb, a Bridle, a Terror, a Shame, and Restraint to evil Ministers; and it may be the

only Punishment, especially for a Time. But when did Calumnies and Lyes ever destroy the Character of one good Minister? Their benign Influences are known, tasted, and felt by every Body: Or if their Characters have been clouded for a Time, yet the[y] have generally shin'd forth in greater Lustre: Truth will always prevail over Falshood.

The Facts exposed are not to be believed, because said or published; but it draws Peoples Attention, directs their view, and fixes the Eye in a proper Position, that every one may judge for himself, whether those Facts are true or not. People will recollect, enquire und search, before they condemn; and therefore very few good Ministers can be hurt by Falshood, but many wicked Ones by seasonable Truth: But however the Mischief that a few may possibly, but improbably, suffer by the freedom of the Press, is not to be put in Competition with the Danger which the KING and the *People* may suffer by a shameful, cowardly Silence, under the Tyrany of an insolent, rapacious, infamous Minister. [...]

New York Weekly JOURNAL, 12 november 1733