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TOWARDS A NEW CRITICISM OF THE PRESS: AN EXAMINATION OF THE 'FREE PRESS' CONCEPT IN THREE CURRENT CRITIQUES IN THE LIGHT OF HISTORICAL-CRITICAL ANALYSIS OF THE LIVES AND WRITINGS OF JOHN MILTON, THOMAS JEFFERSON, AND OLIVER WENDELL HOLMES, JR.

by

Charles G. Hamilton

B.A., Marquette University, 1969

A THESIS SUBMITTED IN PARTIAL FULFILLMENT OF

THE REQUIREMENTS FOR THE DEGREE OF

MASTER OF ARTS

in the Department

of

Communication

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February 1981

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Towards a New Criticism of the Press: An Examination of the 'Free Press' Concept in Three Current Critiques in the Light of Historical-Critical Analysis of the Lives and Writings of John Milton, Thomas Jefferson, and Oliver Wendell Holmes, Jr.

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February 26, 1981

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ABSTRACT

Theoretical Background

Conceptions of the 'free press' which underlie both current popular debate and traditional studies are reviewed. In the Anglo-American context the 'free press' concept is seen to be wedded inextricably to a concomitant notion of news as private property. The intellectual contradictions and practical dilemmas for press practice and theory that arise from the coexistence of these concepts are analyzed. The press, which ideally is conceptualized as serving the general good, is seen in the practice of a market economy to become the tool of specialized interests.

Method of Analysis

The origins of the paradoxical concepts and practices are sought in an historical analysis of the major periods and figures in the development of the Anglo-American 'free press' concept. The evolution of the press from John Milton's 17th-century England through Thomas Jefferson's 18th- and 19th-century United States to the 20th-century American jurisprudence of Oliver Wendell Holmes, Jr., is traced. Interpretation of the writings of these men in the context of the social, political, and economic developments of their time makes explicit the assumptions underlying traditional concepts of a 'free press' and the practical treatment of news as as a commodity.

The work of three contemporary critics of the press is then analyzed in the light of the assumptions about the press which the historical analysis has made explicit. Three recent books selected for analysis are Gaye Tuchman's Making news: A study in the construction of reality (1978), Herbert Gans' Deciding what's news: A study of CBS Evening News, NBC Nightly News, Newsweek, and Time (1979), and Michael Schudson's Discovering the news: A social history of American newspapers (1978).

Conclusions

These recent works are seen to reflect the intellectual contradictions and practical constraints which implicit acceptance of the concepts of a 'free press' and news as a commodity entails. The historical nature of the methods employed in these critical studies is cited as a severely limiting factor in the effectiveness of the analyses.

In conclusion, a case is made for the need for more attention to the social, political, and economic context of the development of the Anglo-American press tradition. Such analysis is seen as highly relevant in understanding the issues underlying contemporary debate not only over the role of the press in democratic societies but in the larger controversy over the 'free flow of information' on a global scale.

This thesis is lovingly dedicated

to

my best friend and wife, Linda Mercadante, who also knows that it is only by the grace of God that I finished it at all

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CHAPTER ONE

ASSUMPTIONS UNDERLYING THE ANGLO-AMERICAN CONCEPT OF A 'FREE PRESS': COMPETITION OF IDEAS, NEWS AS A COMMODITY

The British and American press, Francis Williams has claimed, "jointly stamped a conception of journalism on the world that is still widely accepted" (Williams, F., 1969: p. 9). In _The right to know: The rise of the world press_ (1969), Williams has written that

> certain basic assumptions about the purpose and responsibilities of newspapers . . . were until recently accepted as part of the common formula of civilisation, as was the thesis that a free and uncensored press was an element of a good society . . . because this freedom was a part of the public interest. (p. 4)

Press histories from numerous countries reflect the influence of this Anglo-American 'free press' tradition.[1]

But serious questions about the continuing validity of the

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[1] See, for example, histories of the press in Africa (Ainslie, 1966), India (Barns, 1940; Bhatnagar, 1946; Moitra, 1969; Nataragan, 1955; Shukla, 1969), China (Britton, 1966; Chao, 1931; Chen, 1967; Yutang, 1936), Japan (Hanazono, 1924), Switzerland (Hartman, 1960), Ireland (Inglis, 1954; Munter, 1967), Russia (Ambler, 1972), and Spain (Schulte, 1968).

'free press' concept have been raised recently (Williams, F., 1969, pp. 9, 238-255). Debate over freedom of the press and the free flow of information has taken place in the United Nations between East and West, North and South, developed countries and developing countries. At issue are such matters as the role of the press in society, government control of the press, access to both information and channels of communication, protection of journalists, and the role of the news services. Moreover, these issues are important not only in developing countries, but in the developed countries as well, where women, the poor, and racial and ethnic minorities demand media access, and the media themselves vie for control of, or at least access to, information ("Ma Bell gives", 1980).

At the heart of this debate lies the 'free press' concept with all its implications. According to this concept, a press unfettered by political or economic constraints will disseminate competing ideas, thereby insuring "government, peace, and prosperity" (Brucker, 1973: p. 16). The press does this by producing and distributing the commodity news (Cater, p. 16). That is, the press is a "mechanism" (Lee, A. M.: p. 9), a common carrier, or channel, of information (Commission on Freedom of the Press, 1966, p. 24; Krieghbaum, p. 1), a "transmission belt carrying ideas and information essential in a democracy from sources to the people" (Emery & Smith: p. viii).

As the "lifeline of democracy" (Mollenhoff: p. 175), the press carries out its responsibility to preserve civilization, progress, and peace (Peterson, T., p. 49). Ultimately, the press has been charged with the maintenance of social order. In <u>Commu-</u>

<u>nication is power: Unchanging values in a changing journalism</u> (1973), Herbert Brucker has claimed, "Every organized society there ever was has had some form of journalism, to keep itself functioning" (p. 20). In his early Victorian history of the British press, <u>The history of British journalism</u> (1859), Alexander Andrews reported this dramatic description of the 'free press':

> "It is the newspaper," says Bulwer Lytton, "which gives to liberty its practical life, its constant observation, its perpetual vigilance, its unrelaxing activity. It is the daily and sleepless watchman that reports to you every danger which menaces the institutions of your country, and its interests at home and abroad. It informs legislation of public opinion, and it informs the people of the acts of legislation: thus keeping up that constant sympathy, that good understanding between people and legislators which conduces to the maintenance of order, and prevents the stern necessity of revolution." (Vol. 1, p. 5)

In this role, the press functions not only "to shape the course of government" (Cater: p. 7), but serves as "the keeper of society's values" (Tebbel, 1969: p. 267) as well. The press, in this view, has become a 'window on the world' (Hohenberg, 1978, p. 96; Tuchman, 1978, p. 1; Williams, F., 1969, p. 3) through which social reality is known and experienced. George Gordon has depicted journalists and the media as "daily mediators of the outside world for the masses--painters of the image of the society in which people believe they live" (1977: p. 48).

The press has been characterized as an essential political and social institution. As a political institution, the press has been described as the 'adversary' of government (Small, 1972, p. 10; Krieghbaum, p. 1), the "watchdog of government" (Krieghbaum: p. 2), "a guard dog of the public interest in areas of public concern where executive power may be arbitrarily used" (Williams, F.,

1969: p. 2). As the representative of the public interest, the press has been described as the "de facto fourth branch of government" (Cater: p. 13). The adversarial role of the press, in this view, becomes one of mediation, where the press is seen as mediator between government and the governed (Curran, 1979, p. 197). According to Douglas Cater, the press "serves as one systemic channel of communication between the (United States) Congress and the Executive" (p. 14). In helping to 'shape the course of government', the press as 'fourth estate' has become the mediator of political reality as known and experienced.

Related to the view of the press as a common carrier, a "public service" (Brucker, 1973: p. viii), has been the view that the Anglo-American press is "a giant industry", a "business" (Cater: pp. 2, 3). In England, the Royal Commission which examined the British press in 1947-1949, declared that the press is a "free enterprise" (Royal Commission on the Press: p. 177) and in the United States, the Commission on Freedom of the Press likewise defined the press as "a private business" (Commission on Freedom of the Press, 1966: p. 23). But government reports are not the only studies which have examined the press as a business. Earl J. Johnson (1968) has described the role of the news service as "a wholesaler, an importer, exporter and distributor of news", and newspapers and broadcast media as "retailers" (p. 197).

It was H. R. Fox Bourne who proclaimed the ~~pre-~~eminence of the commercial aspect of the press, in his English newspapers: Chapters in the history of journalism (1887), a two-volume history of the English language press. "Newspapers," said Bourne, "if they are meant to prosper and to be really useful to the public,

are and must be business concerns almost before anything else" (Vol. 2, p. 368). More recently, Edwin Hynds has described the importance of the commercial nature of the press in The newspaper in the 1970s (1975):

> Today's newspaper owner is constantly challenged by his publication's dual roles as quasi-public institution with special privileges and responsibilities and free enterprise business operation with a need to pay expenses and show a profit. (p. 124)

With this description of the press as a private enterprise, news has been defined as 'private property' (Bleyer, p. 404) and as a "consumer product' (Gans, p. xiv; Tuchman, 1978, pp. 31, 51, 196). The readers of printed media and listeners and viewers of electronic media have similarly been described as "news consumers" (Gans: p. 283; Krieghbaum: p. 79; Tuchman, 1978: p. 183), as well as a 'market' (Hirsch & Gordon, p. 45).

All of these categories--the press as common carrier, mechanism, business enterprise, political and social institution--are more than mere descriptive terms for the press. They are also categories of analysis which indicate how scholars have looked at the press, what they have examined, and what they have looked for. As such, they are tools for examining the literature written about the press, for categorizing and analyzing this literature. If the literature has perpetuated the 'free press' concept, the characterizations listed above are keys to understanding how the concept has been perpetuated. For example, discovering where and how critical studies adopt these characterizations of the press will reveal how even they perpetuate the traditional 'free press' concept.

Objective and 'Historical' Studies

In general, the literature about the press can be divided into two groups: so-called 'objective' studies and critical studies. Objective studies of the press explicitly accept the traditional definition of the press and its historical validity, even when their object is to criticize the press. In addition to biographical and autobiographical accounts of the press, objective studies have most often been done within such traditional disciplines as history, sociology, social-psychology, political science, economics, and law. Such studies have used the methodologies of the humanities and social sciences to examine and analyze the press.

Aside from personal discussions of the press, in biographical and autobiographical accounts, press histories form the largest and oldest group of objective studies. As such, historical studies have been the predominant proponent of the 'free press' concept within both British and American traditions. The classic British studies by Andrews, James Grant (1871), and Bourne, were written during the Victorian expansion and dominance of the British press. The seminal American study, Isaiah Thomas' The history of printing in America (1810), was written by the major figure in early United States newspaper enterprise. But the classic American studies, F. L. Mott's American journalism (1950; rev. 1962), E. H. Ford and E. Emery's Highlights in the American press (1954) and E. Emery and H. L. Smith's The press and America (1954; rev. 1962, 1972), were written during the post-World War II expansion of U.S. influence.

Recent comprehensive historical studies of the United States press have been written by Tebbel (1969; 1964), Rutland (1974),

and Gordon (1977). But the trend in scholarship, both in Britain and the United States, has been toward more detailed studies of specific aspects of the press within narrower timespans.[2]

Ultimately these historical, purportedly objective, studies recognize more or less explicitly the close relationship between the political and economic history of the nation and the history of the press they are writing about. From time to time, some historians are explicit, perhaps chauvinistic, about the relationship of the press to the history of the countries where it had its origins. Andrews', Grant's, and Bourne's 19th-century histories considered the press a particularly British institution. Andrews insisted:

> We must remember that only _nominally_ was the first newspaper published in a foreign land: the press as it now is, and as only we could be proud of it--THE FREE PRESS OF ENGLAND--is peculiarly our own. (Vol. 1, p. 9)

In the 20th century, press scholars in the United States have identified the press as an American phenomenon. Tebbel (1974), for example, has claimed that the United States is "the last real stronghold of press freedom" (p. 407). And Emery and Smith (1954) have said that the story of the American press is the story of the

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[2]For example, Shaaber (1929) has examined forerunners of the English newspaper from 1476 to 1622, and an earlier study by Muddiman (1923) examined English journalism during the reign of Charles II. Other studies have examined the press during the reign of Queen Anne (Ewald, 1956), the English press from 1620 to 1660 (Frank, 1961), press opinion in three English cities from 1790 to 1850 (Read, 1961), press and English politics, 1760 to 1774 (Rea, 1963), London dailies during the period 1772 to 1792 (Werkmeister, 1963), the early English provincial press (Wiles, 1965), the English press since World War II (Smith, A., 1974), and Cambridge press and opinion during the period 1780 to 1850 (Murphy, 1977).

American nation (p. 760).

The contention of this thesis is that it is important to make explicit the ways in which contemporary concepts of the press have their roots in the political, economic, and intellectual history of these two countries: Britain and the United States. The relationship between ideas of the press as 'watchdog of democracy' and 'business enterprise' come to be seen in their historical context less antithetical and more as necessary concomitants of a particular political and economic evolutionary process.

Indeed this concept of a 'free press' which is also somehow a profitable business was first promulgated in the 17th century by the English poet, John Milton. In his Areopagitica (1644), written as an appeal against re-imposition of Star Chamber procedures, Milton contended that unrestricted competition of ideas and opinions was the best guarantee of truth and "the utmost bound of civil liberty" (Milton, ed. Cotterill: p. 2):

> And though all the winds of doctrine were let loose to play upon the earth, so Truth be in the field, we do injuriously by licensing and prohibiting to misdoubt her strength. Let her and falsehood grapple; who ever knew Truth put to the worst in a free and open encounter? Her confuting is the best and surest suppressing. (Milton, ed. Cotterill: p. 45)

Milton's arguments, unsuccessful at the time, were continuously resounded until government regulation of the press ended in England two centuries later.

This concept of a press free from government control was subsequently restated in the United States in the 18th and 19th centuries by Thomas Jefferson, among others. Jefferson believed that a free press was necessary for the new nation's survival. And he expressed a preference for a press without government rather than

a government without the press (Jefferson, ed. Boyd, Vol. 11, p. 49). Echoing Milton, he insisted that "since truth and reason have maintained their ground against false opinions in league with false facts, the press, confined to truth, needs no other restraint" (Jefferson, ed. Ford: Vol. 10, p. 135). Jefferson endorsed freedom of the press guarantees in the First Amendment to the United States Constitution. But the struggle of the press against government restraint continued.

In the 20th century, United States Supreme Court Justice Oliver Wendell Holmes, Jr., reiterated the Miltonic and Jeffersonian arguments for uncensored expression of ideas. In Abrams v. United States (1919), a World War I case involving publication and dissemination of allegedly seditious material, Holmes argued that the "ultimate good desired is better reached by free trade in ideas . . . the best test of truth is the power of the thought to get itself accepted in the competition of the market" (250 U.S. 616, 630).

This thesis contends that understanding of the paradoxes and contradictions inherent in the concept of a 'free press' can only be obtained by a close look at the evolution of the context of Anglo-American economic, political, and intellectual history. In an effort to achieve this clearer understanding, the thesis focuses on the historical periods in the evolution of the Anglo-American press concept represented in the lives and writings of three men: John Milton in 17th-century England, and Thomas Jefferson and Oliver Wendell Holmes, Jr., in 18th-, 19th-, and 20th-century America.

Critical Studies

It is further the contention of the thesis that such close scrutiny of the historical roots of the Anglo-American 'free press' concept is necessary not only to assess intelligently the assumptions underlying the so-called 'objective' studies and histories of the press, but is essential in appraising the contemporary studies of the Anglo-American press which purport to be 'critical'.

In this century, scholars began to refine the traditional 'free press' theory to explain how the press effects change in society. Social psychologists constructed theories to explain how the press functions, how it shapes opinion- and decision-making processes, how it provides necessary information, how it helps create a homogeneous, unified society. Utilizing behavioral and other psychological models, scholars studied the effectiveness of advertising and mass-marketing techniques, propaganda efforts during wartime, and the effectiveness of the press and media in political campaigns. The work of people like Shannon and Weaver (1971), Schramm and Roberts (1971), Berlo (1960), Lasswell (1948), and Katz and Lazarsfeld (1955) is exemplary of this approach to the press. Although this approach offers a different perspective on the press than the traditional histories, it is still based on the premise that the press is a primary agent in effecting social progress.

However, press scholars and critics began discovering discrepancies and contradictions between press reality and traditional press theories. It became less and less clear just what the effects of the press were, or even if it had no effect at all. As a consequence, the press theorists and critics have had to contin-

ually modify the theories. Ultimately, such modifications have resulted in cumbersome theories with as many exceptions as rules, so that some suggest this approach is unproductive (Rogers, 1976). In fact, as it became ever more difficult to determine just what the 'effect' of the press is, press critics began to insist that the press doesn't affect society, but rather, is affected by society.

In rejecting the 'effects' approach, the new press criticism has assigned a somewhat more passive role to the press: that of a mirror, reflecting social reality. Some, in a refinement of this approach, have merged the older 'effects' theories with the 'reflective' theories, proposing an interactive model in which the press and society affect each other. Still others have discovered that the press is an agent of the <u>status quo</u>, rather than an agent of social change. According to this group, the press promotes the ideology of the dominant socio-economic order. Critics like Gerbner (1973), Carey and Quirk (1973), and Schudson (1978) suggest that the press is ritual, drama, invention, myth, reflecting cultural values and serving as an index of cultural indicators.

Marxian and Marxist critics have followed a similar approach by proposing that the press is the ideological arm of capitalist society. Schiller (1969, 1973, 1976) has shown how the American press has served the political, socio-economic, and military objectives of the United States military-industrial complex around the world. In particular, Schiller has demonstrated that as multinational corporations, U.S. news organizations have engaged in cultural invasion and domination of the Third World. Smythe (1977), Nordenstreng and Varis (1974), Beltran (1976), and others

have done similar studies in the area of the press and cultural imperialism. In arguing that the press and media are a consciousness industry, the instrument of cultural subversion, the 'free lunch' enticing other nations to 'buy' capitalism, they have also ascribed to a manipulative model of the press, although down-playing its traditional substantive role in society. But in doing this, the new criticism appears to deny that news has any real use value in itself.

This thesis will focus on three current critics of the press who adopt the position that the Anglo-American press inherently serves special political and socio-economic interests, rather than society as a whole. In Deciding what's news: A study of CBS Evening News, NBC Nightly News, Newsweek, and Time (1979), Herbert Gans has stated that news organizations "express and often subscribe to, the economic, political, and social ideals and values which are dominant in America" (p. xv). That is, Gans has argued, "the news supports the social order of public, business and professional, upper-middle-class, middle-aged, and white male sectors of society" (p. 61).

In Making news: A study in the construction of reality (1978), Gaye Tuchman has argued that the press not only supports the values of the dominant white middle-class male sector of society, but neutralizes any challenges to this dominant order. Furthermore, Tuchman has demonstrated that the news serves to further protect the established social order "by preventing an analytic understanding through which social actors can work to understand their own fate" (p. 180).

In Discovering the news: A social history of American news-

papers (1978), Michael Schudson has detailed the failure of the press to live up to the traditional 'free press' concept. He has described press complicity with the United States government during the Vietnam War, and how the press failed to act as an adversary to government policies and institutions.

But although these critical studies have demonstrated the mythic character of the 'free press' tradition, they have not offered any radically different alternative. Although they have attacked the traditional Anglo-American 'free press' concept, the critical studies have made the same recommendations that its proponents have made: improved press performance, greater diligence on the part of press personnel, more competition within the industry, experimentation with new technology, or government involvement to guarantee a press truly representative of diverse social interests. That is, the critical studies have only proposed more of the same thing.

Both Tuchman (1978) and Schudson (1978), for example, have concluded that there is no alternative to the press, although Schudson does recommend a return to the 'mature' journalistic standards and practices of the late-19th-century New York Times (Schudson, pp. 119-120; 192-193). In their conclusions and recommendations, the critics chosen for analysis in this thesis represent views similar to other contemporary press critics from both England and the United States, of both Marxist and non-Marxist persuasion.

For example, Murphy (1978) and Elliott (1978) have also recommended greater personal journalistic diligence as a remedy for the failures of the 'free press'.

Schiller (1969) has suggested that new technologies will provide less expensive access to media for more people, thus promoting expression of a greater diversity of social interests. R. Williams (1978) also has argued that new technologies will remedy press inadequacies.

Holland (1978) has called for the break-up of press monopolies and the establishment of an independent press agency to insure competition. A similar argument has been advanced by Golding and Murdock (1978). They have urged government creation of a press authority to guarantee media access for all viewpoints. Gans (1979) has made much the same argument for creation of a government agency designed to provide news and opinion not provided by privately owned and operated news organizations. And Curran (1978a) has called for creation of an advertising deficit fund which would be used to finance new press enterprises.

These critical studies pose a serious dilemma, however. On the one hand, they have demonstrated that the press inherently serves special interests to the detriment of larger social interests. Yet, on the other hand, they have proposed measures supporting the press. Objective press studies and proponents of the traditional 'free press' concept have contended that the press' failure to fulfill its assigned societal function is due to faulty performance which is subject to improvement.

But the critical studies have demonstrated that the contradictions between the 'free press' concept and actual press practice inhere in the very structure, function, and work processes of the press itself. That is, critical studies have demonstrated that the very things which make the press what it is are the cause of its

failures; that is, the contradictions are inherent in the press itself. Nevertheless, the critical studies have the same expectations of the press and make the same recommendations concerning it as have the proponents of the more traditional position.[3]

All of these studies and recommendations have demonstrated a continuing commitment to the press as an essential social institution. Thus, in the light of critical analysis it would appear that a more radical alternative to the press is warranted and necessary, but none is forthcoming.

This thesis contends that this dilemma has arisen from an inadequate historical understanding of the Anglo-American press. In general, critical studies have argued that the press changed in character in the 19th and 20th centuries. The critical studies have claimed that in the 19th century the press shifted from representing the public interest to representing the special political and socio-economic interests of a narrow segment of society. As will be shown in the examination of the current critics, this view is associated with a particular understanding about the nature of the middle class and capitalism in the 17th, 18th, 19th, and 20th centuries. This thesis will argue that the critical studies implicitly assume that the press originally did serve the public interest as the traditional view holds. It will be argued that it is this implicit assumption that supports the critical studies' commitment to the press as an essential social institution.

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[3]For example, one such traditionalist, Anthony Smith (1978), has called for government intervention in the form of subsidies and taxes to redistribute press profits among marginal segments of the industry.

Furthermore, it will be argued, this implicit assumption about the original nature of the press permits the critical studies to suggest that it is possible, with reforms, for the press to represent the diverse interests of the whole society once again. This thesis will argue that the critical studies have failed to see that the Anglo-American press has always represented the special political and socio-economic interests of a narrow segment of society. The thesis will attempt to demonstrate that the Anglo-American press has indeed always represented such special interests.

Moreover, this thesis will demonstrate that the critical studies' assumptions about the nature of the press will depend upon their implicit acceptance of the Anglo-American concept of news as a commodity produced and distributed by the press and inherently belonging to it. That is, this thesis will argue that the critical studies implicitly accept the traditional concept of news as the private property of the press. And it will demonstrate that the very concept of news as a commodity produced by and belonging to the press is itself indicative of the special political and socio-economic interests the press serves.

Finally, this thesis will attempt to demonstrate that the critical studies' commitment to the press as an essential social institution results from their implicit acceptance of the concept of 'competition of ideas' which is the foundation of the Anglo-American 'free press' concept. The thesis will conclude that the critical studies fail to see that their implicit assumptions that news is a commodity belonging to the press, and that the press benefits society through the competition of ideas, tie them to the

very model they are trying to criticize, undermining their critiques.

Accordingly, in Chapter Two, the thesis will examine and evaluate, in light of critical scholarship, the historical evolution of the 'free press' concept during the historical periods represented by its three major proponents. It will examine John Milton's era and his Areopagitica (1644), the earliest advocacy of freedom of the press, written by the poet during the political upheavals of 17th-century England. The thesis will then examine Thomas Jefferson's 18th- and 19th-century historical environment and his remarks on the 'free press', written during the formative years of the American nation. Finally, the thesis will examine the 20th-century context of the jurisprudence of U.S. Supreme Court Justice Oliver Wendell Holmes, Jr. The thesis will attempt to discover how Holmes' writings reflected the influence of both Milton and Jefferson, and endorsed the traditional Anglo-American 'free press' concept in the present day. In addition, the thesis will briefly examine the press of those times to determine in what ways the concept reflected press practice, and in what ways practice contradicted theory.

Then, in Chapters Three and Four, the thesis will look at the implications of these findings for current critical press scholarship. The thesis will examine and evaluate Gaye Tuchman's Making news, Herbert Gans' Deciding what's news, and Michael Schudson's Discovering the news. The thesis will seek to discover where they implicitly accept traditional preconceptions about the Anglo-American press as formulated by Milton, Jefferson, and Holmes. The thesis will attempt to show how these assumptions prevent Tuchman,

Gans, and Schudson from seeing the historical contradictions between the 'free press' concept and actual press practice. The thesis will attempt to demonstrate how assumptions about the 'competition of ideas' commit the critical studies to the press as an essential social institution. Finally, the thesis will seek to illustrate how assumptions about news as a commodity belonging to the press give rise to dilemmas in Tuchman's, Gans', and Schudson's recommendations concerning the press.

Ultimately, in its concluding discussion in Chapter Four, the thesis addresses the dilemma posed by recent critical studies of the Anglo-American press. That is, it asks the question: How can critical studies view the press as a potential agent of human liberation if both they and objective studies hold that the press is inherently a product and an agent of a capitalist socio-economic system? The thesis will argue that current critical studies lack an adequate historical perspective which prevents them from seeing that the 'free press' did not serve the people's interests from the very beginning; rather, it served a particular class interest. Furthermore, the thesis will demonstrate that the concept of news as a commodity to be bought, sold, and held as private property took precedence at a particular point in western history over the idea of news as a communal resource, with lasting consequences for society.

The thesis will conclude that these issues lie at the heart of the 'press' debate in the United Nations between developing countries and developed countries, and that current critical studies have no way to address this problem because they depend upon the traditional 'free press' concept for essential categories

of analysis. Finally, the thesis indicates that another view is necessary to provide an adequate critique of the press. It suggests that this other view must include an adequate historical understanding of the press. In addition, it suggests that cross-cultural and cross-disciplinary approaches are necessary to alleviate problems of ethnocentrism and interpretive bias.

PART A

CHAPTER TWO

ROOTS OF THE 'FREE PRESS' CONCEPT AND THE COMMODITY VIEW OF THE NEWS: MILTON, JEFFERSON, HOLMES, AND THEIR TIMES

The printing press had been in existence for almost 100 years before a case was made for its unrestrained use. But once that argument for freedom of the press had been made, it took on an existence and importance of its own. Since its formulation in 17th-century England, the concept of a 'free press' has spread throughout the world and encompassed the use of other communication media as well. In the 20th century, the 'free press' concept has become the focus of an intense debate among member countries of the United Nations.

To resolve questions about the inherent nature of the 'free press' concept, it is necessary to examine its essential characteristics . To determine what the 'free press' concept means today, it is necessary to determine what it meant when it was formulated more than 300 years ago. To do this it is necessary to examine what those who formulated the concept said, and what they intended. And this can only be determined by examining the political, socio-economic, and cultural situation the authors of the 'free press'

concept were addressing. It is also necessary to examine the historical evolution of the 'free press' concept and the respective political, socio-economic, and cultural situation, to determine whether the concept changed in any way during the last four centuries.

John Milton and the Emergence of the 'Free Press' Concept in 17th-Century England

In examining Milton's writings, the chapter will seek to discover how his assumptions about the 'competition of ideas' provide the foundation for arguments that the press is a bulwark of a free society and promotes social progress. In addition, the chapter will examine how Milton promoted the concept of news as a commodity and how his concept of a 'free press' reflected his 17th-century political, socio-economic, and cultural contexts, as well as his own personal inclinations. In this way, the chapter establishes the basis for the argument that contradictions between 'free press' concepts and actual press practice that are argued as a 'modern' issue existed from the very beginning.

Milton's Areopagitica was a written speech modeled after a Greek classic and directed to the members of Parliament who had just re-instituted government censorship policies after a brief period of freedom. Milton's personal interest in the matter was immediately prompted by charges raised against him in Parliament for publishing a tract favoring divorce. But Areopagitica was an argument against Parliament's legislation forbidding unlicensed publishing as well, and thus it was published without the required government approvals.

On the surface, Milton's call for free expression of ideas was an altruistic defense of civil liberty. As an attack on feudal controls on commerce, Areopagitica was a revolutionary document. But examined within its historical socio-economic, political, and cultural context, it belies its radical democratic reputation. For one thing, it was motivated by narrow political self-interest (Hill, p. 2; Potter, p. 23). More importantly, it was motivated by and concerned with middle-class socio-economic interests that Milton shared with publishers, printers, and editors.

He was basically a writer and intellectual who remained physically isolated from political battles. As Raymond (1932) has noted:

> It seemed in the winter of 1647 that Milton, in his quiet dwelling at High Holborn, intended to observe that same aloofness from the affairs of his time that he had adopted after the publication of the great Areopagitica. (p. 101)

Milton himself supports this picture in reporting his detached attitude toward the warfare raging around him:

> As soon as I was able I hired a spacious house in the city, for myself and my books; where I again, with rapture, resumed my literary pursuits, and while I calmly awaited the issue of the contest, which I trusted to the wise conduct of Providence, and to the courage of the people. (Milton, Defensio Secunda, 1654, cited in Milton, ed. Cotterill: pp. xv-xvi)

Milton viewed the political upheavals as a contest of ideas. He was the son of a scrivener-money-lender, enjoying socio-economic privileges usually accorded only to aristocracy. As such, Milton shared middle-class economic interest in free trade and opposition to feudal government regulation (Hill, p. 335). As a writer, Milton focused that economic concern on the issue of licensed printing. For him, books and the ideas they contained were more valu-

able than people; as he says in his Areopagitica,

> unless wariness be used, as good almost kill a man as kill a good book; who kills a man kills a reasonable creature, God's image; but he who destroys a good book, kills reason itself, kills the image of God as it were in the eye. Many a man lives a burden to the earth; but a good book is the precious lifeblood of a master spirit, embalmed and treasured up on purpose to a life beyond life. (Milton, ed. Cotterill: p. 5)

Milton's classic advocacy of the contest of ideas is responsible for his reputation as a forefather of Anglo-American freedom of the press:

> And though all the winds of doctrine were let loose to play upon the earth, so Truth be in the field, we do injuriously by licensing and prohibiting to misdoubt her strength. Let her and falsehood grapple; who ever knew Truth put to the worst in a free and open encounter? Her confuting is the best and surest suppressing. (Milton, ed. Cotterill: p. 45)

Here again is evidence that Milton viewed the break-up of the feudal order and the emergence of the mercantile middle class as a contest of ideas. But it also is evidence of Milton's own interest in ideas and their dissemination free of government censorship and fees. In addition, it demonstrates Milton's faith in reason, his belief that social order ultimately is embedded in rationalism. According to Milton, civil society rests upon informed public opinion. His defense of the contest of ideas was based partly on his belief that "when complaints are freely heard, deeply considered, and speedily reformed, then is the utmost bound of civil liberty attained that wise men look for" (Milton, ed. Cotterill: pp. 1-2).

He was influenced in this not only by rationalism, but by the growing realization that 17th-century monarchy was increasingly be-

holden to the good will of the populace.[4] But more than civil liberty and social order, Milton, as a writer, was interested in the sale of books. It is clear both from the Areopagitica itself and the historical and economic context that Milton was concerned with the economic implications of government licensing. The 1643 act of Parliament, which was the immediate object of Milton's address, was as much an attempt to regulate the commercial aspects of the 17th-century English printing industry as it was a censorial endeavor.

For example, the act forbade the smuggling of books from abroad, the printing of English books abroad; it required the relicensing of reprints, established London as import center for all books, limited the number of type foundries, and limited the number of journeymen and apprentices allowed to each printer or founder and regulated their relationship to each other (Milton, ed. Crook, pp. xvi-xvii). In addition, by granting official monopolies to 20 'licensers' who were, in effect, supervising editors of quasi-official publications (Milton, ed. Hales, p. xlv; Masson, Vol. 3, p. 275), the government obtained revenue generated by the new business of selling 'newesbooks' (Milton, ed. Crook, p. 52, note 960a; Frank, p. 42).

In his Areopagitica Milton admitted the necessity of some enforcement of economic order within the new industry. Publishers, Milton included, were often only too happy to procure such a mo-

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[4]Andrews (1859) has said that William III accepted the concept of freedom of the press because he was aware that his own accession to the throne came not through hereditary claim but by popular acclamation (Vol. 1, p. 83).

nopoly, or license, because it put them into positions of favor and influence (Raymond, p. 157). It also granted them certain monopoly privileges in regard to the sale of books (Milton, ed. Cotterill, p. 96, note 43.20), allowed them to promote their own ideas (Masson, Vol. 3, p. 290), and provided them with privileged access to information which gave them strategic advantage over competing publishers (Frank, 1961).

Plagiarism was a widespread competitive practice (Frank, pp. 52, 241), but forgery of entire publications cheated writers, publishers, and booksellers, as well as the government, of income. Milton therefore agreed with the act's enforcement of copyright protections (Raymond, p. 80; Masson, Vol. 3, p. 279). But he objected to the licensers' abuses of their book-selling monopolies (Masson, Vol. 3, p. 290), as well as the inefficient use of presses resulting from the licensing procedures established by the act (Milton, ed. Cotterill, p. 27; Masson, Vol. 3, p. 283).

In this can be seen Milton's middle-class interest in free trade. Hill (1977) has suggested that Areopagitica "would appeal to those whose economic life demanded freedom of trade from monopoly" and that it was based upon "arguments from the attack on monopolies" (p. 50). Milton's middle-class view of the press as a business enterprise and knowledge as a commodity is further suggested by his use of the metaphor of commerce to describe the consequences of the act. He complained:

> More than if some enemy at sea should stop up all our havens and ports and creeks, it hinders and retards the importation of our richest merchandise, Truth. (Milton, ed. Cotterill: p. 37)

And to further spell out the implications of such government mo-

nopolization of knowledge, Milton pointed to the example of the Turks. He argued that their prohibition against printing had protected the "monopoly" of their Koran and Islamic religion against the competing Christianity (Milton, ed. Cotterill, p. 37).

Viewed against the background of Milton's Puritan middle-class upbringing, and his advocacy of Platonic 'meritocracy' and a concomitant rationalism (Richmond, pp. 99, 103-103), Areopagitica's expression of middle-class revolution (Hill, p. 267) is in actuality a reformist argument (Richmond, p. 99) of middle-class capitalism:

> Milton's is a bourgeois conception of liberty: the right to be left alone, to work, to make money, to trade freely. It assumes the possession of capital by those who hold it; their position in society needs no reinforcement if only they are given 'fair play', 'free trade', equal rights before the law. Areopagitica advocated free trade in 'our richest merchandise, truth', as Adam Smith was to do in more material commodities. (Hill: p. 263)

Milton's socio-economic and political alliance with the new merchant-artisan culture of the urban centers and rural industrial areas (Hill, pp. 41, 89) underlies his concern for freedom of the press. Most printers, publishers, and editors were members of the bourgeosie. According to Hill, "A printing press in the seventeenth century was a relatively inexpensive piece of machinery, and most printers were themselves small men open to radical ideas" (p. 93). For example, John Dillingham had been a tailor (Frank, p. 64) and Henry Walker had started out as an iron monger, deacon, and bookseller before becoming an editor (Frank, p. 80). Dillingham apparently died a wealthy man (Frank, p. 353, note 73).

In fact, the press was a 'capitalist tool' from the outset. Historically, expansion of the printing industry accompanied the

emergence of capitalism. The first newspaper in English was published in 1620 in Amsterdam, then the center of early 17th-century capitalism as well as European journalism. It provided an eager English population with news of the Thirty Years War on the continent. By 1621, London printers were attempting to satisfy the demands of this market themselves. English merchants were eager to obtain any information concerning the safety of continental trade routes. London's printers, not faced with the difficulty of posting their 'newesbooks' over war-ravaged terrain, were quick to supply them with whatever rumor, report, or other information was at hand. As the Thirty Years War dragged on, London's printers seized the opportunity to take control of the newsbook trade from Amsterdam, achieving domination of the industry two decades after the appearance of the first newsbook in London (Frank, 1961).

The middle class in particular benefited politically and culturally from the printing press (Hill, p. 41) and encouraged Milton to write Areopagitica (Masson, Vol. 3, p. 283; Hill, pp. 99/113). Milton spoke for this new socio-economic and political interest group (Masson, Vol. 3, p. 288; Milton, ed. Hales, p. xxxii) and it made use of his arguments (Masson, Vol. 3, p. 433) because it had a vested economic interest in unregulated publishing:

> From the start most newspapers were set up and maintained to make money. In the seventeenth century, as in the twentieth, profits were usually more important than principle, though it was pleasant when the two went hand in hand. The authorized papers of the 1640's and 1650's hung on by not antagonizing the government, while certain Royalist weeklies managed to compensate for the rigors of search and seizure by means of private subsidies and a higher sales price. Moreover, in the late 1640's advertisements began to be an important source of income, though advertisers never gained any influence over the early press. Finally, gathering momentum throughout the Interregnum was the power of the publish-

> er or printer, the entrepreneur, so that in the 1650's the role of (editor) was largely that of a hired hand. Journalism had quickly become a business and a job, not a hobby. (Frank: pp. 268-269)

That the press reflected narrow white Anglo-Saxon Protestant middle-class male economic interests is apparent not only in Milton's suggestion that freedom of expression be limited to views similar to his own (Levy, 1960, pp. 95-96), but also in the press' reaction to government censorship. An increase in publications historically following cessation of censorship efforts, for example, has led scholars to deduce uncritically the traditional liberal concept of the press as a function of the political environment.

But closer examination suggests that press activity is more accurately related to the socio-economic stability and position of the middle class. For example, James I banned newspapers in 1621 as the continental disorders spread in English society. Printers and publishers politically astute enough to avoid comment on English affairs were tolerated by the government and enjoyed a measure of circulation success commensurate with the fortunes of the various continental Protestant armies whose fate they reported. This situation changed as Charles I, increasingly sensitive to criticism, banned all newsbooks in 1632. Public pressure resulted in relicensing of the press in 1637 under the Star Chamber decree which guaranteed London printers a monopoly with the stipulation that only foreign news be reported. As the middle class asserted itself in Parliament against hereditary feudal monarchy, censorship efforts proved ineffective and in the social chaos, a rush of newspapers began publication, supporting this or that faction in

in the growing strife, threatened by those in opposition, but unhindered by any group dominant enough to impose an effective censorship (Frank, 1961). That is, press reaction to government censorship reflects a concern for economic, rather than political, considerations. Increases in publishing activity in response to market demand often defied strenuous censorship efforts (Frank, pp. 135-136).

Frequently, after an initial outburst of publishing activity following the relaxation of censorship, there is a marked decline in the number of publications as socio-economic conditions limited such expansion. Furthermore, as the central government faced revolutionary onslaughts, censorship sometimes declined. At times censorship was completely unrelated to the expression of political views. The above phenomena suggest that, contrary to the traditional liberal concept of the press, economic opportunism rather than political partisanship motivated the press from the very beginning.

Further evidence to support this view can be found in the actions of printers, publishers, and editors. They were frequently relieved when government regulation insured economic viability and stability within the industry as well as protected personal copyright. For example, Frank (1961) suggests that when about half of London's newspapers were shut down by the government in March 1646 in an apparently impartial effort to restore order to the industry, relief was general:

> When this number of (newspapers) was temporarily reduced, it may have been a relief not only to the printers and publishers allowed to stay in business, but to the buyer tempted by competing yet similar papers and accosted by their noisy hawkers. (p. 113)

Elsewhere Frank notes that under licensing laws of September 20, 1649, all printers had to post bond of 300 pounds (p. 197), undoubtedly establishing an effective economic barrier to entry which probably pleased established press interests. Printers and publishers, indeed Milton himself, served as government licensers, thereby gaining competitive advantages. Printers, publishers, and editors frequently switched political loyalties to benefit economically. And some publishers and editors even voiced opposition to freedom of the press (Frank, 1961).

In addition to the symbiotic relationship between press and government, and the direct involvement of press personnel in government offices and agencies, the emerging professional characteristics of the press enterprise parallel similar characteristics in today's monopoly capitalism press. Publishers were politically cautious in their newspapers because they didn't want to risk unduly their profitable ventures. And they expressed this caution by subtly adjusting to shifting political winds by using innocuous biblical vocabulary and sentence structure to show good faith, by utilizing devices of self-censorship, or by reporting only foreign news, official government hand-outs, or advertisements. Editors, publishers, and printers further conformed to convention by an early professional adherence to established style and content (Frank, 1961).

Finally, the economics of 17th-century newspaper enterprise were surprisingly like today's mass-circulation journalism. Sensational journalism was profitable. Monopoly markets meant circulation and advertising increases, and concomitant rate increases and higher profits. Publishers, editors, and printers used their

newspapers to promote their other personal business interests. And there were mergers, even with political foes, to save publications. Finally, wealthier readers tended to purchase newspapers with the most advertisements (Frank, 1961).

To argue that the 17th-century press was a capitalistic press, or exhibited characteristics of a rudimentary capitalistic press, is not to deny the reform motivation of either the press or Milton. Certainly, as Frank (1961) has acknowledged, political conviction was an important consideration:

> As editors several pioneer newspapermen viewed their weekly efforts as instruments of reform. Part of their motivation was no doubt mercenary: to gain circulation or please their employers. Yet many partisan editors were also moved by conviction. (p. 270)

Nevertheless, as Gans (1979) more recently has argued, reformist urges are rooted in and accompanied by capitalistic economic considerations. Frank (1961) suggests that this was true then as now in arguing that the press of Milton's day anticipated "today's concept of the newspaper as an instrument of information and/or reform" (p. 270):

> Thus more than three hundred years ago the seeds, both good and bad, of today's mass circulation dailies were planted. . . . In the eighteenth century they budded slowly and unevenly; in the nineteenth and twentieth they blossomed. They have not yet been fully harvested. (p. 270)

This was the press that Milton defended, the press of middle-class capitalism in which knowledge, as a commodity to be bought and sold, was inherently subject to monopolization. But as the thesis will show in Chapter Four, Milton also shared a feudal legacy of communalism and he argued just as vigorously that knowledge was not a commodity but rather the outcome of personal participa-

tion in social interaction. Milton perceived that monopolization of knowledge actually results in social stagnation and structural rigidities. Milton's radically contradictory concepts of knowledge derived from two different worldviews, two different socio-economic systems. The 17th-century Milton was still a citizen of both. Caught as he was in the midst of social change, Milton's views reflected a contradiction between commodity and communal views of knowledge. He could not foresee the social conflict inherent in his espousal of the contest of ideas, as a concomitant of middle-class concern for free trade. The seeds of conflict planted in Milton's Areopagitica would take root in the writings of Thomas Jefferson and come to fruition in the jurisprudence of Oliver Wendell Holmes, Jr., as any vestige of communalism disappeared and knowledge became a chattel.

Thomas Jefferson and the 'Contest of Ideas' in 18th- and 19th-Century United States

Thomas Jefferson inherited Milton's 17th-century English Enlightenment liberal middle-class concept of the press. This is demonstrated in Jefferson's stated preference for the press over government, his espousal of freedom of expression as the 'sanctuary' of all civil liberties. But Jefferson's similarity to Milton is also seen in his advocacy of the contest of ideas and in his understanding of the importance of public opinion. His approval of copyright monopoly, his endorsement of a commodity view of knowledge, and his encouragement of politically motivated censorial efforts also reflect a Miltonic character in his 'free press' views.

Jefferson was entrenched in a middle-class capitalist society and he lacked Milton's more immediate appreciation of the feudal understanding of knowledge as a communal, participational, creation. Milton revealed rudimentary capitalistic tendencies, particularly in his commodity view of news. But Jefferson's notion of news as a commodity was much more pronounced, in part a reflection of his own economic environment.

In his classical work on Jeffersonian economic philosophy, Beard (1915) has said that Jefferson's thoughts on political economy are not systematic and are contradictory, and therefore susceptible to various interpretations (pp. 415-416). Grampp (1967) has noted that analyses of Jefferson's political economy have ranged from right to left (pp. 136-137). Grampp has argued that Jefferson's thought evolved with his American socio-economic context and embraced, accordingly, agrarianism, laissez faire mercantilism, and industrial capitalism (p. 162). Chinard (1929) supports Grampp's contentions.

Beard has argued that Jefferson's agrarian economics reveals an allegiance to the propertied class and a distrust of the working class (pp. 416, 421-422). That Jefferson's mercantilism and industrial capitalism stemmed from class consciousness is further suggested by Beard and Chinard as they each argued that Jefferson did not oppose commerce and manufacturing themselves, but the vision of an urban proletariat they entailed (Beard, p. 423; Chinard, pp. 327-328). Grampp also supports this view (Grampp, pp. 140-143). And both Chinard and Robert Palmer (1967) note that Jefferson voiced approval of the French nobility and bourgeoisie, and disparagement of the French working class, while he was serving as

Ambassador to France (Chinard, p. 238; Palmer, p. 98). All of this clearly suggests that for Jefferson, the over-arching consideration was class interest, and not a particular economic policy.

Jefferson had a vested interest in the dominant socio-economic order. He was born into a hereditary landed aristocracy through his mother, a fact he was never completely comfortable with, and he enjoyed the privileges of aristocracy. But like Milton, Jefferson also shared a middle-class heritage. Through his father, he could trace his lineage back to the class of small independent farmers. And it was this group that Jefferson was attracted to. Like Milton, he allied himself with a Calvinist, Puritan middle class against a high-church hereditary aristocracy. Jefferson also Platonically viewed this middle class as a natural aristocracy of talent and virtue (Benson, 1971).

Unlike Milton, however, Jefferson's Platonism more closely resembled the Greek original in that the socio-economic, political, and cultural existence of Jefferson and his class depended upon the exploitation of slave labor. According to Louis B. Wright (1967):

> The classical tradition which Jefferson inherited had long exerted a profound influence upon Virginia civilization. From that day in the 1620's when George Sandys, on the banks of the James River, completed his translation of Ovid's <u>Metamorphoses</u>, until Jefferson's own time, the literature of Greece and Rome had helped to shape the thinking of Virginia leaders. In the little libraries which seventeenth-century settlers brought with them, works by Greek and Roman writers occupied a prominent place. These books, we can be certain, were not chosen for ostentation; they were considered essential to the reproduction of the kind of civil society that English settlers dreamed of establishing in the wilderness. That society in its main outlines still preserved cultural patterns developed in the sixteenth century when the belief in the civilizing and humanizing value of the classics reach-

> ed its zenith in England. This Renaissance belief in the wisdom of the ancients became a vital element in the literary interests of the Virginia ruling class. (p. 196)

And Wright concludes:

> The most significant quality of Jefferson's classicism, in its various manifestations, was its vitality, the fact that it was a living thing, a part of everyday life. (pp. 216-217)

Jefferson's rationalism extended beyond his attitudes toward social relations and intellectual matters to economic concerns. Ultimately, it underlay his endorsement of bourgeois free trade interests. As Becker (1967) has shown:

> The doctrine of laissez faire, as it was understood by Jefferson and the early nineteenth-century social philosophers, rested upon the assumption that if each individual within the nations, and each nation among the nations attended to its own interests, something not themselves, God or Nature, would do whatever else was necessary for righteousness. . . . In the political realm this meant that the function of government should be limited in principle to the protection of life and property, the enforcement of contracts, the maintenance of civil order, and the defense of the country against aggression. In the economic realm it meant that the free play of individual initiative, stimulated by the acquisitive instinct, would result in as equitable a distribution of wealth as the natural qualities and defects of men permitted. . . . In the eighteenth century the obvious oppressions, for the majority of men, were those occasioned by arbitrary governmental regulation of the activities of the individual; so that liberty could be most easily conceived and understood in terms of the emancipation of the individual from social constraint. (pp. 55-57)

Jefferson's support of free enterprise, and concomitantly, freedom of the press, stemmed not only from philosophical inclination, but from pragmatic considerations as well. As in preceding centuries, the middle class of Jefferson's day in particular benefited politically, socio-economically, and culturally from the printing press. Such representatives of middle-class commercial

interests as Samuel Adams and Benjamin Franklin encouraged Jefferson in his revolutionary writing. And both of them as well recognized the political and economic value of the press. For example, a newspaper which served as Jefferson's political mouthpiece in Boston had performed the same service for Samuel Adams during the Revolutionary War (Stewart, p. 616). And Franklin, who helped Jefferson write the Declaration of Independence, was a printer and publisher as well as first Postmaster General and foreign diplomat.

Jefferson's efforts promoted these entrepreneurial interests and he was repaid with press support which decisively aided his own political career (Stewart, p. 3). Jefferson saw the reformist potential of the press and subscribed to and financially supported dozens of newspapers. Free trade, states rights, and freedom of the press to criticize the government (a freedom Jefferson did not always extend to the Federalist press) were major planks in Jefferson's political platform (Peterson, M. D., 1970, pp. 626-627).

Like Milton, Jefferson's advocacy of the contest of ideas had its source both in rationalism (Benson, pp. 305-311) and an appreciation of the pragmatic political necessity of public opinion. In his Kentucky Resolutions (1798), Jefferson reiterated the Miltonic notion that freedom of expression is the source of all other civil liberties (Jefferson, ed. Ford, Vol. 8, pp. 464-465). In his First Inaugural Address (1801), Jefferson argued that reason insures the rightfulness of majority opinion necessary for harmonious social intercourse. However, Jefferson's suggestion that "every difference of opinion is not a difference of principle" appears to be an attempt to downplay the inefficacy of reason in resolving political disputes, although he contended that his politi-

cal opponents stood "as monuments of the safety with which error of opinion may be tolerated where reason is left free to combat it" (Jefferson, ed. Ford: Vol. 9, pp. 195-196).

As a politician, Jefferson had "to trust the public judgment" of the voters "to hear everything true and false, and to form a correct judgment between them" (Jefferson, ed. Lipscomb & Bergh: Vol. 10, p. 357; Vol. 11, p. 33). In the final analysis, Jefferson recognized that "the people are the only censors of their governors" (Jefferson, ed. Boyd: Vol. 11, p. 49). He repeated this in his Second Inaugural Address (1805):

> Since truth and reason have maintained their ground against false opinions in league with false facts, the press, confined to truth needs no other restraint; the public judgment will correct false reasonings and opinions, on a full hearing of all parties; and no other definite line can be drawn between inestimable liberty of the press and its demoralizing licentiousness. If there be still improprieties which this rule would not restrain, its supplement must be sought in the censorship of public opinion. (Jefferson, ed. Ford: Vol. 10, p. 135)

One reading of the Second Inaugural Address might suggest that Jefferson was reaffirming the rationalist concept of the contest of ideas. But viewed in light of his references to the 'licentiousness' of the press and to the "reforming salutory coercions of the law" (Jefferson, ed. Ford: Vol. 10, p. 135), as well as his own efforts to instigate press prosecutions, Jefferson's free press arguments about truth appear to take on a different character. In this light, the word 'truth' throughout the address might be taken as referring to Jefferson's own person, policies, and political fortune. In this interpretation, Jefferson's obeisance to freedom of the press 'confined to truth' appears more like a veiled threat. Furthermore, Jefferson's references to the 'cen-

sorship of public opinion' is not the philosophical musing of a disinterested by-stander, but the pragmatic understanding of a political figure who was doing all that he could to arouse that very public opinion in the service of his own ends.

Two years previous, Jefferson had written a letter to Pennsylvania Governor Thomas McKean, urging a "few prosecutions" of the press. He enclosed a clipping of an offending newspaper as an example of what he had in mind and pledged McKean to secrecy. Nothing came of that suggestion at the time, but toward the end of his second term as President, charges were brought against an editor in a federal court in Connecticut. Although Jefferson was informed of the case, he made no objections, and didn't raise the issue of press freedom (Levy, 1963, pp. 58-63).

For Jefferson, the contest of ideas embodied in freedom of the press was always constrained by and subservient to other considerations; the press was always only a means to an end (Levy, 1966, p. 332; Peterson, M. D., 1970, p. 716). Thus, although he argued that "were it left to me to decide whether we should have a government without newspapers or newspapers without a government, I should not hesitate a moment to prefer the latter", it was only to provide the people with "full information of their affairs thro' the channel of the public papers" (Jefferson, ed. Boyd: Vol. 11, p. 49). For Jefferson, the press was merely the most effective avenue to truth (Jefferson, ed. Lipscomb & Bergh, Vol. 11, p. 33). Jefferson's use of transportation metaphors to describe the role of the press in society reflects a commodity view of news more overtly revealed in his discussion of the press' pecuniary aspects:

> A coalition of sentiments is not for the interest of printers. They, like the clergy, live by the zeal they can kindle, and the schisms they can create. It is the contest of opinion in politics as well as religion which makes us take great interest in them, and bestow our money on those who furnish aliment to our appetite. (Jefferson, ed. Ford: Vol. 9, pp. 242-243)

Here Jefferson appears to shift slightly from a mechanistic, instrumental view of the press as a channel, to suggest that press endeavor serves not only pecuniary self-interest, but, in symbiotic fashion, communal interests as well. However, in his focus upon the commodity value of news, Jefferson is unable to fully appreciate its communal character. Thus, in pondering press reform, he is stymied by the economic constraints which necessarily operate on the press as a commercial venture. He lamented that the type of paper he envisioned "would find few subscribers" (Jefferson, ed. Lipscomb & Bergh: Vol. 11, p. 224), making it unfeasible.

According to this interpretation, Jefferson's own class interest in private property blinded him to its inherent contradictions. He bemoaned the economic realities of commercial press enterprise, but failed to see that the conflict between publisher and public interests was inherent in the commodity concept of news. Jefferson himself had helped to create this dilemma. From the very first, he sanctioned proprietary interest in news for publishers and printers. His suggestion that monopoly copyright protections be included in the U.S. Constitution was eventually adopted by James Madison.

Other commentators share this interpretation of the role of personal interest in Jefferson's view of the press. Stewart

(1969), M. D. Peterson (1970), and others characterize Jefferson's relationship with the press in terms of political partisanship and narrow fiscal interest, suggesting class antagonisms within the press itself. However, a broader examination of the press reveals a greater socio-economic homogeneity than partisan categorization suggests. Jon Udell (1978), for example, has argued that from the outset, American newspapers have shared the capitalistic orientation of their larger socio-economic and political environment (pp. 13-21). C. H. Smith (1977) supports this view by documenting how the mutually advantageous government-press relationship in the United States was perpetuated from the very beginning by a system of official patronage. Even the evidence offered by Stewart suggests a strong resemblance between the press of Jefferson's day and that of Milton's era. The American press, like its English predecessor, was a business enterprise. There was a rapid proliferation of newspapers, with the greatest concentration and circulation in urban commercial centers (Stewart, p. 616). And the press followed the economic and geographic expansion of the country (Smith, C. H., p. 11; Ford & Emery, p. 135). But publishing was still a risky venture, with many financial failures:

> A great outlay of capital was not required to publish, but fixed costs were high and revenue most uncertain. Subscriptions were usually the primary source of income, but most printers sent out their papers on at least partial credit, and the difficulties of collection were enormous. More than one paper failed to survive because the subscribers were delinquent in the payments. (Stewart: p. 18)

To augment their newspaper revenue, printers and publishers depended on auxiliary income from sales of books and stationery, and other job printing, as well as from employment as postmasters.

Stewart (1969), for example, has argued that government printing was an essential source of income for most publishers in colonial America (p. 19). But Yodelis (1975) has suggested that religious printing was more important (pp. 42-43). In either case outside printing work was essential for economic survival. C. H. Smith (1977), for example, also has supported Stewart's argument, claiming that government printing was essential through most of the 19th century.

Early American newspaper publishers were entrepreneurs, and their newspapers were usually family businesses, passed from one generation to the next. Isaiah Thomas extensively documented this in his History of printing in America (1810). Yodelis (1975) has suggested that successful printers and publishers left wealthy estates (pp. 40-41). Marcus A. McCorison, in his preface in a reprinted edition of Thomas' classic American printing history, notes that Thomas himself employed 150 people in a printing office containing seven presses; that he owned a papermill, a bindery, and eight branch offices in Massachusetts, New Hampshire, Vermont, New York, and Maryland; that his other business interests included real estate in Boston and elsewhere, and shares in a number of other enterprises (in Thomas, 1810; reprinted 1970, p. xi).

Finally, the news policies, practices, and the news content itself, in the early American press was similar to the 17th-century English press. As in Milton's day, foreign news dominated the press, often as an indirect means of discussing domestic policies. To obtain this information, editors universally copied material verbatim from other newspapers, the seaboard press directly from European journals, the inland press from the seaboard press.

It was a commonly accepted practice, encouraged by federal legislation that facilitated exchange of newspapers among publishers, with editors rarely crediting their sources. "Few editors were ready to criticize a process that was their main source of news" (Stewart: p. 25). The reporting of Congressional debates was also advantageous, economically and politically, and publishers hired reporters to report the speeches. Accordingly, newspapers located in capital cities were generally more successful than other newspapers. In addition, as in Milton's day, biblical metaphors and grammar were also used by editors and publishers in reporting the news (Stewart, 1969). In view of the legal as well as physical attacks on publishers, editors, printers, and presses, use of biblical language probably served the same purpose in the 18th and 19th centuries that it did in the 17th.

In the final analysis, Jefferson's support of First Amendment guarantees of press freedom legitimated the institutionalization of a commodity view of knowledge. As such, his apologia for freedom of the press is more accurately an apologia for a laissez faire petit bourgeois capitalist press. In the narrow philosophical context of the concept of freedom of the press, it is difficult to reconcile the contradictions and paradoxes in the Jeffersonian corpus. But in the larger socio-economic and political environment of middle-class capitalist interests, the apparent contradictions and paradoxes disappear. Jefferson's rationalist, utilitarian leanings, although not necessarily conducive to freedom of the press, are increasingly conducive to, and characteristic of, the developing American capitalist socio-economic environment.

Jefferson was not as far, either in actual time or in social environment, from Milton's feudalistic heritage as is the 20th century. Consequently he did manifest an understanding of knowledge as something other than a commodity, as this thesis will show in Chapter Four. At the end of his life, he argued that knowledge was not something which could be held as private property. But the major thrust of Jefferson's effective political work had been precisely to protect the proprietary interests in news as a commodity.

Jefferson, of course, in no way espoused or envisioned the monopoly capitalist press which was to come to full fruition in the 20th century. But in legitimating the institutionalization of knowledge as a commodity and the press as repository of, and agent for, that commodity, Jefferson paved the way for the monopoly press. In fact, Jefferson's suggestion that copyright be the only permissible monopoly, was to find final expression in the juridical holdings of U.S. Supreme Court Justice Oliver Wendell Holmes, Jr., and his jurist colleagues early in the 20th century.

The invention of the steam press in 1814 cleared the way for the development of the monopoly press which began with the penny press only seven years after Jefferson's death. Within 20 years of his death, invention of the telegraph would stimulate the consolidation characteristic of the monopoly press. Milton introduced the commodity concept of knowledge and the press as agent for that commodity; Jefferson legitimated the institutionalization of the press as a commodity agent, further removing knowledge from its character as a communal creation. Oliver Wendell Holmes, Jr., and his colleagues would complete the process by empowering the

press to hold knowledge, not merely as a commodity, but as private property. In reflecting "the life and interests of the nation's citizenry" (Stewart: p. 4), the American press itself evolved as a capitalist phenomenon. Jefferson was the bridge between the 17th-century English Milton and the 20th-century American Holmes.

Oliver Wendell Holmes, Jr., and the 'Free Market' in News in 20th-Century United States

The 17th-century Miltonic concept of the press that found expression in the 18th- and 19th-century writings of Thomas Jefferson culminated in the 20th-century jurisprudence of U.S. Supreme Court Justice Oliver Wendell Holmes, Jr. During his lifetime, capitalism enjoyed its heyday. Holmes, born into the conservative, Calvinist middle-class aristocracy envisioned by Jefferson, was a product of this environment. He was influenced by social Darwinism, as well as Enlightenment and social contract concepts of the 17th, 18th, and 19th centuries. Holmes' reliance "on the strength of the American tradition, the self-balancing tendencies within social experiment and the competition of ideas" (Holmes, ed. Lerner: p. xxx) was embedded in a philosophy of not tampering with the cosmic order. It was this belief in a larger rational order implicit in reality which underlay both Holmes' defense of intellectual freedom and his defense of a 'free market' economic system.

It was this rationalism which underlay Holmes' famous dissent in the 1919 Abrams case. The court majority agreed with government arguments that the First Amendment didn't prevent common law prosecutions of seditious libel. They upheld 20-year prison sen-

tences for the defendants who had been convicted of printing and distributing pamphlets urging opposition to U.S. military incursions into Russia during World War I. Holmes argued that the defendants' constitutional rights had been violated, citing in his dissent the traditional liberal defense of the contest of ideas:

> But when men have realized that time has upset many fighting faiths, they may come to believe even more than they believe the very foundations of their own conduct that the ultimate good desired is better reached by free trade in ideas--that the best test of truth is the power of the thought to get itself accepted in the competition of the market, and that truth is the only ground upon which their wishes safely can be carried out. That, at any rate, is the theory of our Constitution. It is an experiment, as all life is an experiment. (250 U.S. 616, 630)

But like Milton and Jefferson, Holmes proposed a limited freedom "which saw the survival of the state as a condition precedent to the creativeness of individuals within it." But Holmes himself was unable to "resolve the difficulties involved in the problem of state power and individual expression" (Holmes, ed. Lerner: pp. 280, 290). Max Lerner has criticized this flaw in the traditional liberal 'free press' defense:

> Holmes' . . . doctrine of free trade in ideas . . . . has certain clear weaknesses. One phase of emphasis in it tends toward the "survival" theory--the position that the idea which survives in the struggle of ideas is therefore the true one. . . . Another phase of Holmes' concept leads in quite a different direction--not the pragmatic view that what survives is the truth, but the idealist view that what is true will survive. In this sense, Holmes is in a direct sequence of tradition from Milton's <u>Areopagitica</u> and Mill's <u>On Liberty</u>. (Holmes, ed. Lerner: p. 290)

Caught in the dilemma between immediate social order and intellectual freedom, Holmes finally rested in his implicit belief in the ultimate rationality of a more enduring cosmic order. In the 1919 <u>Abrams</u> case, Holmes argued that there were instances in which the

United States government could legally suppress speech as inimical to the national security. But in the 1924 Gitlow case, Holmes argued that "every idea is an incitement" (268 U.S. 652, 673). And he suggested:

> If in the long run the beliefs expressed in proletarian dictatorship are destined to be accepted by the dominant forces of the community, the only measure of free speech is that they should be given their chance and have their way. (268 U.S. 652, 673)

It was this same implicit reliance on a larger rational order that underlay Holmes' attitude toward economic matters. In the American Column and Lumber Co. antitrust case brought before the U.S. Supreme Court in 1921, Holmes suggested that economic rationalism--in this case an attempt to conform to normal market conditions--was not unreasonable restraint of trade (257 U.S. 377, 412). That is, Max Lerner has said, Holmes "held this to be a legally valid attempt to exchange industrial information, and economically justified because whatever reduction in competition was achieved was for the purpose of industrial order" (Holmes, ed. Lerner: p. 247). Here as in other cases,

> it was natural for Holmes, who approached (another antitrust case) without a feeling for the realities of economic power involved, to accept monopolies as well as trade unions as part of the laws of the organization and the equilibrium of life. (Holmes, ed. Lerner: p. xxxvi)

It is clear that Holmes' translation of the Miltonic contest of ideas into the metaphor of 'free market' political economy was not accidental. His advocacy of 'free trade in ideas' was as much grounded in his espousal of neo-classical economics as it was in Enlightenment concepts of intellectual freedom. News, as well as ideas, was a commodity having exchange value (248 U.S. 215, 238).

The U.S. Supreme Court had made that clear in the 1918 International News Service v. The Associated Press case. The same conflicts, however, between social and individual interests arose in economic issues as well.

In this case, the court effectively gave the Associated Press a monopoly on news, despite the court's explicit disavowal of any such intent. Holmes objected to treating the news service case as a 'property rights' issue. He was aware, as were all the justices, that common law held that news belonged to the public domain. Instead, Holmes suggested that the case involved unfair restraint of trade. Legal scholars, however, have pointed out that this is a spurious distinction (Cohen, p. 277). They have noted that even cases concerning restraint of trade must involve property to be heard in court. Holmes himself admitted that some form of property right did exist under copyright laws (209 U.S. 1, 19).

The Associated Press argued that "news as a business commodity is property, because it costs money and labor to produce and because it has value for which those who have it not are ready to pay" (248 U.S. 215, 221). And it insisted that news was its property because it made it. Furthermore, the Associated Press argued that the public interest was best served by the economically efficient operation of the news service.

In accepting these arguments, the court was forced to argue that news had a 'quasi' property character. In addition, the court made a distinction between the public and the private corporate interests in news. They thereby attempted to reconcile historic communal interests with the realities of 20th-century monopoly capitalism:

> And although we may and do assume that neither party has any remaining property interest as against the public in uncopyrighted newsmatter after the moment of its first publication, it by no means follows that there is no remaining property interest in it as between themselves. For, to both of them alike, news matter, however little susceptible of ownership or dominion in the absolute sense, is stock in trade, to be gathered at the cost of enterprise, organization, skill, labor, and money, and to be distributed and sold to those who will pay money for it, as for any other merchandise. Regarding the news, therefore, as but the material out of which both parties are seeking to make profits at the same time and in the same field, we hardly can fail to recognize that for this purpose, and as between them, it must be regarded as quasi property, irrespective of the rights of either as against the public. (248 US., 215, 236)

But to defend its finding that news possessed property value, the court cited a precedent case that suggested that "plaintiff might keep to itself the work done at its expense" as protected property (248 U.S. 215, 237). But as both Justice Louis Brandeis and Holmes noted, the essential characteristic of property is the "right to exclude others from enjoying it" (248 U.S. 215, 246, 250). The Associated Press itself had argued that news had value because those who didn't have it were willing to pay money for it. The thrust of the Associated Press action, then, was to obtain exclusive possession of a communal resource in order to increase its value by excluding others from its use and enjoyment.

The Associated Press had argued that this was in the public interest because it guaranteed the financial success of the news service. In accepting this argument, the court equated public interest with private profit:

> What we are concerned with is the business of making it known to the world, in which both parties to the present suit are engaged. That business consists in maintaining a prompt, sure, steady, and reliable service designed to place the daily events of the world at the breakfast table of the millions at a price that, while of tri-

> fling moment to each reader, is sufficient in the aggregate to afford compensation for the cost of gathering and distributing it, with the added profit so necessary as an incentive to effective action in the commercial world. The service thus performed for newspaper readers is not only innocent but extremely useful in itself, and indubitably constitutes a legitimate business. (248 U.S. 215, 235)

Brandeis saw through this, though, and insisted that what was at stake was not concern for public availability of news and information, but rather protection of the profitable enterprise of the Associated Press member newspapers:

> It thus appears that the protection given by the injunction is not actually to the business of the complainant news agency; for this agency does not sell news nor seek to earn profits, but is a mere instrumentality by which 800 or more newspapers collect and distribute news. It is these papers severally which are protected; and the protection afforded is not from competition with the defendant (International News Service), but from possible competition of one or more of the 400 other papers which receive the defendant's service. Furthermore, the protection to these Associated Press members consists merely in denying to other papers the right to use, as news, information which, by authority of all concerned, had theretofore been given to the public by some of those who joined in gathering it; and to which the law denies the attributes of property. (248 U.S. 215, 261)

What made this protection so insidious, and belied the public protection claimed by the court majority and Holmes in concurrence, were the circumstances of the case as set forth by Brandeis in his dissent. These circumstances made it clear beyond doubt that private profit and not the public interest was the object of protection. The case had arisen when both access to World War I information and access to foreign cable or telegraph lines were denied to the International News Service.

Brandeis did not mention that the International News Service was a Hearst holding and that Hearst opposed the war against Ger-

many. It seems from history that the denial of access to cable and telegraph lines to INS perhaps was politically motivated, and therefore a deliberately censorial policy. The court, of course, had already demonstrated an anti-German stance in its findings in the war-related free speech cases. Max Lerner, for example, has remarked that Holmes considered the war effort against Germany a defense of civilization (Holmes, ed. Lerner, p. xliii).

To remedy this "closing . . . of these channels of foreign news" to a "large majority of the newspapers and perhaps half the newspaper readers of the United States" (248 U.S. 215, 263) who may have had no other source of information, the International News Service had resorted to copying news dispatches from the Associated Press. In protecting the Associated Press newspapers' profitable interest in news by denying its use to "more than a thousand other daily papers in the United States" (248 U.S. 215, 264), the court clearly denied the public access to knowledge in the form of news.

It has already been noted that both the English and American governments, from the 17th century on, have conferred monopolies and other privileges and favors upon those members of the press who support the government position. The government has done this because in promoting the supportive press' competitive position, the government supports its own interests. The 20th-century concept of privately acquired monopoly is thus related to the 17th-century concept of government granted monopoly. What is new, of course, is the effectiveness of the 20th-century monopoly in limiting public access to essential information, providing the gov-

ernment with a more efficient but less obvious means of control.[5] As a possible remedy in this situation, Brandeis suggested that a legislative body might establish the press as a public utility, concluding

> that under certain circumstances news-gathering is a business affected with a public interest, it might declare that, in such cases, news should be protected against appropriation, only if the gatherer assumed the obligation of supplying it, at reasonable rates and without discrimination, to all papers which applied therefor. (248 U.S. 215, 267)

In a subsequent government antitrust suit against the Associated Press in 1945, the U.S. Supreme Court acknowledged Brandeis' suggestion that news service was a business affected with a public interest and ordered the Associated Press to make its information available to all newspapers wishing to pay for it.[6] But in so doing, the court failed to examine the Associated Press' contention in the 1918 case that the economies of gathering and distribution could not be severed. The court in 1945 found a monopoly situation in the distribution process but failed to examine the matter of monopolization of knowledge inherent in the gathering process. Brandeis himself failed to see this issue in his dissent in the 1918 case.

But the 20th century was too far from Milton's 17th-century

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[5]For further analysis of the role of copyright in government restraint of information, see Morris B. Schnapper's <u>Constraint by copyright</u> (1960).

[6]As early as 1900, however, the Illinois Supreme Court had declared the Associated Press to be a common carrier and ordered it to sell its news to any newspaper wishing to buy it. The Associated Press avoided this by reincorporating under laws of the State of New York that permitted it to limit its membership; see Bleyer, pp. 402-404.

feudal roots for much awareness of the communal character of knowledge to remain. As the thesis will show in Chapter Four, Brandeis recognized that knowledge was something other than property, that it was "free as the air to common use" (248 U.S. 215, 250). But even he ultimately accepted the traditional commodity view of news and public utility view of the press. In suggesting that news should be available to all newspapers wishing to pay for it, Brandeis maintained the view that news is a commodity belonging inherently to the press. For all his intent to modify the stranglehold of monopoly capitalism on the communal resource news, Brandeis' suggestion that the press is a public utility is not a satisfactory answer. Not only would it maintain the private interest in news and the concomitant dichotomy between supplier and consumer, but the determination of 'reasonable rates' in public utility cases has proven to be a matter of bitter contention between corporate and public interest groups. To this extent, Brandeis' solution is inadequate.

The monopolization of knowledge had been going on for a long time. It had occurred in the very origins of the press, but during Holmes' lifetime, 1841-1935, it occurred at an increasingly faster rate. These were the years of the development of mass circulation newspapers, chains, groups, and press associations. The first mass circulation newspapers appeared about 1833. The first news service association was formed in 1848, the earliest chains and groups were established in the 1870s. With these developments came exclusive news contracts with foreign newspapers and news services, with both individual newspapers and associations participating in these arrangements. These exclusive contracts were

competitive devices designed, successfully, to force competitors out of business. The rate of consolidation was greatest in the decades around the turn of the century, the period in which Holmes was engaged in his judicial career. In fact, the height of the consolidation movement occurred in 1917-1918, the years of the momentous Supreme Court decision conferring property rights in news (Mott, 1962, p. 636). Newspapers enjoyed high rates of return and were marked by policies of financial conservatism. The press was no different than the rest of the commercial sector (Mott, 1962; Bleyer, 1927; Tebbel, 1963).

> The tendency to buy, reorganize, and consolidate old, well-established companies, that developed in the business world during the first quarter of the twentieth century, had its effect on newspapers. Large increases in circulation and in the volume of advertising, heavy investments in mechanical equipment, and the great cost of newspaper production, made the business side of the newspaper the dominant one. The magnitude of the business of newspaper publishing placed newspapers on a par with other large business enterprises. The result was that old, well-established papers were bought, sold, and consolidated in the same manner as were other companies. (Bleyer: pp. 412-413)

The consolidation of the newspaper industry has been extensively reported. Almost every 20th-century scholar writing about the press, in some fashion has remarked on and decried this phenomenon as, in the words of Mott, "the roar of the double-octuple presses drowned out the voice, often shrill and always insistent, of the old-time editor" (Mott, 1962: p. 547).

But such a romantic view ignores the commercial character of the press from the outset, its use of news as a commodity to be bought and sold for profit, the standardization of news that entailed, the rarity of editorial altruism, the predominance of eco-

nomic opportunism. This romantic vision fails to see that today's press is the true heir of the 17th-, 18th-, and 19th-century press, and that those old printers, publishers, and editors were the first ones to watch their profit margins. In this context, Holmes and the press he defended were not abberations or distortions, but rather consistent with the historical evolution of the Anglo-American press as part of a larger evolving capitalist socio-economic system. It is in this light that today's press should be examined. The thesis will examine three recent critiques of the American press in the light of this historical-critical analysis of the Anglo-American concept of the 'free press'.

PART B

CHAPTER THREE

EXPLORATIONS OF IDEOLOGY: THREE SOCIOLOGISTS EXAMINE THE AMERICAN PRESS

Three recent sociological studies, Gaye Tuchman's Making news: A study in the construction of reality (1978), Herbert Gans' Deciding what's news: A study of CBS Evening News, NBC Nightly News, Newsweek, and Time (1979), and Michael Schudson's Discovering the news: A social history of American newspapers (1978) explore the ideological nature of the American press by examining the press in relation to its social context. Tuchman demonstrates that news is ideological. Gans defines what the ideology of the news is. Schudson outlines the historical evolution of a particular aspect of that ideology.

Although the three scholars share a similar interest in the ideology of the press and news, each takes a different approach, and examines different aspects of the press. Tuchman and Gans use the methods of participant-observation to study the work processes of the press. Schudson reconstructs the social history of the press in his analysis. Furthermore, while Tuchman and Gans use similar empirical methods and theories of sociologies of work and

organizational structures, the deeper theoretical premises of their approaches are very different. Tuchman bases her study on theories of sociology of knowledge, while Gans utilizes content analysis to examine the press. Schudson depicts the history of the press by focusing on the evolution of the social concept of 'objectivity' as it is used by the press.

Although they use different methodologies in their press analyses, all three scholars make similar implicit assumptions about the press. For example, they all implicitly assume that news is a commodity produced by the press for audience consumption. In making such assumptions, they all implicitly accept traditional Anglo-American concepts of the 'free press'. But in implicitly accepting traditional concepts of the press and news as categories of analysis, the three scholars bind themselves to the very press they decry.

This chapter will examine these three texts to discover the ideological character of the press and news. In Chapter Four, the thesis will assess these texts to discover how they are constrained by concepts and presuppositions that date from the 17th-century English Enlightenment. It will subsequently be shown that such concepts as the contest of ideas and news as something to be bought and sold by an emerging middle class that constitute Anglo-American press tradition pervade the understanding of Tuchman, Gans, and Schudson. And it will be shown that such preconceptions prevent the three scholars from grasping the implications of such contradictions inherent in the free press concept as publisher support of government censorship and libel actions and monopolization of information. Finally, it will be demonstrated that the

limitations of the Tuchman, Gans, and Schudson studies arise from an inadequate historical understanding of the Anglo-American press.

Gaye Tuchman

Gaye Tuchman's Making news explores the work processes of the press to discover that news is ideological because it is "a means not to know" (p. 217). Using Erving Goffman's concept of 'frame', and Peter Berger and Thomas Luckmann's exposition of sociology of knowledge as starting points, she examines the spatial and temporal organization of newswork, professionalism of reporters and editors, relationships between journalistic facts, sources, and credibility, the press' presentation of the women's movement, and the relationship between the press and society. She discovers that "news is an institutional method of making information available to consumers. . . . an ally of legitimated institutions. . . . inevitably the product of newsworkers drawing upon institutional processes and conforming to institutional practices" (p. 4).

According to Tuchman, "News is a window on the world" and "through its frame Americans learn of themselves and others, of their own institutions, leaders, and lifestyles, and those of other nations and their peoples" (p. 1). But, she argues, the "organizations of newswork and newsworkers" that constitute the frame are "problematic" because they "shape knowledge" (pp. 1-2). That is, organization of newsworkers in space and time constitutes a "news net" that "imposes order on the social world because it enables news events to occur at some locations but not at others" (p. 23). Tuchman shows that identification of 'news' is determined by such 'spatial' configurations as geographic territorial

location of newsworkers (local, regional, national, international) (p. 25), organizational specializations, or 'beats', of newsworkers (city hall, police, mayor's office, state government) (p. 27), and topical specialization, or 'departmental' location of newsworkers (women, sports, finance, education, culture) (p. 29). That is, the news net is 'anchored' at various centralized, legitimated locations (p. 37).

Tuchman shows that newsworkers further identify idiosyncratic occurrences as 'news' through such 'temporal typifications' as hard news, spot news, developing news, and continuing news. She argues that these various means of identifying 'news' promote efficiency by allowing the news media to control the flow of work through prediction (p. 41). But ultimately, Tuchman notes, conflicts occur at various points in the news net, necessitating internal negotiations of the complex bureacratic newswork hierarchy, and that out of these interactions, the final identification of 'news' is made (pp. 25, 31). She argues that the professional newswork relationships serve organizational needs "to get its work done" (p. 67), as well as such individual objectives as promotions, raises, status, and employment (pp. 77-78). Tuchman explores the implications of newsworker professionalism through the relationship between newsworkers and sources of information and discovers that this relationship is mutually constituting:

> Knowing sources brings participation in a common reportorial culture. . . . Being a participant in the press room culture brings increased familiarity with sources. (p. 71)

Power increases the value of a source which newsworkers can 'draw on' for "required information" (p. 72), and this value is

translated into property rights. But even this aspect of the relationship is reciprocal as Tuchman notes. She points out that politicians also use the newsworkers for their own purposes (p. 43, note 6).

> That some reporters have more sources than others also means that some reporters may work in others' specialties, for any privately generated idea or information is explicit property of its originator. I witnessed several examples of these "property rights". (p. 73)

But this relationship between powerful, centralized sources and newsworkers that is the "basis of newswork" ultimately binds the news media to the status quo (p. 87). News judgments are formed out of this experience within "an institutionalized news net" (p. 93) and "presuppose the legitimacy of existing institutions" (p. 99). As a consequence of these presuppositions inherent in their own professionalism, Tuchman contends, newsworkers are prevented "from seeing some occurrences as potential news" (p. 133).

She examines the treatment of the women's movement by the news media to support her argument that "the activities and temporal orientations of newswork and those of social movements are antithetical" and that newswork "must transform the thrust of issues (as defined by proponents of a social movement) as it shapes them into news stories" (pp. 135-136). She documents how newswork organizations ignored the women's movement, then belittled it, and finally gave it status as a legitimate occurrence by reporting it in the 'women's news' department, thus neutralizing its challenge to the established social order:

> Once framed within the web of facticity, a social movement cannot undercut the news net by challenging the legitimacy of established institutions. (p. 154)

Tuchman then sketches a brief history of American news media to show how news developed as a legitimation of the status quo (p. 158). She explores the development of monopolies, the changing relationship between public and private sectors, the 17th-century Enlightenment concept of the contest of ideas, and barriers to media access, to demonstrate that "as ideology, news blocks inquiry by preventing an analytic understanding through which social actors can work to understand their own fate" (p. 180). Tuchman concludes that by obfuscating "social reality rather than revealing it", news "confirms the legitimacy of the state by hiding the state's intimate involvement with, and support of, corporate capitalism", and serves the newswork organization's own interest as participant in the processes of "concentration, centralization, and conglomeration" (p. 210). And she contends that the interactions of newsworkers themselves serve this purpose:

> These negotiations also legitimate the status quo. Each day the editors reproduce their living compromise--the hierarchy among the editors. They also reestablish the supremacy of the territorial chain of command, which incorporates political beats and bureaus but excludes topical specialties such as women's news and sports. (p. 211)

Tuchman finally suggests that there is a reflexive relationship between newswork processes and news, that "meaning is intricately embedded in the activities of men and women" (p. 216), that ultimately the news inheres in the interactions:

> I mean to insist that knowledge as a means to know . . . or as a means not to know . . . is socially embedded, and it is invoked in the interrelationships created by men and women. Those mutually constituting relationships necessarily include human creativity. They also necessarily include power. For men and women produce and reproduce the institutions that distribute power, even as they produce and re-

produce the institutions that distribute knowledge as a social resource. (p. 217)

Herbert Gans

Herbert Gans' Deciding what's news looks at news organizations to discover that "they express, and often subscribe to, the economic, political, and social ideals and values which are dominant in America" (p. xv). Where Tuchman demonstrates that 'news' is ideological particularly in what it does not tell, Gans attempts to specify what the ideology of the 'news' is in what it does tell. Starting from the 'community-study tradition', Gans uses content analysis to examine news and the journalists who report it, their values and ideology, and their relationships to sources, audiences, and powerholders. He discovers "that one of the journalists' prime functions is to manage, with others, the symbolic arena, the public stage on which national, societal, and other messages are made available to everyone who can become audience members" (p. 298).

In analyzing the news as "the picture of nation and society" (p. 8), Gans found that governmental officials and government activities dominated the news (pp. 9-10, 16-17). He also found that "news pays attention to racial differences, but it does not often deal with income differences among people" (p. 23). He discovered that although class differences are seldom discussed, and "news is not often couched in terms of economic or other kinds of interests to begin with", most of the news concerns "affluent people, almost by definition, since the main actors in the news are public officials, whose incomes are in the top 1 to 5 percent of the nation-

al distribution" (p. 25). Gans notes that ordinary people are not viewed as having class interests; that "the poor appear in the news less often than the upper class" and that "magazines tend . . . to universalize upper-middle-class practices as if they were shared by all Americans" (pp. 25, 26, 27). But elsewhere he notes that journalists are upper-middle-class and that "they represent the upper-middle-class professional strata in the hierarchies, and defend them in their own vision of the good nation and society, against the top, bottom, and middle" (p. 285). In addition, Gans has discovered that "most of the people who appear in the news continue to be men" (p. 28). He also found that journalists so define ideology that they fail to see that 'news' is ideological (p. 30). Finally, Gans discovered that "foreign news is ultimately only a variation on domestic themes" (p. 38).

As he looked closer at this journalistic portrait of life in the United States, Gans discovered eight broad "enduring values" which underlay it: "ethnocentrism, altruistic democracy, responsible capitalism, small-town pastoralism, individualism, moderatism, social order, and national leadership" (p. 42). As he discusses this portrait, Gans suggests that the values are related, that such motifs as competition, individualism, tradition, and order can be seen in several of the larger values. He suggests that "it would be fair to say that the news supports the social order of public, business and professional, upper-middle-class, middle-aged, and white male sectors of society" (p. 61):

> In short, when all other things are equal, the news pays most attention to and upholds the actions of elite individuals and elite institutions. It would be incorrect to say that the news is about elites per se or a single elite; rather, the news deals

> mostly with those who hold the power within various national or societal strata; with the most powerful officials in the most powerful agencies; with the coalition of upper-class and upper-middle-class people which dominates the socioeconomic hierarchy; and with the late-middle-aged cohort that has the most power among age groups. (pp. 61-62)

But Gans contends that "the news is not subservient to powerful individuals or groups, for it measures their behavior against a set of values that is assumed to transcend them" even though "the values invoked . . . are themselves often set by and shared by these elites" (p. 62). Gans concludes that the news is essentially reformist, that its values are the values of the early 20th-century Progressive movement, and that journalists "are, as a profession, Progressive reformers" (p. 69).

Gans then examines seven 'considerations' which constrain journalistic story selection and production, and out of which, ultimately, the picture of the nation emerges: source, substantive, product, value, commercial, audience, political (p. 82). He notes that the news organization, in its formal and functional structures, its conflicting source-interests and audience-interests, its commercial nature, its divisions of labor and power, and its production processes, is the immediate environment within which these journalistic considerations are made. Gans discovers that journalists choose sources because they can efficiently provide information and authoritativeness; that a 'symbiotic relationship' forms between journalists and sources; that sources focus attention on the existing social order. According to Gans, "The reliance on public officials, and on other equally authoritative and efficient sources, is almost sufficient by itself to explain why the news draws the portrait of nation and society" described above (p. 145).

He notes that although sources do not "alone determine the values in the news . . . their values are implicit in the information they provide" (p. 145).

Gans discovered that in selecting stories to report, journalists are guided by considerations of the newsworthiness of the story, its inherent moral qualities, and competition with other news organizations (p. 146). He also discovered that despite their claims of objectivity, detachment, and disavowal of explicit ideology, journalists defend the values of Progressivism (p. 204).

Gans notes that the Progressive movement occurred "about the time that the mass circulation newspaper and magazine became the dominant news media" (p. 204). He suggests that the many journalists who allied themselves with the Progressives had similar small-town, upper-class or upper-middle-class backgrounds and concerns. He notes that many of today's journalists still come from this predominantly 'Anglo-Saxon' background (p. 205).

He argues that the values of capitalism, democracy, small-town pastoralism, moderatism and individualism, "the original upper-class and upper-middle-class Progressive vision of America", is "now diffused to a larger portion of the population" (p. 206). Gans concludes that these values, particularly individualism which "legitimizes the desirability of entrepreneurship", "serve the business interests associated with journalism", and "are blind to possible structural faults within the system", thereby reducing "the likelihood of stories that question the legitimacy of the present economic order" (p. 206).

Furthermore, Gans contends that these values have their origins in both the journalists' working conditions and their person-

al experience. Gans suggests that journalists value democracy because they need freedom of the press; that their concern with leadership reflects their own hierarchical organization; that individualism serves their own work incentives; that moderatism is a defense against criticism (pp. 207-208).

Gans notes that "most journalists are members of the upper-middle class, middle-aged social order"; that many of them are educated at "Ivy League schools or equivalent private universities"; that they are well paid (p. 209). He suggests that their mobility is geographic as well as social but that they retain "some nostalgia for their hometowns", accounting for their acceptance of "small-town pastoralism" as an enduring value (p. 210).

Gans says that generally, commercial considerations don't directly influence story selection, although they do influence the production process (p. 214). But Gans notes that audience considerations are a form of indirect commercial influence on journalists (p. 220).

Gans discovered that journalists "had little knowledge about the actual audience and its potential power" (p. 234). He suggests journalists ignore audience desires "for once audience wants become relevant, then journalistic news judgment must be complemented by audience news judgment, and journalists would then have to surrender some of their control over news" (p. 235). Gans argues that in equating the audience's interests with their own (p. 230), "national journalists have been able to maintain a kind of cultural hegemony because they are a national professional elite" (p. 248).

Finally, Gans looks at censorship and self-censorship of

journalists to discover "that journalists are restrained by systemic mechanisms that keep out some news" (p. 277). Gans argues that the audience has the most direct impact on journalists and that "taste considerations may be the major form of self-censorship" (p. 252). He notes that while national journalists and their firms are generally free from pressure from business, local media are susceptible to pressure:

> Advertisers and other business people unhappy with the news travel in the same social and political circles as the owners, managers, and news executives of local media, and consequently have easy access to them. More important, they have the economic leverage to demand censorship and to instill a nearly permanent chilling effect on the journalists, who cannot always be protected by the executives. (p. 257)

Gans does note that television networks are susceptible to business pressure through their affiliates, but that generally, this pressure is political in nature and not directly concerned with business considerations (p. 258). He suggests that "journalists are under pressure to censor and self-censor from public officials more often than from business" (p. 260) and that this pressure comes in the form of economic threats, government investigations, various forms of legal action, and political appeals to the audience (pp. 261-263). In this regard, he notes that most legal actions are brought against local journalists and small publications lacking adequate financial resources to defend themselves (p. 263). He concludes that journalists cooperate with the powerful to avoid pressure which, in the government's case, can come in the form of regulation (pp. 270-271). He suggests it is in the journalists' own self-interest to cooperate:

> Journalists often cooperate with the government to gain a competitive advantage in the search for news,

> but executives do so for other reasons. For one thing, they are the major target of pressure and may have more difficulty saying no; for another, corporate executives, like their peers in other firms, sometimes play concurrent government roles. They move in the same social circles as highly placed public officials, and they are asked to assist their government or political party in one way or another. Like other corporate officers, they cooperate in order to be responsive to friends and peers, as well as to create good will for their firms, which may occasionally help in dealing with pressure. (pp. 272-273)

Gans concludes that "news is about the economic, political, social, and cultural hierarchies we call nation and society" (p. 284); that "journalists . . . respond to the ever-present incentives for efficiency and to the realities of power"; that "the news will probably change only in response to changing conditions in America" (p. 290). And he suggests that, "as constructors of nation and society, and as managers of the symbolic arena", the news media must be "comprehensive and representative . . . . must report nation and society in terms of all known perspectives . . . . must enable all sectors of nation and society to place their actors and activities--and messages--in the symbolic arena" (p. 312).

Michael Schudson

Michael Schudson's Discovering the news examines the history of the American press to discover "the relationship between the institutionalization of modern journalism and general currents in economic, political, social, and cultural life" (pp. 10-11). In focusing on the history of the ideal of objectivity in American journalism (p. ix), Schudson reconstructs the evolution of a "professional ideology" (p. 10). Schudson looks at the development

of the 'penny press' in the 1830s, sensational journalism in the 1890s and the beginnings of "factual" reporting around the same time. He also examines the press after World War I and the beginning of the concept of 'objectivity', and the present critique of journalistic objectivity. He discovers that "there is no new ideal in journalism to successfully challenge objectivity, but there is a hope for something new, a simmering disaffection with objective reporting" (p. 193).

Schudson says that prior to the 1830s, the concepts of objectivity and news did not exist, that news itself originated "in its relationship to the market economy, and the growing authority of an entrepreneurial, urban middle class" (p. 4). In this emerging socio-economic environment "society took on an existence objectified outside the person. . . . living became more of a spectacle of watching strangers in the streets, reading about them in the newspapers, dealing with them in shops and factories and offices" (pp. 59-60).

As the newspapers reflected this "through their organization of sales, their solicitation of advertising, their emphasis on news, their catering to large audiences, their decreasing concern with the editorial", they "built the culture of a democratic market society", which provided "the groundwork on which a belief in facts and a distrust of the reality, or objectivity, of 'values' could thrive" (p. 60). Schudson describes a radically changing society:

> As the nineteenth century viewed it, "community" was the world of the Brueghel paintings of peasants--a group of people which, at work or at play, was at one with itself. In contrast, "society" was the rather

grim world of the city, the stranger, and the individual. (p. 59)

Schudson argues that this treatment of "human beings as objects about which facts could be gathered and studied", which "expressed a democratic epistemology", gained momentum about 1880 through the development of science, a market economy, and urbanization, as the "human mind externalized or objectified the human body" and "human beings objectified themselves" (p. 75). But he also notes that although empirical inquiry had once been "a weapon of the middle class against the received wisdom of an established order" and "consonant with the culture of a democratic market society", it had, by 1880, become the establishment "standing _against_ popular democracy both in principle . . . and in actual class antagonism (the educated middle class against immigrants and workers)" (p. 76).

Schudson then turns to a discussion of "action journalism" of the mass-circulation big-city newspapers (p. 105) and the contrasting presentation of "information" by the _New York Times_ at the beginning of the 20th century. He argues that "the moral war between information journalism and story journalism in New York in the 1890s was, like the moral wars of the 1830s, a cover for class conflict" (p. 118). He suggests that sensational journalism, in creating "the sense that everything was new, unusual, and unpredictable. . . . accurately reflected the life experience of many people in the cities, the newly literate and the newly urban, members of the working class and middle class," while "the _Times_ established itself as the 'higher journalism' because it adapted to the life experiences of persons whose position in the social struc-

ture gave them the most control over their own lives" (p. 119). But Schudson notes that this was to change as the 20th century brought World War I, the Depression, and concomitant political and social upheaval and people began "to see even the findings of facts as interested . . . even rationality itself a front for interest or will or prejudice" (p. 120).

He details the growing cynicism toward 'the public', noting that early in the 19th century, the term 'the people' had been applied to the middle class but that now the term meant the working class (p. 128). As America became a consumer society, the term 'the public' was "defined as irrational, not reasoning; spectatorial, not participant; consuming, not productive" (p. 134). Schudson suggests that as the dominant culture was confronted by a growing immigrant working class, it began to view public opinion and the public itself paternalistically, as something to be studied, directed, manipulated, and controlled (p. 129). He argues that public relations propaganda developed in response to and helped shape this evolving mass, passive, consumer society (p. 134). And he notes that public relations was defended with a libertarian argument:

> In the struggle among ideas, the only test is the one which Justice Holmes of the Supreme Court pointed out --the power of the thought to get itself accepted in open competition of the market. (Bernays: p. 215; cited in Schudson: p. 136)

Furthermore, Schudson argues that with the increasing complexity of life which militated against mere presentation of facts, journalists themselves turned to subjective, interpretive reporting as well (p. 148). In addition, Schudson says, the situation was aggravated by the disillusionment caused by "the complexity of poli-

tical and economic problems of the 1930s" and a growing distrust of reason (pp. 125-126).

> The distrust, not so much of reason as of the public's capacity for exercising it, had to do with the sense of the middle class that it was surrounded by urban masses and the uneasiness of the white Anglo-Saxon male at the discovery that his was no longer so clearly the loudest voice in the world. (p. 129)

It was this discovery, Schudson argues, that led to the concept of 'objectivity'. He contends that "objectivity as consensually validated statements about the world, predicated on a radical separation of facts and values", was a direct response to the skepticism of the democratic market society (p. 122):

> It arose, however, not so much as an extension of naive empiricism and the belief in facts but as a reaction against skepticism; it was not a straight-line extrapolation but a dialectical response to the culture of a democratic market society. It was not the final expression of a belief in facts but the assertion of a method designed for a world in which even facts could not be trusted. (p. 122)

Schudson claims that Walter Lippmann was the main proponent of objectivity and notes that Lippmann contended that "the present crisis of western democracy is a crisis in journalism." Lippmann's complaint that "the manufacture of consent is an unregulated private enterprise" suggests that his concern was directed at public relations activities (Lippmann: p. 5; cited in Schudson: p. 151).

That is, Schudson contends that the discovery in the 1920s and 1930s that "powerful publishers and the needs of mass entertainment, not the pursuit of truth, governed the press", resulted in such "a deep loss of confidence" that objectivity became essential (pp. 158-159):

> Journalists came to believe in objectivity, to the extent that they did, because they wanted to, needed to, were forced by ordinary human aspiration to seek escape from their own deep convictions of doubt and drift. . . . Surely, objectivity as an ideal has been used and is still used, even disingenuously, as a camouflage for power. But its source lies deeper, in a need to cover over neither authority nor privilege, but the disappointment in the modern gaze. (p. 159)

Schudson concludes by discussing the emergence, in the 1960s, of an "adversary culture" both within the press and outside it, which criticized the press for its failure to question the government's management of Vietnam War news, as well as the investigative work of the press during the Watergate crisis. He argues that the latter type of "enterprise journalism" which "requires mature subjectivity" as well as "personal and institutional tolerance of uncertainty and acceptance of risk and commitment to caring for truth", although difficult, is "most vital, for the daily persuasions of journalists reflect and become our own" (pp. 192, 194).

CHAPTER FOUR

TOWARD A NEW PRESS CRITICISM: DISCUSSION AND CONCLUSIONS

This thesis has examined Gaye Tuchman's Making news: A study in the construction of reality (1978), Herbert Gans' Deciding what's news: A study of CBS Evening News, NBC Nightly News, Newsweek, and Time (1979), and Michael Schudson's Discovering the news: A social history of American newspapers (1978) as they have explored the ideological nature of the American press and news. The thesis has examined their different approaches to different aspects of the press. Tuchman, for example, has used theories of sociology of knowledge to examine press treatment of the women's movement to discover how the press neutralizes its impact on society. Gans has utilized content analysis to examine the relationship between the press and society to discover that the press reflects the values and hierarchical structures of the dominant white middle-class male socio-economic and political elite. Schudson has focused on the evolution of the concept of objectivity to examine, for example, press treatment of the Vietnam War and Watergate crisis to discover that the purported adversary relationship between press and government does not always exist.

But as this thesis has attempted to show, Tuchman, Gans, and Schudson utilize traditional 'free press' concepts for their categories of analysis. The thesis has examined the implication of these traditional concepts through an historical-critical analysis of their evolution in Anglo-American history. In discussing the Tuchman, Gans, and Schudson studies, this chapter attempts to demonstrate that their implicit acceptance of traditional 'free press' concepts undermines their press critiques. In particular, the thesis will attempt to demonstrate that the implications of the concepts of news as a commodity and the press as private property give rise to internal contradictions in these three studies. This chapter will also attempt to show how an inadequate historical understanding of the press further undermines their studies. In particular, the chapter will show that the three studies assume the nature of the press changed radically in the 19th century, and that this assumption is a major foundation for their research. The chapter will specifically examine this problem in Schudson's work.

Gaye Tuchman

Of the three texts examined, Gaye Tuchman's Making news: A study in the construction of reality (1978) is the most ambitious because it not only attempts analysis of the news media, but also attempts to develop the theoretical premises of that analysis (p. 2). But her effort to analyze the press within the confines of her theoretical framework constrains her analysis.

As an empirical study of the American press, Tuchman's work is admittedly ahistorical and ethnocentric as an inevitable conse-

quence of her concern for sociological theory (pp. 2, 156-157). Thus, in order to demonstrate "that contemporary news frames develop in concert with other institutions and are historically linked to them", Tuchman steps ouside the framework of her sociological analysis to present a brief ad hoc review of "the history of American news" (p. 157). But in doing this Tuchman accepts the traditional historical understanding of the press. Thus, she links her own empirical observations of the press to an uncritical understanding of press history.

Her inadequate historical understanding has its roots in both her scholarly objective and her sociological method. By focusing her study on the American press, Tuchman is unable to see that the origin of the American press in the 17th-century English Enlightenment provides the crucial definition of news that she seeks. As a consequence, Tuchman accepts uncritically the Enlightenment concept of the press, failing to realize that this concept itself is the product of a particular historical socio-economic, political, and cultural context. In addition, by examining the press through the sociologies of work and knowledge, Tuchman imposes a structure of logical categories on her analysis which isolate the press and news as given, as a priori variables to be studied, and from which history and social reality are constructed. Her sociological method takes precedence over an historical understanding of the evolution of news, despite her acknowledgement that "definitions of news are historically derived and embedded" (p. 209). In Tuchman's study, consequently, news is self-defining:

> For so long as hard news continues to be associated with the activities of legitimated institutions and the spatial and temporal organization of newswork re-

> mains embedded in their activities, news reproduces itself as a historical given. It not only defines and redefines, constitutes and reconstitutes social meanings; it also defines and redefines, constitutes and reconstitutes ways of doing things--existing processes in existing institutions. (p. 196)

But she herself perpetuates this very dilemma. By locating and defining newswork, spatially and temporally, in terms of legitimated institutions, and by arguing that women and men "through their active work . . . construct and constitute social phenomena" (p. 182), Tuchman, by her own definitions, links the press and news with the activities of legitimated institutions and suggests that the press produces social reality. Although her methodology is radically different from most traditional press studies, her conclusions about the press' relationships to other social institutions is not radically different.

The clearest indication that Tuchman is constrained by a traditional view of the press is her definition of news as a disposable, "depletable consumer product", a "consumer commodity" (pp. 31, 51, 196) and her distinction between "the producers and consumers of communication" (p. 183). These definitions perpetuate both the traditional separation of the press from the rest of society and the concept of news as a commodity.

In this, Tuchman accepts the traditional concept of the press promulgated by Milton, Jefferson, and Holmes. And her definition of news is virtually no different from that found in such traditionalist works as those by Mott, Bourne, Tebbel, and numerous others.

Although Tuchman's examination of the spatial and temporal organization of newswork and newsworkers provides new insight in-

to how the work processes of the news media constrain the news, she fails to explain why newswork is organized within the structure of legitimated institutions in the first place, why newsworkers have "more power than most to construct social reality" (p. 208), what this power is and how it is acquired, and such apparent paradoxes as the media's self-censorship and support of libel laws. Her explanation that competition "led the news media to develop centralized sources of information" (p. 19) is inadequately supported and doesn't explain the ties to legitimated centralized sources. Elsewhere, Tuchman suggests that the media "have a vested interest in maintaining the status quo" (p. 163), but this is a different argument and follows from different evidence than Tuchman is presenting in her study of news as the construction of social reality.

What ultimately blinds Tuchman to the contradictions and paradoxes inherent in the various relationships between government officials, publishers, newsworkers, and consumers is her definition of news as a commodity, a product, which newswork organizations and newsworkers continuously create anew from nothing and distribute (p. 31). Tuchman implicitly views news as a commodity produced by the press. Consequently, she fails to grasp the central importance of the various social relationships, despite her admission that knowledge inheres in those relationships.

For Tuchman, the relationship between newsworkers and sources has significance because it provides the newsworkers with status and ties them to legitimated, centralized institutions. She says that the "status of reporters in the news net may determine whose information is identified as news" (p. 24) and she suggests status

corresponds with salary. Elsewhere she says, "Knowing sources brings professional status" (p. 68) and that status of reporters and sources are directly related (p. 69). Tuchman suggests reporters compete for status and "not economic profit" (p. 74, note 11).

Tuchman further suggests that sources are important when they represent "legitimated institutions with access to centralized information" (p. 91). She says that reporters assume that "the holder of a legitimated status" has a "right . . . to make news" (p. 92). In discussing the proclivity of newsworkers to report police versions of occurrences rather than citizens' versions, Tuchman says this suggests "the importance of centralized sources to newswork" (p. 94, note 14). What Tuchman doesn't report is that police information is considered by the courts to be privileged information and is more defensible in potential libel actions. Many forms of governmental information carry similar legal privilege for newsworkers.

But by focusing on the sociological concepts of 'status' and 'legitimation', Tuchman fails to fully comprehend that knowledge and information, rather than status or legitimation, is the value newsworkers derive from their relationship with sources. Tuchman suggests that information is important by noting that although secretaries have low status, they have high information value for newsworkers (p. 69, note 7). This suggests that status is not the prime consideration of newsworkers. In discussing how newsworkers share and trade sources of information, Tuchman recognizes that the reporters are really trading and sharing information (p. 73ff.). She also admits that a newsworker's "bank of

sources" represents "required information" (p. 72). Finally, Tuchman suggests that the news media don't challenge the legitimacy of centralized information sources because they would then be forced to find alternative sources of information (p. 87). But Tuchman fails in all this to point out the importance of knowledge for the newsworkers and newswork organizations; her emphasis, instead, is on the importance of sources as documentation that gives the newswork process credibility.

Furthermore, she fails to adequately grasp that whatever power newsworkers have to construct social reality is derived from both their relationships to sources and the information constituted in those relationships. Although she admits "knowledge is power" (p. 215), and that it allows reporters to control work (pp. 57, 74) and make news judgments (p. 93), Tuchman fails to develop the significance of her own suggestion that lack of pertinent information undercuts the political effectiveness of social movements (p. 91). Elsewhere she suggests that "the state has a vested interest in the fragmentation of public knowledge" (p. 163). But Tuchman fails to come to grips with the fact that the news media are dependent upon that very 'public knowledge' for much, if not most, of the information they 'distribute'. Furthermore, she appears to miss that the implications of monopolies of knowledge among newsworkers indicate an inherent value of knowledge. That is, she fails to see that newsworkers 'hoard' sources for their knowledge value. She fails to point out that monopolization of knowledge can increase the value of knowledge for the person holding the knowledge. Nor does she note how social relationships are exploited for power in the form of knowledge; that ultimately,

relationships and knowledge are expropriated from society by newsworkers and newswork organizations in the service of their own interests.

Although Tuchman mentions aspects of class relationships in newswork, she fails to fully explore the implications of class conflict for news. She notes:

> What one knows is based on one's location in the social structure, including one's class position and class interests. When applied to news, that tenet implies that news presentations are inherently middle class. For instance, Gans (1966) points out that American newsworkers are middle class (as is professionalism itself, according to Schudson (1978)) and hence the attitudes implicit in the news are inevitably those of middle-class Americans. (p. 177)

She does note that competition exists within the newswork hierarchy, particularly in relation to "property rights" in sources and information. But she fails to extend her analysis beyond the confines of the newswork organization. As a result, she shows no understanding of how organizational relationships reflect the competitive nature of the larger socio-economic, political, and cultural contexts. Ultimately she fails to fully see that the exploitation of sources by newsworkers reflects the exploitation of society by the newswork organization. For example, she admits that "the news media now stand between the government and the people" (p. 161) but she fails to recognize that the press has usurped both the government-people relationship and the knowledge inherent in that relationship. Tuchman appears to suggest here that the press acts as a mediator, which, as James Curran (1979) has pointed out, is a traditional view of the press. Like the more traditional studies, Tuchman fails to examine the historical context of this concept of the press as an independent channel of

communication. Consequently, in her conclusion Tuchman is faced with an apparent paradox that news "legitimates the status quo" but also serves as a "resource for social action . . . in the lives of news consumers" (pp. 215, 216). Just how these two apparently contradictory aspects of news are to be reconciled, Tuchman doesn't make clear.

Herbert Gans

While Tuchman's work is the most ambitious in its theoretical development, Herbert Gans' Deciding what's news: A study of CBS Evening News, NBC Nightly News, Newsweek, and Time (1979) provides the most extensive analysis of the news media of the three current studies examined in this thesis. Although Tuchman probes to greater depth the theory of the free press and the implications underlying her sociological approach to news media analysis, Gans demonstrates a greater grasp of the extent and implications of the methodological issues involved in media analysis. Consequently, Gans' examination of the news media is both more comprehensive and more penetrating than Tuchman's. Despite this, however, Gans, like Tuchman, pursues an empirical analysis basically devoid of historical perspective on the news media. In addition, unlike Tuchman, Gans ignores both the implications of his methodological insights and--perhaps more importantly--the implications of his own research findings. As a result, Gans remains tied to a traditionalist understanding of the press.

Gans' awareness of the methodological issues involved in news media analysis immediately gives him a greater understanding of the press than is apparent in Tuchman's work. In discussing var-

ious theoretical approaches to news media study, and their premises and implications he realizes that journalists, news organizations, events, media production technology, the national economy, political ideology, culture, the audience, and information sources all are factors of "the news" (pp. 78-79). Thus, his study encompasses discussion of all of them.

For Gans, however, "sources . . . are crucial" (p. 80). So he chooses a traditional 'transmission' model to examine the news and news media: "Information . . . is transmitted from sources to audiences, with journalists . . . summarizing, refining, and altering what becomes available to them from sources in order to make the information suitable for their audiences" (p. 80). But he is immediately aware that this is problematic:

> Although the notion that journalists transmit information from sources to audiences suggests a linear process, in reality the process is circular, complicated further by a large number of feedback loops. For example, sources cannot provide information until they make contact with a member of a news organization; and that organization will choose the sources it considers suitable for the audience, even as it is chosen by sources who want to transmit information to the audience. Sources are also an important part of the audience. . . . . The audience is, moreover, not only an information recipient but a source of income for the news firm; and insofar as its allegiance must be maintained, its viewing and reading behavior even effects, to some extent, the choice of sources by journalists. In effect, then, sources, journalists, and audience coexist in a system, although it is closer to being a tug of war than a functionally interrelated organism. (pp. 80-81)

Despite this awareness, however, Gans persists "to cut into the circular process" to study journalists as mediators between sources of information and the audience (p. 81). Gans defends this decision by arguing that "books must impose linearity on

reality" (p. 82), suggesting a linear, static perspective is unavoidable. But this static, linear perspective is included in the problem Gans in concerned about, initially: "I sought to study what this society tells itself about itself through the news and why" (p. xi). Furthermore, this linear perspective contains the answer to Gans' question as well, in his definition of sources as "representatives . . . of larger sectors of nation and society" (p. 80), of journalists as "producers of symbolic consumer goods" (p. xiv), and of the audience as both "consumers, who rarely have as much power to affect the products they buy as suppliers do" and "spectators, no more able to shape the news than they are able to determine the actions of powerful sources" (p. 283).

But Gans also notes here that "the audience has power because it is the ultimate fountainhead of profit" and that it has potentially more power than sources (p. 283). Elsewhere, as previously noted, he says that journalists fear the size of the audience and its economic power (p. 234). But in implicitly accepting the traditional Anglo-American notions of the press as a significant social institution distributing vital information to a receptive public Gans has built into his research the very implications he is attempting to discover about the press:

> In short, access reflects the social structure outside the newsroom; and because that structure is hierarchical, the extent to which information about various parts of America is available to journalists is hierarchically and differentially distributed. (p. 81)

However, in spite of this, Gans' subsequent extensive detailed examination of the various news factors breaks through his static, linear approach and reveals "that journalists are restrained by systemic mechanisms that keep out some of the news"

(p. 277). It is particularly distressing, then, that although he admits his own conclusion in regard to journalistic censorship and self-censorship "is empirically more relevant" than "the journalists' definition", Gans rejects "its implications" and attempts to side-step the issue of journalistic restraint of information by suggesting that it is unavoidable (p. 277).

Throughout his study, Gans appears to contradict his own understanding of the press. For example, throughout the text, Gans notes that it is impossible to escape values but then he immediately suggests that it is possible to be free of values (pp. xiv, 76, 83, 196, 250). Elsewhere, he suggests that empirical and functional analysis, both of which he uses, reify social phenomena (pp. 279, 285, 290). As well, he suggests that his analysis of the news anthropomorphizes it (p. 73) and that his statement of his initial research problem anthropomorphizes society (p. 297). Furthermore, he notes that the values of the analyst color the research findings (p. 40). But in all cases, Gans continues to do precisely what he has just cautioned against. However, his rejection of his own research findings at the end is a more serious inconsistency and appears to raise questions about Gans' research objectives.

Gans' analysis of the news media is more extensive and comprehensive than Tuchman's. But his recommendation that a governmental press agency be established as a remedy for current press failures appears no more radical than Tuchman's conclusions about the press. Ultimately this appears to result from their implicit assumption that news is an essential commodity produced by the press,

and their uncritical acceptance of the traditional notions about the contest of ideas.

But Gans has a more linear view of the news media. Ultimately, he appears to be more committed than Tuchman to a traditional elite, hierarchical, paternalistic concept of the media as transmitters of information to a passive audience. Therefore, he is less able than her to see through the linear, mechanistic, assembly-line production process of 'summarizing, refining, altering, making, transmitting' to grasp the relational and participational aspects of knowledge and news. Gans' description of the characteristics of the various 'news' factors is better than Tuchman's, but her grasp of the significance of the relationships between them is better than his. In the end, however, they both fail to see that the news media inherently alienate knowledge from its communal context.

Michael Schudson

Although Michael Schudson's *Discovering the news: A social history of American newspapers* (1978) utilizes a different methodology and examines a different subject than the Tuchman and Gans studies, and therefore can't be directly compared with them, it does complement their empirical research by providing an historical perspective. In addition, Schudson shares with Tuchman and Gans an interest in, and concern with, the ideological aspects of the press and news. But he also shares their ethnocentric focus on the American press and thus their same historical disadvantages. Finally, although Schudson has a different methodological approach to the press and news, he shares both Tuchman's and Gans'

traditional Anglo-American concept of news as a commodity that is produced by and belongs to the press. Thus, his conclusions about the contemporary press are similar to theirs.

The immediate contribution of Schudson's study is his revelation of the historical connection between the news and the middle class. While Tuchman appears to miss this entirely, and Gans fails to grasp that it extends further back in history than the Progressive movement, Schudson notes that it was characteristic as early as the Jacksonian period.

But there are two problems with Schudson's analysis. The first is immediately apparent and this is his admitted inability to understand the implications of the relationships between empirical inquiry, press enterprise, and the middle class, both for society and for his own study (pp. 75-77).

This is a crucial issue and Schudson fails to pursue it. But if he had examined the relationship between press enterprise and the middle class, he might have seen implications of such concepts as the competition of ideas and news as a commodity that have an important bearing on his own research. Schudson's failure to examine the relationship between the press and the middle class, however, is related to a second limitation in his research.

This second problem is his acceptance of a particular understanding of both the nature of capitalist political economy, and the nature of the middle class. In this view, capitalism, and concomitantly, the middle class, have gone through three distinctly different phases: mercantile capitalism in the 17th and 18th centuries, industrial capitalism in the 19th century, and monopoly capitalism in the 20th century. In each phase, the nature of

the middle class is held to be something radically different. Thus, Schudson can argue that the relationship between the news and the middle class had radically changed between 1830 and 1880. Concomitantly, this view of capitalism also allows Schudson to argue that the press became something radically different in the latter half of the 19th century. That is, Schudson contends that by 1880 the press had become a weapon of the middle class to defend its position over against the working class (p. 76).

Schudson seems to suggest in this that middle class exploitation of the working class occurs only at that point, that the character of the 'democratic market society' changed at the end of the 19th century. But Schudson fails to note here that he previously acknowledged that the socio-economic, political, and cultural changes had also been primarily for the benefit of the middle class. He himself admits that even in 1830, class differences and class conflict were already operant:

> The Age of Egalitarianism in America was no special friend to the common person, the laborer, the immigrant. It was more the day of the skilled craftsmen, the small and large merchants, the small and large tradesmen who were able to move up in the worlds of politics and business and transform those worlds. Here, too, the entering wedge of a commercial middle class brought with it new institutions and a new consciousness that would radically affect every stratum of society. (p. 49)

An acknowledgement on Schudson's part, however, that class conflict was already embedded in the concepts of the press and the news in 1830 would seriously undermine his contention that the character of the news is not a continuum. And it is his contention that the press radically changed in the late 19th century that allows Schudson to conclude that current press failures can

be remedied by returning to earlier press practices. If he acknowledged that class conflict existed in the press as early as 1830, he would be forced to re-examine not only his conclusions, but his presuppositions and premises about the news, the press, the middle class, and society as well.

Schudson's work is constrained by an inadequate historical understanding of the 'free press'. He has a better grasp of press history that Tuchman and Gans, but he also is limited by his focus on the American press. He is unable to see how the American press has evolved from the 17th-century middle-class English press. Consequently, he is unable to see the implications of the historical political, socio-economic, and cultural context of the press in the very beginning.

Like Gans, though, Schudson's analysis is penetrating enough to break through the limitations of his presuppositions to give a glimpse of the alienation inherent in the 'internal logic' of the market society:

> The rise of a democratic market helped extinguish faith in traditional authorities, but this did not in itself provide new authority. In a democracy, the people governed, not the "best people," and one vote was as good as another. In the market, things did not contain value in themselves; value was an arithmetic outcome of a collection of suppliers and demanders seeking their own interests. In an urban and mobile society, a sense of community or of the public had no transcendent significance, and indeed, one responded to other people as objects, rather than as kindred, and trusted impersonal processes and institutions--advertising, department stores, formal schooling, hospitals, mass-produced goods; at-large elections--rather than rely on personal relations. All of this focused attention on "facts." All of it contributed to what Alvin Gouldner has called "utilitarian culture," in which the normative order moved from a set of commandments to do what is right to a set of prudential warnings to adapt realistically to what <u>is</u>. (p. 121)

It is frustrating, then, to follow Schudson through a discussion of the disillusionment that followed World War I propaganda, cynical public relations efforts, hopeless journalistic striving at objectivity, government management of war news and press complicity, and in general the political and socio-economic contradictions inherent in the market society and its 'factual' news and press, only to have him offer in summary that hope lies in journalistic "subjectivity aged by encounters with, and regard for, the facts of the world" (p. 192).

When Schudson's conclusions are examined in light of his statements about the New York Times, his proclivity for "maturity" and "rationality", and his appeal for an improved press as the only and best hope, can be seen to be an essentially conservative view of the press:

> As one grows older and gains experience, one is supposed to be better able to anticipate life, to order it, to control it. One grows more rational. The Times wrote for the rational person or the person whose life was orderly. It presented articles as useful knowledge, not revelation. . . . The experience engendered by affluence and education makes one comfortable with a certain journalistic orientation, one which may indeed be, in some respects, more mature, more encompassing, more differentiated, more integrated. (pp. 119-120)

In hearkening after the same sense of maturity today, Schudson is merely attempting to reconstruct the past, or at least urge some semblance of it on today's journalists. Schudson's own disillusionment with the present is telling:

> After the wave of the sixties has passed, we wonder again if anyone ever makes anything better and whether, in fact, anything did get more than momentarily better out of the elations and despairs, the courage and the folly of the past decade. (p. 193)

Summary and Conclusions

With the emergence of the Anglo-American middle class, the cry for the free contest of ideas lapsed into an underlying myth that needed no justification. But in the political upheavals of the 17th century, the contest of ideas explicitly represented mercantilist notions of competition and news as private property against the deteriorating feudal social order. The latent tendency toward news monopoly, implicit in these notions of competition and private property, eventually emerged in the 18th and 19th centuries. But by then the middle class had become entrenched within the dominant socio-economic order and the concept of the 'free press' was unquestioned.

Contemporary disenchantment with the performance of the domestic press and international suspicion about the exact role of the western press in the world, have given rise to a number of critical studies seeking to analyze the roots of the problem, and to prescribe, if possible, remedies for the perceived malaise. Tuchman, Gans, and Schudson, chosen as typical of these contemporary critical studies, seem hampered in both their critiques and their conclusions by a failure to examine closely enough the assumptions upon which the western concept of a free press has been based. Rather, they seem unanimously to uncritically accept the concept of 'myth' as a standard against which performance of the press should be measured. In proceeding in this way, they construct a criticism that lacks a substantial foundation and thus a basis for the advocacy of the radical transformation implied by the nature of their criticisms.

By returning to the historical eras in which Milton, Jeffer-

son, and Holmes wrote, the thesis has exposed explicit statements about the nature of a 'free press' as the western industrializing world understood it. It has become clear that in the political-economic context, the concept of 'free competition of ideas' was but another manifestation of the ideology of the free marketplace where scarce goods and services were allocated among the successfully competing individuals and interest groups. Indeed, the press as private property and news as a primary commodity for trade was inherent in the model of operation of this 'free press'. Government control was the enemy of the 'free press'; private control its guardian.

Upon examination, the writings of John Milton, Thomas Jefferson, and Oliver Wendell Holmes, Jr., show that all three men espoused the argument that the press is a bulwark of a free society and promotes social progress. The three men supported this claim with rationalistic appeals to the competition of ideas. In addition, the thesis discovered that all three men endorsed certain monopoly rights to news for the press. That is, they endorsed governmental actions which granted to the press the right to buy and sell news. In doing this, Milton, Jefferson, and Holmes effectively endorsed press property rights in the commodity 'news'.

As the thesis looked briefly at the press in the time of these men, it discovered that their views of the press reflected their political, socio-economic, and cultural contexts, as well as their own personal inclinations. Furthermore, it was discovered that their free press advocacy also reflected their relationship to the press. For example, it was shown that press self-censorship has always existed, that the press has always sought accom-

modation with the government, that the press has always served the interests of the dominant socio-economic order. Monopolization, commercialization, and standardization were shown to have been characteristics of the press from the very beginning. Also, it was shown that the pursuit of profit and the economic opportunism that entails, have always marked the Anglo-American press.

Yet it is precisely this character of the Anglo-American press as private property, with its concomitant expansionism, monopolization, and tendencies to reinforce the interests of the elites which generates tension and criticism in areas of the world subjected to news and press practices generated in western countries.

Although such issues lie beyond the proper scope of this thesis, it can be suggested that the contemporary debate about international communication cannot be solved in the present conceptualization of news, but perhaps only by returning to Milton's rejected concept of knowledge as a communal creation. Although the commodity concept of knowledge ultimately took precedence, Milton, Jefferson, and Brandeis all recognized that knowledge is not property, not a commodity. As Milton himself argued:

> Truth and understanding are not such wares as to be monopolised (sic) and traded in by tickets and statutes and standards. We must not think to make a staple commodity of all the knowledge in the land, to mark and license it like our broadcloth and our woolpacks. What is it but a servitude like that imposed by the Philistines, not to be allowed the sharpening of our own axes and coulters, but we must repair from all quarters to twenty licensing forges. (Milton, ed. Cotterill: p. 29)

While Milton's remarks are specifically directed at governmental monopolization of knowledge, and not at the middle-class

sellers of news, he seems to be suggesting that knowledge is something that cannot be monopolized without radically altering what knowledge is. Milton has an awareness that knowledge is participational in character and that if it is turned into a "dividual movable" (a commodity), it is perverted. According to Milton, "knowledge thrives by exercise as well as our limbs and complexion; if the waters of truth flow not in perpetual progression, they sicken into a muddy pool of conformity and tradition" (Milton, ed. Cotterill: p. 34).

To make this point, Milton tells two parables about knowledge, or truth. He tells the story of a wealthy man "addicted to his pleasures and his profits" who is too busy to bother with trying to discover truth (Milton, ed. Cotterill: p. 34). The man seeks out a priest, to whom he commits his religious affairs "and indeed makes the very person of that man his religion; . . . So that a man may say his religion is now no more within himself, but is become a dividual movable" (Milton, ed. Cotterill: p. 34).

The second parable voices in similar imagery Milton's repudiation of knowledge as a commodity. Furthermore, in criticizing those who happily surrender responsibility for truth and knowledge, Milton argues that stagnation and rigidity are the debilitating social consequences of monopolization of knowledge by government:

> Another sort there be who when they hear that all things shall be ordered, all things regulated and settled, nothing written but what passes through the custom-house of certain Publicans that have the tonnaging and poundaging of all free-spoken truth, will straight give themselves up into your hands, make 'em and cut 'em out what religion ye please. There be delights, there be recreations and jolly pastimes that will fetch the day about from sun to sun, and rock the tedious year as in a delightful dream. What need they

> torture their heads with that which others have taken so strictly and so unalterably into their own purveying? These are the fruits which a dull ease and cessation of our knowledge will bring forth among the people. How goodly, what a fine conformity would it starch us all into? Doubtless a staunch and solid piece of framework as any January could freeze together. (Milton, ed. Cotterill: p. 35)

Milton perceives that monopolization of knowledge actually prevents its attainment by prohibiting the active communal participation necessary for its realization. But although he sees that government monopolization of knowledge is problematic, he fails to understand that the same dangers are inherent in private enterprise buying and selling of news, and indeed, that by espousing free trade in ideas, he encourages the very problem he wishes to avoid.

Late in his life, Jefferson also had second thoughts about monopoly protection, indicating that it "took more from the nation than it gave in return" (Peterson, M.D., p. 938). A rueful Jefferson, on the consumer side of a property issue, then argued that knowledge was not property, not protectable:

> If nature had made only one thing less susceptible than all others of exclusive property, it is the action of the thinking power called an idea, which an individual may exclusively possess as long as he keeps it to himself; but the moment it is divulged, it forces itself into the possession of every one, and the receiver cannot dispossess himself of it. Its peculiar character, too, is that no one can possess the less, because every other possesses the whole of it. He who receives an idea from me, receives instruction himself without lessening mine; as he who lights a taper at mine, receives light without darkening me. That ideas should freely spread from one to another over the globe, for the moral and mutual instruction of man, and improvement in his condition, seems to have been peculiarly and benevolently designed by nature, when she made them, like fire, expandable over all space, and like the air in which we breathe, move, and have our physical being, incapable of confinement or ex-

clusive appropriation. (Jefferson, ed. Lipscomb & Bergh: Vol. 13, pp. 333-334)

Almost a century later, Brandeis reiterated these sentiments in arguing that, in the news service case, the court majority had established a new law and a new category of knowledge:

> The knowledge for which protection is sought in the case at bar is not of a kind which the law has heretofore conferred the attribute of property; nor is the manner of its acquisition or use nor the purpose to which it is applied, such as has heretofore been recognized as entitling a plaintiff to relief. (248 U.S. 215, 251)

Brandeis, echoing Jefferson, noted that, according to the law, knowledge was in the public domain and

> the fact that a product of the mind has cost its producer money and labor, and has a value for which others are willing to pay, is not sufficient to ensure to it this legal attribute of property. The general rule of law is, that the noblest of human productions--knowledge, truths ascertained, conceptions, and ideas--become, after voluntary communication to others, free as the air to common use. (248 U.S. 215, 250)

Brandeis warned that creation of a new law was fraught with difficulty because "with increasing complexity of society, the public interest tends to become omnipresent; . . . Then the creation or recognition by courts of a new private right may work serious injury to the general public" (248 U.S. 215, 262):

> The rule for which the plaintiff contends would effect an important extension of property rights and a corresponding curtailment of the free use of knowledge and of ideas; and the facts of this case admonish us of the danger involved in recognizing such a property right in news without imposing upon news-gatherers corresponding obligations. (248 U.S. 215, 263)

He cautioned the court to leave the matter to the legislature because "courts are ill-equipped to make the investigations which should precede a determination of the limitations which should be

set upon any property right in news or of the circumstances under which news gathered by a private agency should be deemed affected with a public interest" (248 U.S. 215, 267).

Both Milton and Jefferson were aware that a static, commodity concept of knowledge was inadequate. They, and Brandeis in the 20th century, argued that knowledge was, and still is, a communal creation. They realized that knowledge was not a commodity to be held as private property for the sake of profit. They recognized that a commodity concept of knowledge inherently led to monopolization of knowledge and that monopolization of knowledge led to social stagnation and rigidity. They understood that the concept of hoarding knowledge to derive scarcity value from it was self-defeating in the long run; that monopolization of knowledge prevented the active participation of the community essential to its creation and use. They realized that the attempt by a particular class to capitalize on knowledge at the expense of the rest of the human community was inimical even to that class' own interests in the long run. As Carl Becker (1967) said in discussing Jefferson's political philosophy, private property protections serve only a short-term interest:

> It is now sufficiently clear that this doctrine of _laissez faire_--of letting things go--however well adapted it may have been to the world in which Jefferson lived, is no longer applicable to the world in which we live. In a world so highly integrated economically, a world in which the tempo of social change is so accelerated, and the technological power at the disposal of individuals and of governments is so enormous and can be so effectively used by them for antisocial ends--in such a world the unrestrained pursuit of self-interest, by individuals and by states, results neither in the maximum production or the equitable distribution of wealth, nor in the promotion of international community and peace, but in social

> conflicts and global and total wars so ruthless as to threaten the destruction of all interests, national and individual, and even the very foundations of civilized living. . . . The harmony of interests, if there is to be any, must be deliberately and socially designed and deliberately and cooperatively worked for. (pp. 56-57)

Even such consummate spokespersons of the capitalist socio-economic order as Milton and Jefferson realized this to the extent their understanding of human interdependence permitted. Brandeis, who had the advantage of a longer look at the capitalistic system in operation saw it even more clearly. And Becker's words, written almost 40 years ago, have a particularly poignant sound today as human beings become more aware of their interdependence with one another and the planet itself. Even while plaintively voicing their understanding of the communal nature of knowledge, Milton and Jefferson, and Holmes after them, failed to rise above their own narrow immediate class interests. In approving and promoting the expropriation of communal knowledge for private gain, they endorsed a system of social exploitation which dominates much of the world today.

This examination of the historical evolution of the 'free press' concept and of the press itself has revealed a radical contradiction in the 'free press' theory itself. It has been discovered that even as a private property concept of news and the press was endorsed, Milton, Jefferson, and Brandeis all recognized that knowledge is not a commodity, but rather a communal creation. And they realized that it cannot be monopolized without radically altering what it is. Furthermore, they recognized that in monopolizing and withholding knowledge as private property to derive scarcity value from it, the press not only alienates knowledge

from its communal source, but perverts its social usefulness. And yet, the thrust of the writings of Milton, Jefferson, and Holmes was to endorse this very monopolization and making a commodity of communal knowledge. The thesis discovered that a radical contradiction existed in the traditional free press theory itself from the very beginning. It was shown that the real contradictions in Anglo-American press practice exist in its basic preconceptions.

The effort of this thesis has been interpretive. Through historical-critical analysis it has attempted to make explicit the assumptions which are necessary to understand contemporary analysis of the press. In so doing, it attempted to demonstrate that unless such assumptions are made explicit and understood, criticism and prescription for reform remain at a superficial level of analysis which can be neither accurate nor practically useful. Such analysis seems particularly important at this juncture in history. The Anglo-American concept of a "free press' has been widely promulgated (but by no means universally accepted) throughout the developed and developing world. Current bitter conflict over what is referred to as the 'free flow of information' contains within it much of the rhetoric, implicit assumptions, and implications of the traditional 'free-press'-but-'news-as-private-property' paradox underlying the Anglo-American concept of the press. It seems apparent that analyses like the one attempted here need to be extended to the 'free flow' controversy if the underlying issues are to be made clear and the nature of the conflict recognized.

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