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## Book Review: Malice and Falsehood: Six Issues of the New York Weekly Journal, 1733-34

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'Mr. Zenger's Malice and Falshood' — Six Issues of the  
*New-York Weekly Journal*, 1733-34. Edited with  
an introduction and afterword by Stephen Botein.

(AAS Facsimiles Number 3; Worcester: American Antiquarian  
Society, 1985. Pp. 48. Introduction, afterword. \$8.95, paper.)

This third number in the American Antiquarian Society's series of facsimiles, published as part of its program in the history of the book in American culture, presents the six issues of John Peter Zenger's newspaper, the *New-York Weekly Journal*, which were the basis of his famous prosecution for seditious libel of the government of William Cosby. Each facsimile issue is preceded by a brief introduction and followed by excerpts from the administration organ, *The New-York Gazette*. As the editor, Professor Stephen Botein, notes, the controversial portions of the *Journal* have been reprinted and extensively annotated in Stanley N. Katz's edition of James Alexander, *A Brief Narrative of the Case and Trial of John Peter Zenger* (2d. ed., Cambridge, Mass., 1972). The current publication allows the student of history to examine the political writings in context and therefore en-

courages thought about the role of newspapers in the society of colonial New York and the sort of political discourse to which those newspapers contributed.

Prof. Botein's suggestions on these points are summed up in his Introduction and illustrate how a new point of view can illuminate in striking ways even the most familiar of events. Zenger's paper stood out in the world of eighteenth-century English-language journalism because of its pronounced partisan stance. Generally, the idea of liberty of the press in Zenger's world meant that a given press was open to *all* points of view — a sensible position in a society where work for printers was scarce. Zenger's departure from this norm illustrates what Prof. Botein describes as a "cosmopolitan" notion of liberty of the press (p. 8) associated with advanced English libertarian thought. Its appearance in New York in 1733 was the product not so much of Zenger's beliefs but of the strategy of the Morrisite faction which backed his venture. This provincial opposition, in Prof. Botein's analysis, consciously followed the script for opposition written by the opponents of Walpole and attempted to reproduce in a small, limited colonial society a political drama conceived amidst the great metropolis of the English-speaking world.

Seen in this light, the failure of the Zenger case to set any legal precedent should not be surprising. Zenger's New York was not able to supply the sort of audience necessary to sustain vigorous partisan journalism. Only towards the end of the century would the flourishing political journalism of the new nation help to put an end to the doctrine of seditious libel.

There was something new, however, in these events of two hundred fifty years ago, but it involved not the law but the lawyers who practiced it. In a brief Afterword Prof. Botein identifies the role played by Zenger's lawyer, Andrew Hamilton, as uniquely American. His self-dramatizing oratory, so foreign to the more highly developed professionalism of his English contemporaries, foreshadowed the role played by lawyers like John Adams and James Otis in the coming of the Revolution and, more remotely, the prominent role lawyers have played ever since in our political life.

In sum, this slim volume illustrates well the benefits the historian can derive from an informed acquaintance with the material remains of the past. ■

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