

# CURRENT MAGAZINES

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## FREEDOM OF SPEECH IN WAR TIME

The Dies Committee;—An Appraisal. . Mr. R. P. Brandt, in the *Atlantic*.  
War on the Short Wave;—Mr. H. B. Kranz, in the *Nation*.  
The Federation of the Free;—Mr. M. Chaning-Pearce, in the *Hibbert*.

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THAT in time of war the State may well impose upon the individual citizen certain restrictions which would be altogether unjustified in time of peace, is surely obvious. In the words of that sagacious aphorist, Sam Weller: "That is what I call a self-evident proposition." But that such restrictions, cheerfully accepted in many another reference, must be fought to the bitter end when they are imposed upon *debate*, that he who in a dozen easily assignable respects is forbidden to do as he likes should under no circumstances be forbidden to talk or to write as he likes, and, perhaps most remarkable of all, that there is a special group of persons (those known as "academic") whose unfettered activity in writing or in speech calls for a guardianship to which other classes have less claim—here is one of the stranger doctrines which the current journalism of this strange time has been setting forth.

It is a matter about which we need to clarify our thought.

### I.

On the values which Milton found in "unlicensed printing", and on the dangers that would ensue if all printing had to be licensed, there is no need to dwell, at least for readers with the British habit of mind.

How else but through free speech can democracy, so well defined as "government by discussion", proceed at all? It can have caused no surprise to anyone familiar with the ways of dictatorship when Herr Hitler two years ago indicated a muzzling of the British press as pre-requisite for Anglo-German friendship. But it did startle some of us to find at that time in certain British quarters a readiness to concede that the Fuehrer had in this respect some ground for complaint. For instance, regarding the outspoken conjecture in the London press as to the real culprits in the Reichstag Fire! The courage of dictatorial-minded Englishmen (a small but bitter minority)

almost reached the point of suggesting that Hitler's proposal "might at least be accepted as basis for discussion". But events of the sort to forbid it followed so fast that even that cant phrase failed to make experimental appearance. We have no means of judging whether the Fuehrer would, in other circumstances, have been more successful with his contention. There was, two years ago, some show of sympathy with his argument that the press in democracies is but *apparently* free. He had begun to develop, amid the encouraging laughter and applause of a few of our "Left, Wing" writers, his insistence that where freedom of the press is professed—in Great Britain, in France, in the United States—this is no more than an empty name, because an editor in these countries is the obedient employee of a business interest, of an advertiser, or of some economic group upon which his newspaper must depend. But that this showed the press of all countries to be similarly and totally corrupt, that the newspapers of Great Britain and France and the United States must for this reason be regarded as no more reliable mirror of public opinion than those of Fascist Italy or Nazi Germany, not even a "Left-Wing" writer or speaker could argue.

And yet in those countries, so attached to a press free from government interference, the censor must in time of war have his place. Within what limits, and under what regulations?

## II.

Such censorship must obviously fall at once upon communication to the enemy of news with possible campaign value. The quickest and surest way to this is by prohibiting intercourse of any kind with the enemy, and against that degree of "control" one has heard little protest. Not even the most sensitive of zealots for free speech, at the most rhetorical meeting of the *Civil Liberties Union*, will demand, for example, facilities of interchange just now, by mail or cable or telephone, between a Canadian and his personal friend in the German *Reich*. It is conceded that at least so much is due to Canadian soldiers, sailors, airmen, risking their lives in battle. They have a right to assume that their countrymen, in security of their home towns, shall not furnish information to "the other side" which may increase their peril. And as this may so easily happen through inadvertence, the censorship takes means to stop voluble speakers or writers from being thus inadvertent.

But the "aid and comfort" which may be given to the enemy can proceed otherwise than through the divulging of informa-

tion. Censorship upon published *opinions* has become an essential in war-time. Anyone who has the least acquaintance with the activities of the German radio will recognize the use to which every despatch indicating disagreement in any part of the allied countries is immediately turned. Driven to the limit of his power in concocting new and plausible falsehood about disorder in London or Paris, the Goebbels agent is overjoyed to have genuine material he can quote—at least enough for wishful thinkers in the *Reich* to accept as proof that “the enemy is cracking at home”. Anything that blames the war in a speech or an article, the proceedings of a Club, the report of a Church, the convention of an industry, will serve the purpose in some degree. With what amusement have we listened to these pieces of “evidence”, so earnestly presented from a Berlin microphone! But there is a side of it which is far from amusing. German listeners will often accept this propagandist rubbish as encouragement for the Nazi cause. The artists of the Goebbels bureau make no mistake about the gullibility of their audience. Every speaker or writer, British, French, Canadian, who furnishes such quotable material, by which the delusion of discord in the allied countries is spread abroad, must be held as so far an agent—no doubt unwilling, unconscious, but not on that account the less dangerous—for enemy propaganda.

Here lies the explanation of that new decree by which the Government of France some time ago judged it needful to tighten its earlier censorship. It ran as follows:

If speeches or utterances, shouts and threats, written or printed matter, placards or posters, though not in the nature of information, are nevertheless liable to help the activities against France of a foreign Power, or to exercise a bad influence on the spirit of the Army and the population, the penalty will be of one month to two years' imprisonment and a fine of 50 to 5,000 francs.

Such a decree left room, and was obviously meant to leave room, for wide discretion in the tribunal charged with executing it. Professor Harold J. Laski has been shocked by this spectacle of a free hand for the Executive, and has lately warned us against supposing that “an absolute moral moratorium” is essential for effective warfare. Wherever there is exercise of discretion, there is of course risk that the opportunity may be misused. But that this risk is greater where there is discretionary power to limit free speech than where a limit is applied

to other normal activities, is not clear. French misgiving lest the exercise of criticism upon domestic legislation might be impeded, under official pretence of peril abroad, led to a very lively debate in the Chamber on the new decree. Anxiety was met by a stricter limiting of its scope to matters relevant to national defence; but however limited, the element of interpretative discretion must remain large, and a vote of confidence in the Government was passed in the Chamber, after consideration of this remarkable decree, by a majority of 450 to 1. A truly impressive verdict from the legislature of a nation whose championship of liberty in speech, as in all else, has been so remarkable!

### III.

It will perhaps cast light upon this if one recalls a few recent happenings in the journalistic life of Paris. For the benefit of those with intensely liberal mind, whom the French decree shocked, I shall here set forth that spectacle as it appeared during the period of twelve months from September 1, 1938, until September 1, 1939, the year throughout which Germany was preparing to act.

It was a time of press freedom *in excelsis*. To the desk of Dr. Goebbels or von Ribbentrop, on the watch for evidence of how opinion was running in France, there would come a marvellous assortment of French newspapers.

He would read, in the *Canard Enchaîné* or the *Flèche*, one contemptuous article after another about Czechoslovakia, culminating in the demand "What do we care if 3,000,000 Germans want to be German?" He would have before him a copy of M. Flandin's poster which invited the French people to resist mobilisation; and even if he was told that the poster had been seized by the police, he would draw the natural conclusion from discovery of an ex-premier of France at such odds with his own country's government that his utterances had to be forbidden! To Dr. Goebbels too, as he read the *Jour*, the *Matin*, or the *Action Française*, at the very time when the possibility of Russian cooperation to stop the outrage upon the Czechs was being explored by French diplomatists, it would be plain that powerful organs of the Parisian press would prefer surrender to Germany if the alternative was rescue by Soviet Russia.

Whether at the time of the Munich negotiation any course different from the one which Mr. Chamberlain and M. Daladier

adopted would not have made matters still worse, is open to dispute. But it is not open to dispute that the tone of the French press, clamouring for any settlement whatever, at any sacrifice of Czech interests, and no matter what it might involve in disregard of a French pledge, had made the French premier's task in negotiation tenfold more difficult. With what success could he adopt a stern attitude, suggestive of consequences which Germany would be afraid to face, when dealing with a Fuehrer so encouraged by French organs of opinion? Notoriously the German Government, ever since Bismarck's time (and in pursuit of the precedent which Bismarck set), had been spending huge sums of money on the corruption of French newspapers, and that a quite considerable amount of the constant "defeatist" journalism current in Paris was thus hired is beyond doubt. Some sheets, beneath contempt to those who could guess (though naturally it was impossible to prove) the source of their direction, could always be quoted by German propagandists to show the German people how terrified the French were, and how certain it was that their democratic Government would be driven to appease the popular mood. But the publications I have particularly in mind were not such as one can suspect to have been bought for enemy influence. They were such as especially at the time of the Munich crisis, and again when the crisis about Poland was developing, displayed such leanings to dictatorship, such scorn for the ideals which the French Republic was pledged to support, as must have furnished to the enemy limitless "aid and comfort".

The vast hospitality which is shown, and which we do well to show, in countries with a free press, to the expression of all sorts of opinion has thus grave risk at a time of international strain. No doubt everything really valuable involves a high risk in preserving it. As observers abroad watched the manoeuvres of semi-Fascist Leagues in the French capital, they often stilled their misgiving with the reflection that such liberal treatment by the Republic of those who were plainly disloyal to it in thought, if not as yet in open act, was a token of strength rather than of weakness. When M. Charles Maurras, for example, was permitted to continue from jail his weekly article of attack in his newspaper upon the Government which extended to him such generosity, one hoped that this was but another proof of republican confidence: in the famous words of Prince von Bulow, on a famous occasion, "Leave him alone; he is biting granite." But at least the licence thus contemptuously granted in time of peace is subject, surely, to some rational

modification in time of war. How much was done, by a small but vociferous minority in France, to encourage Nazi belief that pro-dictatorial elements there would frustrate French resistance to dictatorial aggression in Central Europe, the leaders of semi-Fascist groups in Paris must now, one hopes, be reflecting with remorse. Here and there, too, an editor in England! Did not Hitler allude in a speech to the chance that "Those of our way of thinking will become predominant among the English"?

## IV.

Against those in democratic countries who defend such limited but indispensable censorship for a time of war, someone will angrily exclaim that they are advocates at home of the very despotism which they condemn abroad. "That way Dictatorship lies!"

The answer is that history shows dictatorship to have arisen in no such manner. It was rather the product, in Italy and in Germany, of a period during which extravagances of individualism, both in the press and on the platform, knew no limit of public welfare. There was widespread disgust with the strife of democratic parties, each insisting—at no matter how great national risk—on its right of self-expression. This is what reconciled multitudes of Italians to the alternative of Mussolini in 1922, and of Germans to the alternative of Hitler in 1933. Not as a preliminary to dictatorship, but as a safeguard against it, does one urge the imposition of that minimum restraint whose maxim is *Salus populi suprema lex*.

Every community, with the instinct indispensable to self-preservation, must thus in time of peril act with sternness against the promoter of discord. It cannot draw fine distinctions between one source of menace and another, or maintain when fighting for its life the habits of indulgence quite proper to a different situation. Historically, the virtue now known as "tolerance" has been characteristic of the State in its period of strength, and there is point in the old epigram about strong measures as the invariable recourse of weak men. But the physician of the State, like the physician of the body, must bethink himself of the procedure appropriate to a period of weakness, and must resolutely prescribe it when it is needed. One must not be ashamed to acknowledge an abatement of strength in the body politic, and to adopt for such a condition suitable precautions. As the State becomes more secure, the

virtue of tolerance develops by degrees—like that “morality” of which the dustman in *Pygmalion* said that he was unfortunate in not being able to afford it! It is a corollary from this that, as dangers thicken again, the safeguards it had been able to discard must for a time be restored. Why should those familiar and content with many another special restraint “for the duration” display such resentment about restraint on tongue or pen?

One protest is sure to be forthcoming immediately. These other restraints, I shall be told, have to do with mere matters of method: they are inconveniences which the Administration, charged with carrying out national business, has found indispensable, and to take a plebiscite, to hold a general election, even to debate in parliament all such details would be ridiculous. The Executive must in that field have large discretionary power. But what bearing has that upon ultimate purposes and ideals? If it is for the sovereign people (not for its executive agents and ministers) to decide the great issue of war or peace, may not the sovereign people change its mind as the trial of war proceeds? And how can it do so intelligently without free discussion?

The answer is surely this—that the right and duty of discussion do not involve such perpetual vacillations, such recurrence of intellectual misgiving, as must conduct even a wise choice to disaster in practice. Our own experience is here the best to quote. That the Canadian people wholeheartedly believes (except for an exceedingly small handful) in strenuous prosecution of this war, is beyond doubt. To the stray voice here and there, professing doubt on that point, the general elections, first in the Province of Quebec, next in the Dominion, have given final reply. No restraint was placed upon such groups or individuals—pacifist, isolationist, or any other—to stop them from expressing their mind when those electoral contests were being fought out. Once that decision has been made clear, is it requisite—for the sacred cause of “free speech”—that no limit should be set upon continuous debate of the same matter as if it were still in doubt? Must the enemy observer be provided with ever new material he can use to pretend fierce conflict of opinion in a country which is to all intents and purposes unanimous? Obviously the course of truth would not be so served but rather defeated, while a nation which waged war under such conditions of changing counsel would be inviting its doom. The need to keep an open mind, and to be ready for reversal of a rash judgment, does not imply such ceaseless experiments in reconsideration as give no policy enough time to succeed.

## V.

Discussion in numerous magazines and newspapers has dealt with a certain aspect of this debate widely held to be peculiar. Is "academic" freedom—that is to say, the opportunity of those who teach in institutions of learning to speak and write as they choose—a privilege to be guarded with special solicitude against interference even in time of war? Controversy has raged in the press round the allegedly peculiar case of university professors, whose special rights—corresponding to their special function—in this matter are alternately proclaimed and challenged with equal heat.

It is needless to spend time or space revindicating the principle that freedom of thought and of teaching is the very life of an educational institution. The use of either bribe or threat, to extract from an economist, an historian, a philosopher, either the assent to what he does not believe or the denial of what he does believe in the field of his own studies is a relic of practice from dark ages which we had happily almost forgotten until Nazi Germany reproduced it. Often recommended under the plausible plea that certain opinions are "demoralizing" and certain other opinions are "edifying", this act of treason to truth, this divine service of mendacity (as Francis Bacon called it), had disappeared from the usage of civilized European States until it came back in support of the new religion of "Blood and Soil". The shameful announcement of it to an academic audience at the Heidelberg celebrations must have taken even those well drilled listeners by surprise. But it is a superstition of the past which there is always a risk that we may see again: the apologist for the persecutor is always somewhere to be found. One recalls the salutary warning of Bishop Phillips Brooks, that no man should say what he does not believe because he thinks it will "do good", or conceal what he does believe because he fears it may "do harm." Or the unsurpassable summary by George Tyrrell: "We have so often bought edification at the expense of truth, that we have now to buy back truth at the cost of infinite scandal."

But what has this to do with the responsibility of the university teacher, in no respects different from that of any other citizen, to fulfil the national requirements at a time of national peril? He may think that the war should never have been undertaken, that the cause for which his country has drawn the sword is unjust, and that the development most desirable of all is his country's rapid discovery of her mistake. His right to



hold such opinions, no censorship in British countries will dispute, and no penalty for holding them will there be imposed: in such reference there is no imperative mood of the verb "to believe". But that such opinions must not in time of a war for the national existence be publicly advocated, that the authority which has so many other precautions to enforce may well at such a time enforce precautions likewise upon dangerous speech, is in no way incompatible with the institutions of intellectual freedom. A man, said Swift, may keep poisons in his cupboard if he chooses, but it is reasonable to interfere with his act if he takes them out to vend as wholesome medicines. And it is but idle sophistry to represent as a violation of freedom—"academic" or any other—what is no more than a needed restraint upon a sort of encouragement to the enemy which experience has shown to have become in modern times increasingly formidable. In the previous Great War, Mr. Lloyd George put this point with his usual incisiveness when questioned about the harsh measures adopted towards Mr. Bertrand Russell. I am told, said the premier, that he is a man of European fame. But if Mr. Russell has wronged his country, does his fame count as mitigation or as aggravation of his fault?

It cannot be too strongly insisted that the control thus imposed should never be *punitive*, but no more than a safeguard, where honest differences of judgment alone are involved. The French Communists, placed now in a secluded area where they can discuss only with one another, are under no such ill usage as the German pastors: they are subject only to the measure of restraint needful for public protection. In the cause of truth they are being prevented from leading the world to misconceive fundamentally the true spirit of France. In the cause of national safety they are prevented from adding enormously to the perils already more than enough with which their country's defenders have to grapple. With assurance of every consideration for the conscientious objector, in the field of conflicting ideas as in another field, certain things have to be done, firmly although gently, to reduce the risk to all his fellow-countrymen from that objector's conscience. It is not of him alone, and of his right to self-expression, that account at a moment such as this must be taken.

Is that not fair? And how shall those who have the responsibility of government just now meet its difficulties if they may not vary the pleasant routine of ordinary life at least as much as that?

H. L. S.