

**FREE SPEECH BIBLIOGRAPHY: INCLUDING  
EVERY DISCOVERED ATTITUDE TOWARD  
THE PROBLEM, COVERING EVERY  
METHOD OF TRANSMITTING IDEAS AND  
OF ABRIDGING THEIR PROMULGATION  
UPON EVERY SUBJECT-MATTER**

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Free Speech Bibliography: Including Every Discovered Attitude toward the Problem, Covering Every Method of Transmitting Ideas and of Abridging Their Promulgation upon Every Subject-Matter by Theodore Schroeder

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<sup>1864</sup>  
THEODORE SCHROEDER

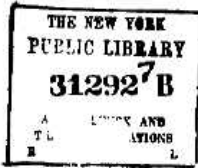
*Secretary and Attorney of*

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## AN EXPLANATION

First let me say that I use the word "speech" in its broadest sense as including every method of transmitting intellectual light and heat. When confronted with the task of making classifications for this bibliography I was perplexed by the absence of precedent. First came the thought of a chronological arrangement, with author and subject-index. With a chronological arrangement, every item of one's interest might be found on a different page, needing to be traced by oft repeated references to the subject index. Hence a waste of time. The chronological arrangement has obvious advantages only for students of the historical development of the free speech issue.

One asks, why not make a subdivision on the basis of the external circumstances to which censorship is applied. Thus: Street-speaking, Theatre, Moving pictures, Parks, Post Office, Express, Inter-State Commerce, Newspapers, Magazines, Pictures, etc. This again involves and multiplies the same confusion as the chronological arrangement, and would furnish a minimum of help to those seeking light. Persons using this bibliography will seldom have their interests centre around the physical circumstances of censorship. That interest is more likely to be motivated in some fundamental lust for power, satisfiable by means of reputation, of property, or of political and religious institutions, and sexual customs. This reference to the human impulses that make for censorship may almost be called the psycho-genetic approach to a bibliographical classification. From this point of view, most censorships would be classified under such heads as sex motive, religious motive, economic motive, personal motive, etc. Under each of these could be subheads which relate more specifically to the motive, or other classifiable quality of the censored expression or persons. Thus economic motive would have such subhead as socialism, anarchism, labor unions, etc. Under sex motive we should think of birth control, sex-education, sex-reformers, etc. Under religious motives come blasphemy, Church and State, etc.

There is a marked change in the character of the discussion of mental freedom between the eighteenth and nineteenth centuries. Under the former rule by an alleged divine right, liberty and censorship upon every subject found their strongest justification in what was claimed to be the will of God. All was based upon the union of the privileged Church and the State. All was justified by biblical interpretations, and theologic dogma. Then it was scarcely safe to urge merely considerations of temporal expediency, or of right, not based upon "the will of God", as revealed in "Holy Writ". Yet, these older discussions have great historic value, for the better understanding of our constitutional guarantees of free speech. By whatever name called, all the old epithetic characterizations of the suppressed idea were originally but different names for blasphemy. All attacks upon government, established economic and social privileges, and religious institutions, were thought pernicious, primarily because they were believed to be somehow a denial of Holy Writ, as interpreted by the official Christianity. Treason against God was necessarily a treason against His State, and treason against the divinely ordained State was always a treason against God. Blasphemy and Sedition were really the same. Accordingly I have thought it best to place all material bearing date before the year 1800 in a separate group. Because its interest lies wholly in its historical value, I have thought to enhance that value by a chronological arrangement.

With the American and French Revolution men began to repudiate political "divine right", and to insist upon "natural rights" and temporal expediency and the guarantees of written constitutions. It is in the previous controversies that

we must find the meaning of the decisions expressed in our bills of rights. It is these earlier grievances and demands that must be understood, if we are ever to achieve an intelligent historical interpretation of our guarantees for intellectual liberty and equality.

The "divine will" in censorship has not recommended itself highly by its achievement. More and more reliance is based upon social expediency. With the disappearance of a single standard of divine revelation, as a basis for censorship, we find a growing diversity in the ideas which are suppressed and in the subtle disguises under which the extensions of censorship are made. Formerly the justifying pretence was a danger to man's everlasting soul. Now we have invented new justifications for indulging the same old childish fears, and the resultant brutal resentment. These new justifications, according to my view, are based upon ignorant conceptions of the psychology or suggestion. Soon these problems will be differently handled by the genetic psychologists. For this reason also I deem it desirable to make a classification on the basis of the motive for censorship.

With these changing attitudes, and the multiplication of our petty tyrants, according to the more democratic fashion, there has come a corresponding growth in the modes and subjects of censorships. This ever spreading restraint upon freedom of utterance is commensurate with the growing diversity of method for expressing and transmitting ideas. Thus come discussions which cannot logically or helpfully be forced into any of the time-honored moulds, or groupings. If now we insist upon doing so we shall have to extend them into fields which have not heretofore acquired the familiar labels. This would create new confusion, more than sufficient to counterbalance the advantage of retaining the old names.

When we have thus made a classification into the larger groups according to the impulse that makes for censorship, and sub-classifications according to characteristics belonging to the censored, then there still remain discussions which our present habits of thought seem to place outside any of these groups. Here I have in mind discussions of the Alien & Sedition Laws, and the war censorship. These may be best placed in a separate group. There exists also some discussions of free speech whose character is too general for special classification, or is unknown. These items will be found under the head of General Discussions. An author's index covering the whole list under alphabetical arrangement will furnish another avenue of approach to the contents of this bibliography.

Having now outlined the method of classifications let me indicate the mode of reasoning by which the classification may be discovered in cases of obscurity. Where should one look for a discussion of contempt of court? Let us assume that the contempt proceedings are based upon a violation of an injunction against a strike. Here are two probable motives involved. The obvious one is the economic motive, which makes the first classification. But again the vanity and reputation of the judge may be impaired, especially if he is denounced in addition to being defied. Here then the impulse of the judge is such as if he had been slandered. Therefore, such an item, like all contempts that are based on criticism or disrespect of courts, should be classified also under "personal motive". The same would be more or less true of a public discussion which might appear as an interference with the judge's mode of conducting a trial. If instead of being a criminal trial it was one over property rights, then the economic motive also exists and classification is made accordingly.

Thus also, the defamation of a play, and not of an actor, is classified under "economic-motive" as affecting the finances of the author and producer. If the denunciation or censorship was upon account of its "obscenity" it will be also classified under "sex-motive". If the discussion is one of the right to defame an actor, then the classification is "personal-motive". Likewise a discussion of "slander of title" to property would obviously involve the economic-motive. Suppressions because of aspersions of a class, such as Jews, Irish, Germans, Catholics, etc., partake of the nature of personal libel and slander because effecting personal reputation. Therefore, the classification is under "personal-motive". By similar reasoning a postal censorship over business methods, as in fraudulent



representation by mails would be classified under "economic-motive". The same is true where a libel is charged because of a false report as to one's financial responsibility. This, however, might also have the aspect of a personal libel. There has also been discussion and litigation over a law requiring publicity as to the ownership of periodicals. The reason for this legislation was to preclude secrecy as to motives for articles and advertising involving industrial and economic questions. This again determines the classification as under "economic-motive".

In gathering material for this bibliography, I received aid from many friends of free speech, I received specially valuable help from the Yale University Library. Among the individuals who gave valuable aid I make grateful acknowledgment to Mr. Herbert C. Collar and Miss Janet Frederica Melvain, then of the New York Public Library School; and Mr. Gordon Thayer of the Harvard Library. Last but not least I make grateful acknowledgment for help through many years, given to me by my wife and co-worker (Miss Nancy E. Sankey-Jones). It is probable that a supplement to this bibliography will be, sometime, published. I will therefore be grateful if any persons will call my attention to omissions of needed additions.

Cos Cob, Connecticut.

THEODORE SCHROEDER.

## ABBREVIATIONS

Abbreviations at lower right hand side of entry indicate sources of information. When entry is marked TS, the book or pamphlet is to be found in Mr. Schroeder's library.

<b>AMI</b>	Annual Magazine Subject Index	<b>PAR</b>	Periodical Articles on Religion
<b>B</b>	Boston Public Library	<b>RG</b>	Readers' Guide to Periodical Literature
<b>HCL</b>	Harvard College Library	<b>RGS</b>	Readers' Guide Supplement (now called International Index to Periodicals)
<b>ILP</b>	Index to Legal Periodicals	<b>TS</b>	Theodore Schroeder
<b>LC</b>	Library of Congress	<b>USC</b>	United States Catalog
<b>MEP</b>	Monthly Educational Publications	<b>Y</b>	Yale University Library
<b>NY</b>	New York Public Library		
<b>PAIS</b>	Public Affairs Information Service		

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