

Provoking Hitler

The Campaign in Norway. By T. K. Derry.
H.M. Stationery Office. 35s.

THIS IS THE FIRST VOLUME to be published of the official military history of the second world war. Dr. Derry's volume is a good augury for the series, which is being prepared under the general editorship of Professor J. R. M. Butler. It is well written, very readable, and remarkably objective. If subsequent volumes maintain the standards of historianship shown in this, the qualification 'official' may cease to be considered, as hitherto, a contradiction of the term 'history'.

Dr. Derry reveals with remarkable frankness the faults and blunders in the British conduct of the campaign. He adds criticism to disclosure—and that is even rarer in official history. Nor is his candour confined to the military course of the campaign and its broadly technical aspects. For in a delicate way he sheds a startling light on British designs in Scandinavia, and British responsibility for provoking Hitler's invasion of Norway. His account of the preliminaries is short, and he can hardly have told the whole story, but the facts he sets forth require a radical revision of the picture presented by Government spokesmen and propaganda at the time, and by the British prosecutors in the Nuremberg trials after the war. The untruthfulness of the former is understandable in the war-time circumstances, but the post-war presentation of the case at Nuremberg is really more discreditable, and will unfortunately provide all too much justification for continental criticism of British hypocrisy. It is little consolation that our French allies showed still less scruple about aggressive action.

British planning started, soon after the war began, from Mr. Churchill's projects for drastic action to cut off Germany's supply of Swedish iron ore. (Dr. Derry shows that belief in its potential decisiveness was based on delusions.) The plan involved the violation of Norway's neutrality, and others in the Cabinet were hesitant to sanction it. But when Russia invaded Finland at the end of November, we planned to use aid to Finland as a cloak for occupying Norway's chief ports and Sweden's ore fields on the way. The French Cabinet desired to take the ports by storm, but the British Cabinet was anxious that our landings should meet with 'some degree of acquiescence' on the part of the Norwegians, and only issued instructions for action just before Finland surrendered. That upset the plan, as the Cabinet felt that the landings were now sure to 'meet with positive resistance from Norway and Sweden, and might drive them into the arms of Germany'. The Cabinet now reverted to Mr. Churchill's original plan to close the ore-route by laying minefields in Norwegian waters, and thereby provoke a German invasion—thus creating 'some justification in the eyes of the world' not only for our initial violation of Norway's neutrality but also for our follow-up landing forces. In our schemes there would seem to have been an extraordinarily callous disregard of the suffering we should bring upon the Scandinavian peoples. Our failure in this bid for a fancied strategic advantage might well be judged as retribution for such a flagrantly immoral policy. We were not fitted to compete with Hitler in that way. Although he was later in moving, he moved faster and more effectively.

Dr. Derry's conclusion is that Hitler's decision to intervene in Norway 'resulted from the *Altmark* episode of February 16, which showed that in certain circumstances Britain was ready to infringe Norway's neutrality'. Even then he in turn continued to look for further justification and suitable conditions, so that it was not until April 2 that he finally decided to strike—on April 9. On the British side the first stroke, the mine-laying, had been planned for April 5, but a three-day postponement was caused by an argument with the French about a linked plan. That delay was fatal to our prospects of getting into Norway ahead of the Germans. But Dr. Derry's very much fuller account of the campaign itself exposes so many deficiencies in planning, equipment, and resolution as to raise doubts whether we could in any case have done much better even with a longer start.

In the first place, as Dr. Derry observes: 'it seems remarkable that, when forming the Allied plans of action for Scandinavia, we had not studied with more sense of reality the possibility that the Germans might forestall us there'. We paid heavily for what he mildly terms 'a general optimism in our planning'. Moreover, 'the information about Norway available for our own use when the Germans were once inside the country was hopelessly inferior to the information which the Germans had collected for their invasion'. That ignorance was a

repeated handicap, and is the more astonishing since we had been planning intervention so long. The system of command was a further handicap. There was 'much intervention by the Military Co-ordination Committee', headed by Mr. Churchill, 'with the detailed conduct of the operations, intervention which was often disconcertingly sudden and sometimes seemingly impulsive'. The Admiralty several times sent instructions on its own without due regard to their effect on the army's prospects, and tended to show excessive caution. On the other hand, at Narvik the military commander was cautious when the naval commander, Lord Cork, was pressing for bold action. The troubles that resulted from confusion in the command system were worsened by confusion in the provision and loading of equipment. The campaign became a series of jerks from failure to failure—and 'because we had no consistently held objectives, no one of our objectives had been achieved'.

Historically it is regrettable that no documents before April 10 are printed in the appendixes to this volume.

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Dangerous Words

The Law of Libel and Slander

By Oswald S. Hickson and P. F. Carter-Ruck. Faber. 30s.

THE RISK OF BECOMING INVOLVED in proceedings for defamation is, as Mr. Justice Slade has pointed out in the foreword to this useful book, almost as great as that of becoming involved in an action for negligence following a road accident. The ordinary man, who is not a lawyer, does not realise that he may involve himself in a costly suit merely by repeating, in perfect good faith, a statement made by another person who, he thinks, is reliable. He may even be found guilty of defaming a person of whose existence he is completely unaware, and to whom he therefore did not intend to refer, if some third person reasonably interprets his remarks as bearing such an interpretation. To write 'confidential' on a letter will not, as a general rule, be a protection. The only safe procedure is to write and to say nothing, but even this is not fool-proof because a shrug of the shoulders may involve one in an action for slander.

If one has been so unfortunate as to become involved in a possible action for defamation then it is essential to be particularly careful because, as the authors point out, 'the steps you take after an action has been threatened may prove later to be most material; a plain denial of liability pending your seeking professional advice may be unwise'. It is the aim of this book to furnish the reader with sufficient knowledge of the law to warn him against these possible dangers, but it does not purport to be a textbook which will enable him to decide any legal problems for himself. The best advice when there is any danger of becoming involved in legal proceedings is to consult one's solicitor as soon as possible.

The recent Defamation Act, 1952, has made this book a timely one because the alterations in the law which it introduced are of importance. Unfortunately the Act is limited in scope, owing in part to the fact that the Government was not prepared itself to implement the report of the Porter Committee on the Law of Defamation. A Private Member's Bill must as a general rule seek to avoid any controversial matter, with the result that the 1952 Act has left many problems unanswered. Perhaps the chief problem concerns the possible codification of the law of defamation so that its provisions could be reasonably clear and definite. Whoever reads the present book must realise that the law is uncertain, illogical, and filled with pit-falls, even when stated in its simplest form. As Mr. Carter-Ruck says, 'the law of slander is not one of the masterpieces of English jurisprudence'. Nevertheless he reaches the conclusion that 'codification *in toto* of the law of defamation would be disastrous'. It is true that such codification would be difficult, but there seems to be no compelling reason for leaving the law in its present chaotic state.

The law would undoubtedly be simplified if the distinction between libel and slander were abolished, but the majority of the Porter Committee were opposed to this step. The authors of the present book express the view that, although this distinction is due to a pure historical accident, nevertheless it should be maintained because of 'the large increase in actions for slander that would follow a change in this rule, and in time the stifling effect upon free discussion'. When Parliament