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OF
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TO ENFORCE SOBRIETY
ON ITS CITIZENS.

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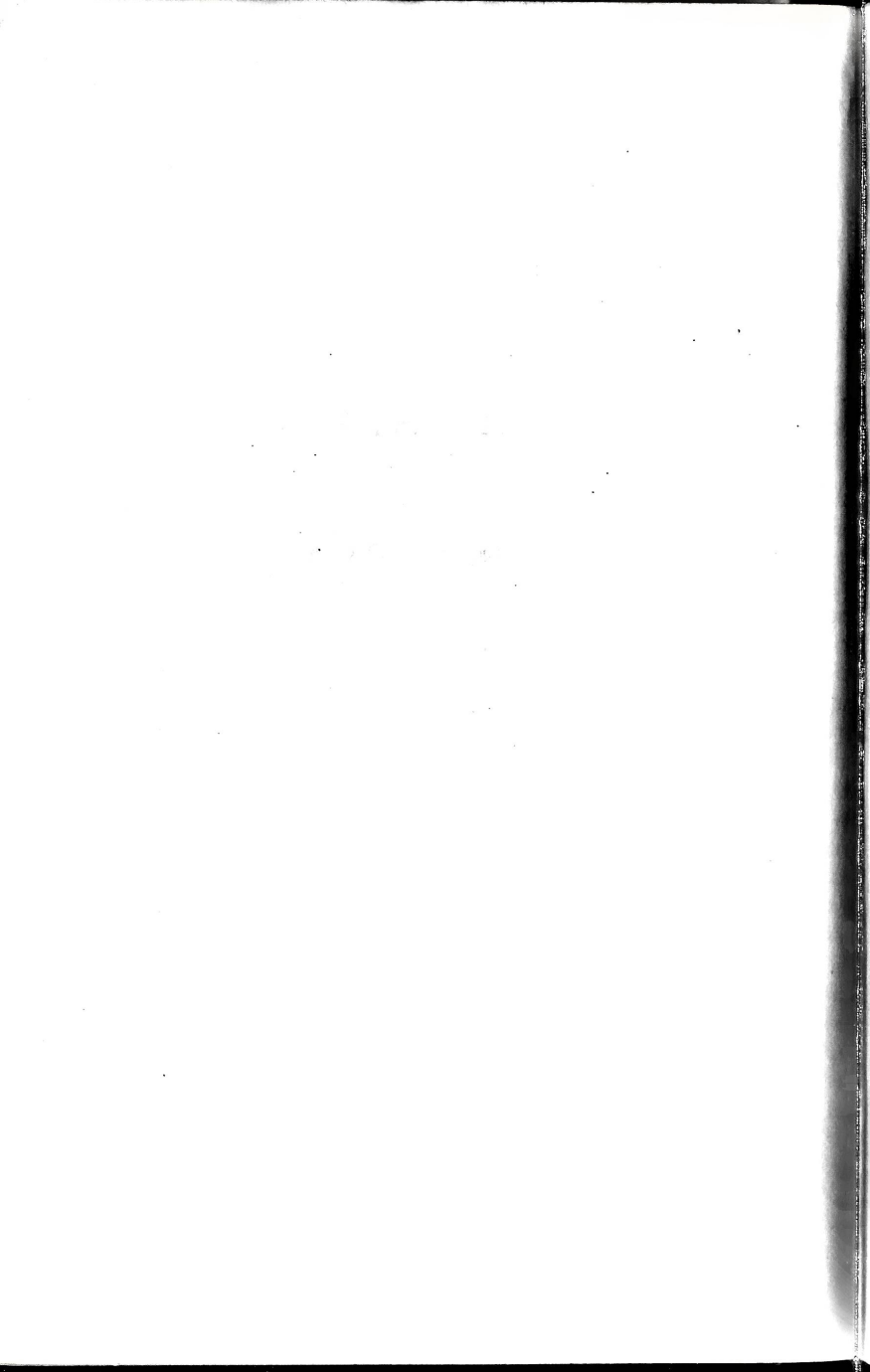
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THE RIGHT AND DUTY OF EVERY STATE
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No human community can be so small as not to involve duties from each member to the rest; duties to which a sound human mind is requisite. Neither an idiot nor a madman can be a normal citizen. The former ranks as in permanent childhood; the latter, being generally dangerous, must be classed with criminals. A dehumanized brain impairs a citizen's rights because it unmans him,—disabling him from duty, even making him dangerous. In India, such a one now and then *runs amuck*, stabbing every one whom he meets: in England, he beats and tramples down those nearest to him,—those whom he is most bound to protect. A human community cannot be constituted out of men and brutes, nor ought civilized men to be forced to carry arms or armour for self-defence. For all these reasons, to be drunk is in itself an offence against the community, prior to any statute forbidding it, prior to any misdemeanor superinduced by it. In the State it is both a right and a duty to enforce (as far as its means reach) sobriety in every citizen, rich or poor, in private or in public; and with a view to this, to use such methods as will best prevent, discourage, or deter from intoxication.

When a national religion totally forbids the use of intoxicating drugs, vigilance in the State is less needful: public opinion, or even public show of disgust and violence, effectively stifles the evil. But if the national religion

does not forbid the use, but solely enjoins moderation (a word which every one interprets for himself), a far heavier task falls on the State, whose right and duty nevertheless in this matter several causes have concurred to obscure, not least in England and Scotland. Out of the teachings of Rome, our forefathers very ill learned the rights of the State or the distinction of Morals from Religion. Although even men not highly educated must have known that Moral truth is far older than any special system of Religious beliefs, yet in the popular idea morals have no other basis than religion. Hence, the demand for freedom of conscience against an oppressive State Policy (besides the vices of Courts and Courtiers) led to a vehement jealousy of State power even in moral concerns. Many generous minds feared, that to concede to the State a right of enforcing morality, covertly allowed religious persecution. *Who* first uttered the formula,—“The only duty of the State is, to protect persons and property”—is unknown to the present writer; but certainly 50, 40, even 30 years ago, this principle was widely accepted by radical politicians and active-minded dissenters. The late Dr. Arnold of Rugby regarded this denial of the State’s moral character as a wide-spread, untractable and mischievous delusion.

After long torpor the prohibition of Lotteries showed that Parliament was waking to its moral duties. Little by little, the mass of the middle classes and the gentry imbibed nobler views of human life, and have discovered, that of all the powers which make a nation immoral the State is the most influential. One day of licensed debauch undoes the work of the Clergy on 52 Sundays. No wonder that in the past the State collectively has been our worst corrupter: but to open this whole question space does not here allow. A long struggle has gone on, to implore public men not to connive at drunkenness,—a national pest which for more than a century was greeted with merriment,

though politically avowed to be criminal. None dare now to laugh at it, except the depraved men who laugh at bribery, and use drunkenness as a trump-card at Elections, and, if in office, rejoice in the vast revenue sucked by the Exchequer out of the vice and misery of the people. Earnest religionists of every creed have happily rallied to a common conviction, that the State has grievously failed of its duty and must now turn over a new leaf. Our worst opponents are men who cannot be reckoned in any religious body, men who find nothing so sacred as Liberty to buy and sell and indulge appetite; generally eccentric "Liberals," who are in many respects too good not to esteem, and too intellectual to despise.

One of these some years ago opened attack on me in a private letter, which summed up the arguments decisive with this class of "advanced Liberals;" in whose hatred of *Over Legislation* I heartily share. He taunted me for thinking that the State ought to concern itself about the drinks of citizens more than about their dress; saying that I could not hold the State to have a control of public morals, without, in logical consistency, admitting the right of Parliament to forbid dancing and card-playing; or to command my attendance at any Church worship, or to fine and imprison me for heresy. The double confusion here involved is wonderful from an educated man, and lowers his reputation for good sense. Religion is a topic on which eminent persons and foremost nations widely differ: concerning Moral Duty there is more agreement in mankind than perhaps on anything that is beyond the five senses. To argue that in claiming of the State an enforcement of duties cardinal to citizenship, we admit its right to dictate in religion, is a pestilent anachronism; it confounds Morals with Religion just as did the ancient world, Pagan and Hebrew.—Again: the test of soundness in Morals is found in the agreement of the human race.

There is no nation, no elementary tribe of men, so ignorant or so besotted, as not to condemn drunkenness as immoral and utterly evil. In justifying penalties against a vice condemned by all mankind, we justify (forsooth!) the punishing of amusements thought harmless by a great majority everywhere. Such an assertion is not the less silly, even in the mouth of a disciple of John Stuart Mill. Of course we all know that Law cannot be made against *every* misuse of time, or of energy, or of money. There is certainly no danger whatever that a modern Parliament, elected from very different circles and representing widely different elements, will ever adopt as its measure of sound morals the special opinions of any historical sect, however virtuous and wise.

Neither of an individual nor of a community does *the highest interest* consist in Liberty, but in soundness of morals; without which Liberty only means licence to be vicious; licence to ruin oneself, and diffuse misery to others. To a man not proof against the omnipresent drinkshop, high wages are a curse; days called holy and short hours of work do but more quickly engulf him in ruin. But he pulls others too down in his fall. That nearly every Vice tends to waste, and preëminently intoxication by liquors or drugs, certain Economists are strangely slow to learn. Moreover, nearly every wide-spread vice makes wealth and lifeless enjoyable to the whole community. Confining remark to the vice of drunkards, it suffices to point in brief to the enormous extension which it gives to Violent Crime, to Orphanhood, to Pauperism, to Prostitution, to disease in Children, and to Insanity. Hence comes an enormous expense for Police and Criminal Courts, for Jails and Jail-officers, for Magistrates and Judges, for Insane Asylums, and Poor Rates. Hence also endless suffering to the victims of crime and to the families of criminals, and a grave lessening of happiness to innocent

persons by the ribaldry of drunkards planted at their side, with fear lest their children be corrupted; fear also of personal outrage. Our daily comfort largely depends on homely virtue in our neighbours. In every great organization of industry the drunkenness of workmen is a first-rate mischief to others, crippling enterprize by increased expense and risk. From sailors fond of grog and tobacco, proceed fire in ships out at sea; and on foreign coasts, broils that disgrace England and Christendom, and lay a train which sometimes explodes in war. The drunkenness of a captain has before now stranded a noble ship. On a railroad, access of the engine driver to drink is a prime danger; and shall we say that there is no danger in Parliament legislating when half asleep with wine, and hereby open to the intrigue of any scheming clique, who may wish to fasten suddenly on the nation fraudulent or wicked law? Wisely does the American Congress forbid to its members wine in its own dining room, because those who have to make sacred law are bound to deliberate and vote with clear heads. Evil law is of all tyrannies the most hateful, and makes a State contemptible to its own citizens,—thus preparing Revolution.

English Statesmen have yet to learn Yankee wisdom; but no one who is, or hopes to be, in high office dares to speak lightly of drunkenness. The celebrated Committee of 1834 advised Parliament to reverse its course, with a view to the ultimate *extinction* of the trade in ardent spirits. The advice was disgracefully spurned; yet neither the legislature nor the executive has ever dared to deny that drunkenness is a civil offence. Our opponents plead only for the *use*, not for the *abuse* of intoxicating drink.

No doubt, teetotallers maintain that all use of such liquors for drink is an abuse. The avowals of Dr. William Gull, who calls our view extreme, beside those of Sir Henry Thompson and Dr. Benjamin Richardson, seem

to justify the extreme view: so do the Parisian experiments of 1860-1. Yet it is not necessary to go so far *in a political argument*. I desire to obtain common ground with such men as my friend Mr. P. A. Taylor, M.P. for Leicester, and waive our difference with him as to *moderate use*. Let us admit (that is, temporarily) that as Prussic Acid is fatal in ever so small a draught, yet is safe as well as delicious in extract of almonds and in custard flavored by bay-leaf, so alcohol is harmless, not only in Plum Pudding and Topsy Cake, but also in one tumbler of Table Beer and one wineglass of pure Claret. Let us further concede that the propensity of very many to excess makes out no case for State-interference against the man whose use of the dangerous drink is so sparing, that no one can discover any ill effect of it on *him*. Nevertheless, irrefutable reasons remain, why we should claim new legislation, and a transference of control over the trade from the magistrates who do not suffer from it to the local public who do.

First of all, let me speak of undeniable excess. At one time perhaps it was punished by exposure in the pillory or stocks; but for a long time past, the penalty (when not aggravated by other offences) has been at most a pecuniary fine: five shillings used often to be inflicted. A "gentleman" who could pay, was let off: a more destitute man might fare worse. Inevitably, the vices of the eighteenth century affected national opinion. The wealthier classes were so addicted to wine, that to be "as drunk as a lord" became a current phrase. From highest to lowest the drunkard was an object more of merriment than of pity, and scarcely at all of censure, unless he were a soldier or sailor on duty. When a host intoxicated his guests, it was called hospitality; to refuse the proffered glass was in many a club an offence to good company. Peers and Members of Parliament, officers of Army and Navy,

Clergymen and Fellows of Colleges,—nay, some Royal Princes—loved wine, often too much. Who then could be earnest and eager to punish poorer men for love of strong beer? The preaching of Whitefield and Wesley began the awakening of the nation. A very able Spaniard despondingly said of his country: “A profligate individual may be converted, but a debased nation never;” and the recovery no doubt is arduous, when the national taste has been depraved and vicious customs have fixed themselves in society. Even now, few indeed are able to rejoice in the punishment of mere drunkenness; for, the only penalty imagined is a pecuniary fine, which never can prevent repetition nor deter others: when most severe, it does but aggravate suffering to an innocent wife and children. To be “*drunk and disorderly*” is now the general imputation before a magistrate. Unless molestation of others can be charged, the drunkard is very seldom made to feel the hand of the law. Hereby many persons seem to believe (as apparently does one bishop) that, as a part of English *liberty*, every one has a *right* to be drunk.

While we complain that authorities are negligent and connive at vice, after accepting and assuming the duty to prevent it; the *sellers* of the drink are open to a severer charge. A man too poor to keep a servant is glad to get a wife to serve him. She is to him housemaid and cook and nurse of his children. For all these functions she has a clear right to full wages, besides careful nurture during motherly weakness. The husband manifestly is bound to supply to his wife *more* than all she might have earned in serving others, before he spends a sixpence on his own needless indulgences: and the publican knows it; knows, sometimes in definite certainty, always in broad suspicion, that he is receiving money which does not in right belong to his customer. Of course he cannot be convicted by law; but in a moral estimate he is com-

parable to a lottery-keeper who accepts from shopmen money which he suspects is taken from their master's till, or to a receiver of goods which he ought to suspect to be stolen. Such is the immoral aspect of traders, who now claim "compensation," if the twelve-month licences granted to them as privilege, for no merit of their own, be, *in the interest of public morality*, terminated at the end of the twelve months. *In the interest and at the will of landlord magistrates* such traders have borne extinction meekly, over a very wide rural area. What made them *then* so meek and unpretending? Apparently because against powerful Peers and Squires impudence was not elicited in them by the encouragement of a John Bright and a Gladstone.

How then ought the State to deal with a drunkard? Obviously by the most merciful, kind and effective of all punishments,—by forbidding to him the fatal liquor. How much better than asylums for drunkards! asylums which make a job for medical men, take the drunkard away from his family and business, without anything to guarantee that on his release from prison he will have a Will strong enough to resist the old temptation. Such asylums please medical philanthropy; nor is any animosity displayed against them in Parliament. How can we account for the fact, that M.P.'s who strongly oppose interference with the existing shops, and avow as much distress and grief at drunkenness as is possible to any teetotaler, have never proposed to withhold the baneful drink from a convicted drunkard? Did it never come into their heads? Had they never heard of it? This would convict them of ignorance disgraceful in an M.P., still more so in a Minister. Perhaps some one charitably suggests: "They think the prohibition never could be enforced." To this pretence General Neal Dow makes reply: "What we Yankees have done, you English cer-

tainly can do, WHENEVER YOU HAVE THE WILL." Nothing is easier, when anyone has been convicted of drunkenness, than to send official notice to all licensed shops (say, within five miles) forbidding them to supply him, under penalty of forfeiting their licences. At the same time it should be made a misdemeanour in anyone else to supply him gratuitously. (It would be pedantic here to suggest after how long probation, and under what conditions, this stigma should be effaceable.)

The misery which husband can inflict on wife, or wife on husband, by drunkenness, has led many Yankees further, and—to our shame—we have as yet refused to learn from them. If a wife (with certain legal formalities) forbid the drinkshops to supply her husband, this should be of the same avail, as if the husband were convicted of drunkenness before a magistrate. Of course a husband ought to have the same right against a wife, and either parent against a son or daughter under age. Such an enactment, as it seems to me, ought to be *at once* passed, as a law for all the Queen's realms, not as matter for local option. Passed over the heads of existing magistrates, it would remain valid over whatever authority may succeed them.

This is no place to dwell on any details of horrors inflicted on the country by the present imbecile control. Of course it is far better than the *free trade* in drink, towards which Liverpool twenty years back took a long stride, with results most wretched and justly repented of. How deadly is now the propensity of the country, will sufficiently appear from an experience of the late Sir Titus Salt in his little kingdom of Saltaire.

For a single year he made trial of granting to four select shops a licence to supply *table beer* in bottles, delivered at the houses in quantity proportioned to the number of inmates;—a more severe limitation than any

previously heard of. Yet in the course of some months evil grew up and multiplied. Something stronger than table beer (apparently) had been substituted. The liquor was smuggled into his works. Disobedience and disorders arose ; and at length a deputation of his own men complained to him that their *women* at home were getting too much of the drink. At the year's end he cancelled the licences, and to the general content and benefit restored absolute prohibition. Nothing short of this extinguishes the unnatural taste. Female drunkenness is a new vice, at least in any but the most debased of the sex : yet alas ! courtly physicians now tell us that it has invaded the boudoirs of great ladies. Such has been the mischief of Confectioners' and Grocers' Licences.

Unsatisfactory as has been the control of the drink trade by the magistrates, their neglect has never been resented in higher quarters, ever since, by gift of the Excise, Parliament made the Exchequer a sleeping partner in the gains of the Drink Trade. The Queen's Exchequer has hence a revenue of about thirty-three millions a year, of which probably two-thirds, say twenty-two millions, is from excess : a formidable sum as hush-money. No earnest reformer expects the leopard to change his spots. A transference of power is claimed, chiefly under the title of Local Option. To give the power to town councils has been proved wholly insufficient in Scotland ; though the Right Hon. John Bright seems obstinately to shut eyes and ears to the fact.

Again and again in crowded meetings the Resolution has been affirmed : " The people who suffer by the trade ought to have a veto against it."—Those who seem resolved to oppose every scheme which seeks to break down and restrict this horrible vice, tauntingly reply, that this measure would ensure its continuance in its worst centres. They do but show their own unwisdom herein. The

Publicans know far better, and they avow, there is nothing they so much dread as local option. In Maine itself, a State frightfully drunken in the first half of the century, the opponents of Neal Dow in the State Legislature scornfully allowed him to carry a Bill which gave to each parish *Permission* to accept his measure as law. They expected that the drunkards would out-vote it: but to their discomfiture found that the drunkards were glad of his law, and nailed it firm. Let all sound-hearted Englishmen trust our suffering population to use their own remedy. Under Local Option we now embrace two systems which have been already discussed in Parliament,—that of Sir Wilfrid Lawson, and that upon the outlines of Mr. Joseph Cowen's Bill.

Personally I yield to Sir Wilfrid Lawson the highest honour. Beyond all other men he is the hero in this long battle. If I account his Bill defective, he will not blame me: for in its original form, which he would be glad to carry, it closely resembled the Maine Law, and superseded the Magistrates. He has simplified it by making it only a half measure. After Parliament has been teased by the drink question for more than twenty-five years, (one might almost say, ever since 1834)—after candidates at every election have been made anxious by it, we must calculate that all public men will desire to make a *final* settlement and get rid of the topic in Parliament. But Sir Wilfrid's Bill, whatever its other merits (and I think them great) will not set Parliament free. For so soon as any district adopts his permission to stop the Drink Trade, an outcry must arise from local medical men and chemists and varnishers, demanding new shops for their needs: and intense jealousy will follow, lest the new sellers, though called chemists or grocers or oilmen, presently become purveyors of drink; hence a fresh struggle must continue in our overworked Legislature concerning the

new and necessary regulations. Sir Wilfrid's half measure supersedes neither the Magistrates nor the Parliament, though for two hundred years the Nation has suffered through the laxity of both. Surely we chiefly need real Provincial Legislatures, and, until we get *them*, Local Folk Motes and *Local Elective Boards* are our best substitutes.

This is the other and the complete measure: yet something remains to be said on it. The great evil is, that by reason of competition, a trade cannot live, except by pushing its sales. The Americans have wisely seen that the necessary *sales* must be effected by Agents publicly appointed, with a fixed salary and nothing to gain by an increase of sales. Such Agents must receive public instructions. This was in fact Sir Wilfrid's original scheme, only that it forbid absolutely the selling wine or beer for drink, *unless by medical order*: and the last condition would involve in Parliament endless contention. It is simpler, and I think far better, to give to an Elective Board a general free discretion. Parliament *might* indeed dictate that sales should go on through a public officer *only*.

I, for one, should rejoice in this. But the most eager teetotaller will not hope that in the present generation any English Parliament will be *more* severe against a wine-loving gentry, and more dictatorial to medical men, than is the law of Maine. If therefore it did command that sales should be *without gain*, it certainly would not allow an entire prohibition of selling alcohol as beverage to be imposed on the Agent for sale. It is not so in Maine: and this fact occasioned Mr. Plimsoll's stupendous blunder, who declared in Parliament that the Maine Law was a dead letter in Maine itself. The fact on which he built this outrageously false assertion, was, that when Mr. Plimsoll asked for Whiskey, the Agent instantly sold it to him without a moment's hesitation.—But why? “Because he knew that Mr. Plimsoll was an English M. P. and a teetotaller,”

such was the Agent's reply when interrogated afterwards.— Again, any richer man, or any club of poorer men in Maine is allowed to order from abroad a cask of wine or porter : but it must reach the house to which it is addressed in package unbroken. Thus the Maine Law does not set itself against the man who, resolute in sobriety, has yet a fixed purpose to drink alcoholic liquor. An Agent is selected who is earnest to check excess, and has no motive to be lax ; but he is not shackled in his discretion, nor forbidden (where he trusts the applicant) to sell for medical use, that is, for *drink*. If English teetotallers choose to be indignant at the thought, I make sure that they waste their energy. It will be a vast advantage to sobriety, if Parliament give absolute discretion to a Local Elective Board, with the sole proviso, that the purchase of these liquors shall not be made impossible nor vexatiously difficult, to an applicant against whom no *primâ facie* note of excess can be pleaded.

The power *must* be placed *somewhere* of giving wine or ale to persons who think they need it, or to whom physicians recommend it. A nation may be led, but cannot be forced, into wisdom of drinking or eating. Moreover, as soon as the problem is opened, of lessening the number of shops (which all allow to be the most urgent matter, only many of us wish the number to be *zero*) an outcry is sure to arise of partiality and unfairness, and a new bonus will be given to the shops that remain. The increase in the number of shops has done mischief ; but a lessening of the number will but very slowly undo the mischief. Out of these difficulties a trial of the American scheme is sure to arise in some town where local knowledge is ripest ; and each place will quickly learn from the experience of other places. Every local population *desires relief* from the evils of intoxication. I cannot understand how any who profess to *trust* those who suffer

from the trade, can be terrified at the transfer of *full* power from the magistrates to the local public.

Finally, I must express my conviction, that if by the over-occupation of Parliament, or by any other cause, it be impossible to effect in the present Session the general and final settlement concerning the control of sales, great good would arise from a short and simple Act to which there ought to be no jealous opposition;—an Act in which philanthropic Brewers would (we may hope) concur—to give to husband and wife and parents a direct veto such as was named above, as also to command a withholding of supply to one convicted of drunkenness. How can an M.P. with any face pretend that he sorrows over the effects of this deadly vice, if he oppose this reasonable veto ?

P.S. — A friend in Manchester, minutely acquainted with the history of the Maine Law, assures me that the statement in p. 13, (which I make *as heard by me* from Neal Dow,) confounds the original law of 1851 with a law of 1858, which was sanctioned by a *Plebiscite* of the whole State.—This, if more correct, in no respect alters the moral meaning and weight of my argument.

Another friend wishes me to explain, that by Sir Wilfrid's *Bill*, I mean the *Permissive Bill*, and *not* his naked resolution ; and by its "*original form*" I allude to a paper privately circulated in order to gather opinions beforehand.

F. W. N.