



# An Unwritten Liquor Law

BY R. READER HARRIS

A young barrister defines the attitude of the average Englishman toward the drinking of alcoholic beverages.

A GROUP of New York clubmen were asking me to define the average Englishman's attitude on the liquor question. I had told them that I was to all intents and purposes a teetotaler and that what went on in another man's mind was his own affair, and even if I knew it, it might not be a matter he would like divulged. "Yes," they said, "but you do know it. You have practised in the law courts over there, and done electioneering work for Parliamentary candidates. Tell us what the average Britisher thinks on the matter." They followed this up with more questions: "Why does one never see any one drunk in a club or restaurant? Why is it looked on as such an offense to take too much? Is it merely the idea of keeping the law?" "No," I said, "it is not that." "Well, what is it?" they said. I consented to do my best to tell them.

No one in England likes discussing his private convictions; it savors too much of a personal confession of faith. I was accordingly careful to say that I should have to speak cautiously, and begin by stating that the average man was not an authority on the statistics of the results of insobriety, and that his views were formed on roughly three grounds: his respect for tradition, the personal matter of his own health, and the purely private matter of his own conscience. His conduct in public was

the expression of these views and conformed to an unwritten law.

I passed very lightly over the first ground, that of tradition, for I believe it makes a greater appeal to youth than age. Away back in my school days in France I recalled the logical-minded French boys asking me why beer was drunk with chops for breakfast at Oxford, and why port wine was drunk with walnuts at dinner. I was a very little chap and felt rather out of my depth. I told them it was tradition. And I can still see the nonplussed look of wonder in their faces, as they accepted the explanation and nodded to one another, repeating the words: "C'est l'habitude."

Beer is allowed to the upper-form boys at most of the big public schools. They probably have little taste for it, but enjoy telling the smaller fry: "If beer was good enough for Richard the First it's good enough for me." An indefinable halo circles the heads of the romantic figures of the past. It is not possible (especially for a schoolboy who is always hungry) to dissociate ideas of Doctor Johnson from that corner seat at the "Cheshire Cheese" in Fleet Street, with an enormous dish and his favorite bottle of wine in front of him.

On attaining "man's estate" much of the glorious tradition of hard drinking is shattered. A further and closer study of those romantic figures has dis-

closed the inconveniences they suffered from intemperance and the brevity of their lives; and I would be inclined to think that the average man treats those records rather as a warning than an example. His immediate concern is with present conditions and his own health. He is aware of a natural (possibly a universal) craving for stimulants, which from time to time in individual cases are taken to excess. Excessive indulgence in non-alcoholic stimulants such as tea and coffee merely impairs the health of the individual, and he notes the effect on his elderly female relatives. It is no menace to society. Drunkenness is an offense against the state. It brings in its train a mass of evils only too well known: crime, cruelty, poverty, lunacy. Prevention would accordingly seem better than cure, and prevention entails a restriction of his personal liberty.

Lord Grey of Fallodon has recently stated that there are two essential principles ingrained in an ordinary Englishman: first, that of personal liberty; second, that of maintaining law and order. At first sight they appear antagonistic to each other; in practice they support one another. How much liberty must he forego to prevent drunkenness? Does it necessitate the abolition of the use of all alcoholic stimulants? Remember that he is not precise and logical-minded like a Frenchman, nor could he carry the problem to unfathomable depths like a German. The only way he and his forefathers have arrived at conclusions is by trial; the very trial that has founded tradition. Confined to the question of health, his attitude toward liquor is largely determined by personal experience—that in small quantities it promotes both sociability and digestion, and in large quantities

the very reverse. But as the consumption of large quantities has so often wrecked homes and lives he has realized that even a limited indulgence needs the backing of moral authority.

It is not an easy matter to portray a national conscience. An ordinary Englishman would not intentionally and habitually do what he knew to be either wrong or harmful. The influence of the Sunday-school dictates, often unconsciously, his views. The authority which has been sought for the temperate use of alcohol is undoubtedly that of Holy Writ. Warning passages have been read: the story of Noah, the proverbs of Solomon, and the words of Our Lord: "Take heed to yourselves lest at any time your hearts be overcharged with surfeiting, and drunkenness, and cares of this life, and so that day come upon you unawares" (Luke 21:34). But the practice of wine-drinking is not found to be forbidden; far from it. Other passages authorize its legitimate use; the first miracle at the marriage feast at Cana in Galilee of turning water into wine; the sacrament of the Last Supper; and Saint Paul's advice in his letter to Timothy to "take a little wine for thy stomach's sake" are definite proofs that the moderate consumption of wine is within the Divine order of life.

One other objection to temperate drinking has presented itself and made a particularly powerful appeal, since the very proofs of the Christian religion are the lives of the saints. Without any doubt the average man is confronted with the problem of determining what justification there is for many of the greatest social workers, such as the late General Booth, deprecating the practice of taking any kind of alcoholic stimulants.

It may appear irrelevant, but in Eng-

land, where the Salvation Army has gained universal respect by the unselfish devotion of its members to the cause of the poor, the sick, and prisoners, the influence of their teaching has to some degree reached every one in the land. Again, it is not particularly easy to state concisely the popular attitude. But I believe that it is generally recognized that these social workers do a great work reclaiming the tragic figures who have given way to over-indulgence, and that were they to countenance even moderate drinking it would undo their work in the majority of cases. They hold alcohol an evil, and wish to abstain from every appearance of it. Nevertheless, I believe the moral attitude of the average man to the liquor question is summarized in the Pauline precept, "Be temperate in all things"; and so long as he maintains these convictions the law can never be changed.

But though these be his moral convictions, his actual behavior is dictated by a special code. It has nothing to do with keeping the law, for he made the law himself and has every inclination to keep it. In any case, he made the law for evil-doers—not for honest men. His behavior in public is the practice of a popular cult peculiar to England which I can only describe as class-worship. "Snobbery," you will say. No, it is not snobbery, for snobbery is assuming the airs and deportment of another person. No assumption can be charged against him. The social code to which he is conforming debars a man from doing anything conspicuous or doing anything offensive to the company present, under pain of losing class. It is quite as much if not more observed by the class of the average man than by what is known as the upper class; for at heart, though willing to respect others, he is jealous of

the respect which he considers due to himself.

In my travels I have met men who out of England were making a practice of drinking to excess, but who habitually observed the social code when at home. When I have asked them the reason they have told me there was little to occupy them abroad, but that life at home leaves no time on their hands unoccupied. This is not the real reason, for I have seen them leading busier lives abroad than in London. They conform because otherwise they would lose class—that is, they would lose the respect of their fellows, which in England is considered a great thing to retain.

The prevalence of this social code is easier to criticise on the grounds of hypocrisy. It is possible that the critics are right. But its general practice is a distinct deterrent to excessive drinking by the younger members of the community, and although there are many drunkards in England they are largely to be found among decidedly aged men.

The greatest intangible value of this unwritten law is that it has made drunkenness unfashionable and unpopular—and at the same time has standardized a public attitude toward temperate drinking; and it may well be asked how this has come about.

No popular surprise is expressed that the social law is unwritten. None of the civil or criminal laws enforceable by the law courts are set out in a code. Great Britain has no written constitution similar to that of the United States nor any collected category of laws comparable to the ancient Roman Institutes of the Emperor Justinian, or the present French "Code Napoléon." In spite of this, the laws are supposed to be known by every one, and it is no defense in an English Court to plead ignorance of the

law. Accordingly, it is well understood that ignorance of an unwritten social law is no defense to its breach.

A sidelight on the early importance that must have been given to social deportment is seen from the selection in 1387, by Bishop William of Wykeham, of the words "Manners makyth man" as his inscription on the escutcheons of the Colleges at Winchester and Oxford which he founded. The earliest civil law in England is still known by its original title—"the common law," which signified the common custom of the land. If the common custom was held to work an injustice, the matter went before a court of equity. Similarly, social regulations were matters of custom, and Courts of Honor were held to which the parties were considered honor-bound to uphold the awards of the court. To-day Courts of Honor, though convened in extreme cases by naval and military messes, are popularly looked on as relics of the past. But their influence still survives and makes it customary for a man to expect to pay a penalty if he should become intoxicated in places and on occasions which create a public offense. The penalties are more severe on youth than on age. The charge against young people of having been brought up badly is akin to not having been brought up at all, or as it is commonly described, having been "dragged up," and their behavior can reflect considerable discredit on their parents, whatever the social standing of the family.

Throughout the conversation I had referred entirely to the average Englishman. The working classes are to-day suffering severely from unemployment.

Recent figures show that drunkenness was far more prevalent during the past year in districts where unemployment was greatest. Efforts are now being made to move the unemployed communities to localities where employment can be found for them. And there is every reason to think that they will then become as sober as those now at work. Indeed, better social conditions bring with them a better social sense of order; and should prosperous times come to the working classes, and England be again to them "Merrie England," no class will more jealously guard the benefits of their bettered position or make a greater effort to teach their children to do them credit.

One of the group of friends with whom I was talking—a surgeon who was in charge of a war hospital at the Front—turned to me and said: "I can confirm what you say, as since retiring I have spent two years in London and have never seen any one the worse for liquor in any hotel or golf-club. But tell me if you don't think this is partly due to climatic conditions? Do you know that over there the atmosphere is considerably less rarefied than here?" I could only reply that I was no judge of atmospheric effects. I supposed it possible that temperate climates have a tendency to produce temperate habits. But I concluded by suggesting that one reason for the fact, that when the cork is pulled out of a bottle in England it is not considered fitting to necessarily finish the bottle at a sitting, is partly one of absence of rarity—though not of the atmosphere. I ventured this only as an opinion; for Terence wrote "*Quot homines tot sententiae*"—as many men, so many opinions.

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# Chinese Night

BY HARRIET WELLES

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ON Tuesday morning—just before he left to go to the assistance of a junior representative of his company some miles farther up the Yangtze River—Jim Carson took his revolver from a lower drawer and carried it into the living-room, where his wife was dusting the things too valuable to be intrusted to the house-boy. Carson's voice was quiet as he explained the mechanism of the loaded weapon, then laid it down upon the mantel-shelf.

"While I know it's the usual custom for a man, in one of these remote up-river places, to give his wife a revolver and explain to her just why she must use it to prevent herself from falling into the hands of an anti-foreign Chinese mob, I've always considered such talk melodramatic. I've never before felt that I faced the necessity for it until these Russo-Chinese ructions. But yesterday"—he hesitated a second—"I saw the bodies of two women hanging in the city gate. They were—horribly mutilated——"

Mary Carson, absorbed in the rearrangement of a group of tomb jades, commented: "I'm glad to have the revolver, although, of course, I shall not need it." Worriedly she questioned: "Would a mob steal or destroy my things? I'd hate that!"

He answered gravely: "If the great battle now being fought above here proves decisive the retreating force, to avoid crossing the Yangtze, would come this way. None of the soldiers on either side has been paid in months;

they would have no compunction about wholesale looting and killing in every city and village through which they pass. And the soldiers will be only a small part of the danger; in the resulting chaos criminals and, worst of all, the unspeakably diseased human derelicts will seize upon such an opportunity to assert themselves."

"Are you trying to frighten *me*? I've lived in China eighteen years and haven't yet seen any of your derelicts!"

"You wouldn't. I've often told you that, having given your time to the study and collection of Chinese antiques, you know nothing of the people or the country." Very seriously he added: "If it wasn't for that tiny Jenson baby, I wouldn't leave you now."

She paused in her placing of the turquoise-incrusted bronzes on the mantel to smile at him. "When all this uproar is over how would we feel if anything had happened to that forlorn delicate mite? Besides, this house is well out of the city. I speak some Chinese, have the servants to depend upon, and, in case of *serious* trouble, an American gunboat from the Yangtze patrol would rescue me."

"I'm not so sure of that when there are numbers of Americans from inland flocking to the river ports below us."

Mrs. Carson was dusting a small Chinese painting; she waited to finish before she asked: "When will you get back?"

"Probably by to-morrow noon; *certainly* by dinner-time. The launch is