

PROFESSOR LAYCOCK REFUTED.

GREAT MAINE LAW MEETING IN EDINBURGH

Address by Dr. F. R. Lees, F. S. A.

I propose first, to point out some fallacies of fact; second, some fallacies of comparison; third, some fallacies of general theory; and, lastly, some fatal concessions.

I. FALLACIES OF FACT.—In an argument, everything depends on the right stating of a proposition. What is this Maine-law? What is the object of this Alliance? What is the meaning of the procedure advocated by us, and denominated in the lecture "legal suasion"? I have to show you that not it, but something else, has been really attacked. Turn to the second article of the constitution of the Alliance, and you will find that its primary object asserts enlightened *public opinion*." Yet the objector asserts that we are seeking to impose our opinions upon the public by act of parliament! He says:—"They have, in fact, determined that all men should be forced to yield submission to their opinion, which is, that the use of alcoholic drinks is injurious, and ought not to be permitted." Our answer is that of history, and of the article already quoted. The act of parliament ultimately desired, is to be—like the Maine-law—an expression of the public conscience, and the public will; and until the public sentiment has been created, we have no desire to ask anything of parliament; we want you—the people—to ask the legislature to represent your will. It has been said by a friendly paper—the *Journal of the Scottish Temperance League*—that in demanding too much of the legislature, we may lose all. But this is a mistake; we demand full discussion of the people—nothing of parliament; and what sense would there be in appearing before the public with this proposition:—"We want to discuss half the truth, and to talk about half the evils of this liquor-traffic?" People say we shall never get a Maine-law. Very well, I reply, but why treat us with intolerance because we advocate it? If coercion is to be postponed for ever—why fret and fume at it? Even the *Scotsman* might be gentle in relation to a question of so purely a theoretical and impractical a kind! But we gather hope even from our enemies. Their fear evidently is, that it will come too soon; they do not treat the law as a phantom, for they know it has come elsewhere; they feel that they are dealing with an indomitable traffic, and that we have the lever in our own hands which shall ultimately overturn it. The objector misstated the law and the Alliance, when he represented the object to be the absolute suppression of the use of strong drink.

The second article thus goes on—"To procure the total and immediate legislative suppression of the TRAFFIC in all intoxicating liquors as beverages. They sought to deal with the public traffic, not the private use: a distinction already patent in British law. Private betting was allowed; public betting-houses were suppressed. Private brewing was possible to all, but the brewers of beer for sale, required a license. The Alliance claimed the benefit of that distinction; for they asked to send no policemen into the private house. We ask for total abolition of the traffic, because the evil itself is total. I do not care whether you call it dramshop or beer-shop, the evil is equally in the traffic—pauperism, demoralization, crime, result equally from one as the other—because the evil is in the peculiarity of the article sold, and no

where else. It is not in the hour or the day—not in the house or the men—but in the drink itself, sold where, when, and by whomsoever you please. Thus we are not the enemies of the publican, but of that which pollutes his trade—to the man as a victualler and a host we have no objection. Nor can we be wrong in expecting that this evil will be suppressed so soon as the nation is convinced that it is an incubus and a curse.

It is another mistake to suppose that we are warring with drunkenness merely. It is not the vice that entitles us to interfere by law, but this vice as a nuisance and a crime—as a cause of public burdens and disaster. Touch the overt act, says the objector: but we accept the consequences as proof of the cause, and remove that just as we do with other nuisances. The American enactments are entitled, "An act to prevent drunkenness, pauperism, and crime." Facts show that the traffic is the great tempter to, and promoter of, drinking. Pauperism and crime, are streams from that fountain, and therefore we would dry up that fountain in order to stop those bitter streams.

Another misstatement is expressed in the following words: "They argue that the source of the vice is in the thing (drink), and not in the desire for it." On the contrary, we say that the evil is both in the evil effect, and in the evil cause of that effect. Undoubtedly, the desire for strong drink is abnormal and bad, but how can the desire be its own source? Is this philosophy? We say, sir, (but then I only speak as the exponent of common sense,) that the use of strong drink tends to create the evil desire for it, and that the tree is bad because the fruit is bad; clearly, the objector has made a false distinction: for it is the use of the thing which creates the effect—the desire for it;—and hence the sale of drink must be placed on an altogether different footing to the sale of bread and other necessities, the use of which allay instead of increasing appetite. Another inaccuracy is the statement, that if one day of prohibition calls up special evils—defective police, spies, informers, &c.—seven days will do much more of the same kind. Now I say the fact is not so; for wherever a Maine-law has been brought into operation, the people need only about one-third of the police formerly required. That is a fact, but then I suppose the objector will tell you that he deals only with principles! I care not: for if the principle be true, it must have true conclusions: and when the results are not like the theory, the theory must be false. He may agree with the Frenchman who said of the facts that did not agree with his theory—"So much the worse for the facts!"—but you will agree with me, I think, and say—"So much the worse for the theory." The Maine-law dispenses with informers, for every drunken man informs upon himself and the person who sold him drink—while it removes the great instrument of evasion by destroying the liquor itself.

The objector says, "that the public advocacy of such a law, is an ominous warning to every lover of country, and of civil and religious liberty," alleging, "that our Transatlantic brethren are already on the verge of a fearful social catastrophe." I hope it is true, sir, and that North and South will no longer agree to uphold slavery; but what is there by way of warning to be got out of the fact of American slavery, as against a Maine-law? The pro-slavery men are almost to a man, the pro-rum party; and vice versa, the prohibi-

onists are abolitionists. The traffic is the friend of slavery of every kind: the inveterate foe of true liberty.

The concluding passage of the lecture is crowded with false contrasts. I will take a few, and rapidly comment on them. The objector says:—"You have lately had an opportunity of hearing what *legal suasion* means: let us compare the two." Certainly, let us compare the two. "The advocates of moral suasion rely upon applied truth, the enlightened schoolmaster and the minister." So do we—and on something else besides. So does the objector. As a physician, he relies upon a theory of medicine for the cure of disease—but he applies the truth in the shape of drugs to the patient, nevertheless. "Honesty is the best policy," says moral suasion. What then? Have you no magistrates and police to look after those who do not believe in moral suasion? No doubt it would be best if we had no dishonest men, but having them, are we to have no bailies? When people contrasted law with moral suasion, they simply talked nonsense. Just law is the expression of truth—not its absence: and truth will never fail. Law is that crystalised truth under which nations have risen to civilisation—it is the first and last wisdom of history. The man who scorns law and calls it coercion only, is ignorant of the first principles of social science, though he may speak *ex cathedra*. Law is the expression of moral truth and divine necessity which go before. Hooker held wise views when he said, "her seat is the bosom of God, her voice the harmony of the world, all things in heaven and earth do her homage, the very least as feeling her care, the greatest as not exempted from her power."

Again, "legal suasion advocates the paternal principle of government—the apology and the necessity of tyrants." That government should protect its weak members, and regard the citizens as the children of the state, can be no just apology for tyrants. The law ought most certainly to insist upon the brotherhood of man and the fatherhood of God. Ask the millions who are affected by the Traffic—the victims of drinking themselves, the abused and beaten wives of Britain, the miserable and neglected children of such, what a Maine-law would be to them? They are the strongest supporters of it, for they require its protection; and day and night their aspirations and prayers ascend to Heaven for the coming law: and for them the law shall come.

Again he says:—"Legal suasion ends in legal convictions, and the contaminating atmosphere of police courts and prisons." In a sense, this is true, for, as our judges admit *legal license* creates three fourths of the crime which contaminates and pollutes alike our streets, courts, and prisons—while on the other hand, the abolition of such licensed nurseries of contamination is in fact attended with lessened police and empty prisons.

II. NEXT, I NOTICE SOME FALLACIES OF COMPARISON. One of the most extraordinary of these is the pretended historical parallel between the Prohibitory Law now advocated and a measure passed in 1736. The objector says:—"The Maine-law is no new thing in this country; it has been tried before. The prohibition of the traffic was decided upon, by requiring every retailer to pay £50 a year for his license to sell spirits, and 20s. duty was laid on every gallon sold." Of course, as I have myself explained, in the Alliance Prize Essay, such a measure failed: for "here was a prohibitory law antagonised in-