

# THE TEMPERANCE LEGISLATION LEAGUE

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## Monthly Notes

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### "CAKES AND ALE"—AT HOME AND ABROAD.

WITH the approach of Coronation Day, one sees from time to time, some tearful complaints about the "anomalies" and "restrictions" imposed on the long-suffering British public by that part of the Licensing Laws which deals with permitted hours. We are not surprised to see them; they recur from year to year with the same regularity as do the discussions in the correspondence columns as to who heard the first cuckoo, and they are taken about as seriously. They are also always to be found in the same place; in articles (many of them charmingly and humorously written) in some organs of the wholesale and retail Licensed Trade, and in editorial comment in one or two of our popular and evening dailies. They are always on the same lines; in the first place, indignation that the sober British citizen should be treated as a child in the matter of permitted hours, and secondly (on occasions such as the approaching Coronation, when a large influx of tourists is expected) "what will the foreigner think of our ridiculous laws"? (Strangely enough, this extreme sensitiveness to foreign opinion is shown chiefly by journals which are otherwise ultra patriotic, and keep the foreigner very definitely in his place). But there it is.

The Continental European, we are told, even if he is a citizen of the most dictatorial of states, can at least drink when and where he wishes. When he is in Britain, while he may appreciate being

able to say what he likes without having to lower his voice and look anxiously over his shoulder, his appreciation of this freedom will suffer from the fact that he cannot quench his legitimate thirst, in so far as thirst for alcoholic refreshment, except at certain awkwardly restricted hours. In short, whereas he, like ourselves, enjoys in this country political liberty, he (and we) are deprived of a considerable amount of "social" liberty, owing, appears, to the nefarious machinations of a mythical personage called D.O.R.A. (although she has long since ceased to exist). One or two of the commentators on this sad state of affairs have even suggested that they are sometimes tempted to relinquish their political liberty in return for "social" liberty of this nature; in other words, to sell their birthright for a glass of excisable liquor at, say, ten minutes past eleven in the evening. They do not, of course, mean us to take them at their word; it is merely an overstatement of a case, which, whether a desirable practice or not, is at any rate a very common one.

We do not therefore take such remarks very seriously. At the same time, we think it might be interesting to make a few comments, without passion or preaching, about this question of "petty restrictions" in Britain and "social freedom" on the Continent. We do not suppose that these remarks will silence (or perhaps even convince) the writers of the hardy annual complaints, and indeed, in these days where light relief is always welcome, we might be sorry to miss them, but we shall at least have done our part towards enlightenment as to the true facts of the situation. Let us begin, then, at the risk of going over old ground, with an examination of the present state of law and practice in this country.

### Where is D.O.R.A.?

Much as it may surprise (and perhaps secretly disappoint) our defenders of "liberty" in England, the fact is that the present law with regard to permitted hours is not a regulation of D.O.R.A.; "as every schoolboy knows," the law is a result of the Licensing Act of 1921, which, while it provided for reduced hours compared to those before the war, increased the number of hours as compared to those in force (under D.O.R.A.) over a great part of the country during the later war years. Furthermore, the permitted hours cover those in which the most trade would be done in any case. Finally, while the law itself has not been altered, there has been an increasing tendency (particularly strong in the last three years) to make use of those of its provisions which provide for 11 o'clock as the latest permitted hours in London (apart from the question of "supper-hour" extension) and for the increase of permitted hours in the provinces from eight to eight-and-a-half, where "special circumstances" exist. Thus in London, a latest permitted hour of 10 o'clock, which a few years ago was the general rule (with

the exception of "theatre-land" and the City) has now become the exception, and of the 990 licensing districts in the provinces, 95 had, in 1936, a latest hour of 10.30 p.m. (with eight-and-a-half permitted hours) for the whole of the year and 307 for part of the year. In short, the whole tendency is not towards increased "restrictions," but towards the maximum "liberty" which the law allows.

None the less, there are still complaints that the law itself is a bad one. Two things seem to annoy its most vocal opponents: the maximum number of permitted hours is not great enough, and the magisterial discretion in regulation of them is bad, and should be replaced by fixed regulations imposed directly by the legislature. We shall deal with the first point later; with regard to the second, there are two things to be said. There has been no scheme of direct Parliamentary regulation of hours proposed which has not involved far greater "anomalies" than the present method, and, secondly, this method (allowing a certain discretion to Local Authorities) provides for a flexible system which takes account of varying local conditions, thus being more realistic than a cut-and-dried schedule imposed from above, and which must be accepted without variation.

### What about the Continent?

Let us illustrate these points by referring to the practice abroad, in one or two of those happy foreign countries which do not suffer under our pettifogging system of licensing administration. It will not do to say that there are anomalies there, for anomalies *ex hypothesi* only exist in unenlightened England. Still the fact remains that, in Germany, for instance, the latest closing hour does vary from place to place, and, worse still, the police have a say in the matter. Hence the name for closing time: *Polizeistunde*. Even in liberty-loving France, so we understand, the hours in the provinces are to some extent regulated by the prefects of the departments.

While it existed, we were never allowed to forget the "Oxford Street anomaly," where on one side of the street the latest hour was ten, and on the other eleven. (This anomaly has been gone some time, but another has sprung up on the border-line of Hampstead and Marylebone, to provide honest men with cause for righteous indignation). Now, say our writers who look on the Continent as the Mecca of licensed traders and their customers, you would never find that sort of thing anywhere under a decent system of law.

We fear that, if they have travelled abroad, they have not observed as closely as they might have done. Have they heard, for instance—to take one instance—of a certain cool and sequestered

"wine cellar" in Cologne which has a licence compelling it to close its hospitable doors at 5 p.m., an hour or two before the real business of the day should begin? Do they know that many cafés and restaurants (chiefly in holiday resorts) which are allowed to remain open all night have no licence for day-time opening? In short, that there is an infinite number of variations in hours, and a perfect galaxy of "anomalies" and "fancy" licences, not only between one district and another, but in the same town, sometimes even in the same street. Yet no one seems to mind very greatly. Perhaps that is because they are only foreigners. If so, why hold up their laws as an example to us?

But at least, it will be argued, the net effect of laws on the Continent is that, in one way or another, a man can have a drink when he likes. He won't find the lights being turned off and his ears assailed with the insistent "Time, Gentlemen, please," just as he is beginning to feel nicely cosy and convivial. Then let our protagonist try his luck on the Continent. He will be surprised at the number of cafés (even where the latest permitted hour is 2 a.m.) which, as midnight approaches, are deserted by all but a forlorn few of the customers, where the waiters begin to pile chairs on tables, to sweep the floors, to hover in the background with the bill, and in short, to give unmistakable hints that the guests' company is no longer desired. (After all, licensed victuallers are human, and need some sleep). With some embarrassment, our seeker after liberty dons his hat and coat and creeps silently away. This, we should imagine, is much more depressing than leaving the English public-house with a host of cheerful friends as the clock strikes ten or eleven, for it is better to leave one's pleasures at their height than to wait till they trail off into prosaic boredom. Apart from the unquestionable social and economic benefits which early closing has brought about, we sometimes wonder whether it has not brought about psychological benefits also!

### Differences of Social Habit.

Moreover, those who glibly advocate the "Continental system" for Britain forget, or perhaps have never considered, certain fundamental differences in social habit in this country and in the rest of Western Europe. The home and the club (we mean, of course, the genuine club) are still, even if to a less extent than previously, the centres of British social life. On the Continent, and particularly in the Latin countries, this centre is to be found in a café. (Thus, Frenchmen may be on intimate terms with each other for years and not once have seen the interior of each other's homes). And the city-dwelling Spaniard—in the days when it was still possible to be happy in that unfortunate country—did not begin to take his social pleasures properly till near midnight, when the heat of the day had cooled off from the streets. Hence it is natural that

the regulations with regard to "permitted hours" should be different—and on the surface less stringent—on the Continent than they are here; but that is no reason for taking these laws as a model.

For the Continental café—as might be expected from the important function it fulfils in social life—is quite a different affair from anything we have here. The consumption of alcoholic liquors plays a minor part in most of them. With the best will in the world, this cannot be said of our public-houses (and it is to them that the protagonists of "liberty" in this country wish the Continental system of hours to apply). It is true that the public-house does fulfil a certain function as a social centre, but by no means in the way which the Continental café does. There are many reasons for this, the chief one being, we think, that, as we said before, the café idea does not fit in with British social habit. Englishmen enjoy the café when they are abroad, but they do not demand it when they are at home; if they did, it would surely long since have been here. In short, there is such a world of difference, not only between the Continental café and the English public-house, but between the café and any form of refreshment house that exists in this country—a difference due to fundamentally differing national habits—that a comparison of "permitted hours" is only of academic interest.

We make these comments without attaching praise or blame to the one system or the other; a difference in social habit is not a matter for moral judgment, but we do feel that to hold up the "freedom" of Continental licensing laws as a model for this country is to ignore the realities of the situation. This is probably realised subconsciously by the very writers who do it, but they must have their little tilt against "the powers that be," and it does no one any great harm.

## NOTES AND COMMENTS.

### The Finnish Government and the Temperance Societies.

#### Some Facts—and a Moral.

The monthly Press Bulletin issued by the Lausanne Office of the International Bureau against Alcoholism, under the very able direction of Dr. R. Hercood, contains a great deal of information as to developments in European and overseas countries in the field of the "drink question." One piece of news which recently appeared was that the Finnish Minister of Social Affairs has allotted a subsidy

of 3,112,000 Finnish marks (approximately £14,000) to the Temperance Societies for the year 1937. This, for a country of only 4,000,000 inhabitants, is a handsome amount, particularly in view of the further statement that in addition "the State endows in-ebriate homes very generously." Moreover, of this 3,000,000 subsidy to Temperance Societies and workers, more than half goes to bodies which are organised on a definite basis of total abstinence. (The reason why we stress this fact will appear shortly).

This item of news is calculated to arouse the admiration (and perhaps the envy) of Temperance Societies in some other countries, where the State is not so paternally disposed towards them, and they have to rely on their subscribers for the whole of their resources. Now—this is the point which seems to us particularly significant—where does the Finnish Government find the funds for these generous subsidies? They are paid out of the ordinary revenue, it is true, but this does not involve extra taxation, for the money comes, in fact, from the proceeds of the State Alcohol Monopoly; there being a provision in the law obliging the State to pay up to 30 per cent. of the profits from the Monopoly to societies against alcoholism or tuberculosis.

Our readers will, we think, understand why we stress this point. For, as far as this country is concerned, some of those Temperance workers who will be the first to admire the action of the Finnish Government are also usually among the first to condemn, or at least to refuse to consider, the desirability of such systems of drink control as State or Disinterested Management which, in the case of Finland, have made these subsidies possible. If they were consistent in their thought, one would judge that, in view of their steadfast opposition to ideas of State Control, they must have wished that when Finland abandoned Prohibition some years ago, it would have adopted a system of trade for private profit. In other words, no bread is preferable to half a loaf. But perhaps this striking example of the working of State Control in Finland may induce them to reconsider their ideas on this subject. They may also understand more fully why Temperance societies in Scandinavian countries—who are as keen on personal abstinence and national reduction of drinking consumption as the keenest "blue-ribboner" in Britain—have never adopted an attitude of uncompromising hostility to schemes of Public and Disinterested Ownership and Management, but, in view of a very full experience of their practical effects, have been among their warmest supporters.

### How the System Works.

We take this opportunity of sketching in brief outline the working of the Finnish Alcohol Monopoly system. At the head is a Board of Control, nominated by the Cabinet. This Board is responsible for general policy; it appoints a Board of Directors for

business management. Beer alone is brewed by private firms; all other alcoholic beverages are produced or imported by the Monopoly. Hotels and restaurants are licensed by the Governors of the Provinces; stores for off-sales by the Monopoly, which takes local sentiment and needs into account in distributing licences. There are three classes of restaurants: Class A, selling all beverages; Class B, all beverages up to 21 per cent. alcoholic content; and Class C, selling beer only. Beer under 2.25 per cent. alcoholic content is sold without restriction; beer above that strength through the Monopoly. Persons under 18 may not purchase liquor for "on" consumption, and purchasers at the "off" stores must not be "obviously" under 21. There is no permit-card system for "off" purchases (as there is in Sweden) and the restrictions as to the amount which may be bought at one time in any one shop are quite generous; two litres of spirits, five litres of wine, and 20 litres of beer—more may be had on "special occasions," subject to approval of the shop manager. The shops are open from 10 a.m. to 5 p.m., except on Sundays and public holidays. The Monopoly does not advertise, and, as we have seen, all profits go to the State.

Smuggling, which established itself during the years of Prohibition, still exists (aided as always by the nature of Finland's coast-line and its innumerable islands), but to a decreased, though fluctuating, extent. (We are indebted to Dr. Herrod's Bulletin for the following figures). Amount of pure alcohol confiscated by the authorities:—

1932 first year of the new law)	384,191 litres.
1933	651,559 "
1934	101,114 "
1935	85,039 "
1936	103,705 "

### "The Root of the Liquor Evil."

We were interested to read certain remarks which appeared in an article under the above heading in *The Patriot*, the organ of the "South Australian Alliance for the Abolition of the Liquor Traffic." The fact that the article was written from a prohibitionist standpoint gives, in our view, a particular significance to the following passage:—

"If we were asked to name what we considered to be the chief cause of the continuance of the liquor traffic, we would unhesitatingly point to the commercial interests wrapped up in it. . . . Destroy all vested interest in liquor and you are well within measurable distance of destroying the thing itself."

The T.L.L., as both its friends and opponents well know, has never been an advocate of Prohibition in any shape or form. What we strive for is a system of liquor trade management which, by the removal of these very "vested interests" of which *The Patriot* speaks, will ensure that the "drink question" may be discussed and dealt with on its merits, and with a view to the maximum social welfare, without the issue being obscured by the "commercial interests" which are at present involved. At the same time we welcome this clear statement of part of our case in *The Patriot*, and only wish that, instead of merely indicating the problem, the writer had allowed his thoughts to run a little further, and to suggest the obvious remedy. Unfortunately, like so many others of his way of thought, he has stopped short at this point, adding only the usual indictment of the "Trade" for doing what any other business run for private profit does: namely, expanding its sales to the highest possible degree, and using the modern methods of publicity and "pressure" for this purpose.

As we see it, it is not a case so much for indignation, as for following a train of thought—begun on sound lines—to its inevitable conclusion; however much the result may conflict with preconceived ideas on the subject.

### Assessment of Tied Houses.

A very important case dealing with this question has recently been heard in the Court of Appeal (*Houghton and Chester-le-Street Assessment Committee v. Robinson Bros., Ltd.*). The net effect of the judgment given has been to overrule the decision in the well-known *Bradford-on-Avon* Case of 1898, which has hitherto been the authority followed in questions of assessments of tied public-houses. Lord Justice Greer has now declared that in his judgment "the decision in the *Bradford-on-Avon* Case was plainly wrong," and Lord Justice Scott calls the whole reasoning of that case "misconceived." Leave to appeal to the House of Lords has been granted, so that we may expect a final ruling on this question. We hope at a later date to comment in more detail on the issues involved.