

## THE ETHICS OF RUM-RUNNING

THERE was romance in old-time smuggling, if the story-books speak true. There is precious little in that present-day form of it called 'rum-running,' if James Barbican's account is to be considered authoritative.<sup>1</sup> It is a cold, hard business proposition, with abundant possibilities of trickery, fraud, bribery, and murder as a background. That the ethics of rum-running are, therefore, a somewhat complicated issue will not be surprising.

Why the general title of 'rum-running' has been adopted is a mystery. In point of fact, rum is seldom carried. The normal stock-in-trade is whiskey, with brandy and wines for a side-line. It is probably 'one of the many words used by the American journalist in his love of alliteration.' The men engaged in the business are titled according to the part they play, and if there are heroes in the game at all they are the 'rum-runners' properly so-called. These are they who command the whiskey-ships which lie anchored twenty miles or so off land, contending with storms, pirates and mutiny; they who own the Seabright dories, those small cockle-shell speed-boats by means of which the cargo is landed, and play a lone hand against storms, fogs, revenue cutters, prohibition agents, police and 'hijackers'; they who drive motor lorries at breakneck speeds for hundreds of miles at a stretch and who are, as often as not, shot down ('bumped off' in the slang phrase) either by police or hijackers.

'Bootleggers' are the retail merchants. They are in general a slippery and dishonest crowd, and it is

<sup>1</sup>Our facts are taken from a fascinating volume, *The Confessions of a Rum-Runner*, by James Barbican. We have it on reliable authority that the *nom-de-plume* covers a scion of good English stock, trustworthy to a degree.

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not surprising to find that the word is one of reproach even in the trade. An American explains the origin of the term: 'The word was first used in this country for the Kentucky men who made moonshine whiskey in hidden stills in the mountains. They wore big thigh-boots, and slipped a couple of bottles down each boot when they went to call on their customers. Now the word is used of any of the million and one men in this country who make their living by selling liquor illegally.' The wholesale dealers are known as 'operators,' and they are a power in the land by reason of the magnitude of their 'operations' and their financial backing.

Ranged against the rum-runner, at least theoretically, are the police, the prohibition agents, the revenue officers, the state troopers, the spies and blackmailers. But perhaps the greatest peril of all comes to them from the 'hijackers,' or pirates, who attempt, on sea and on land, to seize by force of arms and numbers what the rum-runner has paid for in (presumably) honest cash. There is no legal redress, whatever the injury or loss, for both parties are outside the law.

But hazardous as the game is, the profits are commensurate with the risk. A case of whiskey costing fifty-five shillings in Scotland is bought for sixty to seventy-five dollars (twelve to fifteen pounds) by the American consumer. Of this about thirty dollars go to the men on the ship, five to the boatman who takes it to the shore and three to the truckman who carries it to the city. It need hardly be said that only the rich can afford to pay the price. For poorer people less costly, but all more or less poisonous, local concoctions are provided. But as the opportunities are so favourable it is not surprising to find that even the big price sometimes buys only poisonous 'hooch' containing wood-alcohol and formaldehyde. Where-

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Are many buyers retain their own bootlegger and analytical chemist. But the rum-runner is not to be blamed for the supply of poison; it is usually the bootlegger that perpetrates the fraud.

As rum-running is the direct result of the prohibition laws, let us glance at the latter before passing judgment upon the former. The Volstead Act was intended to cure an evil. There is nothing to be gained by pretending that the evil did not exist. The American 'saloon' was an abomination, just as the 'gin palace' of England is. Shame on us that so noble an institution as the inn should have become degraded (for the most part only in towns, thank God) to such an extent! And in the United States it had assumed such proportions as to have become a national danger, calling for some drastic and far-reaching remedy. This was the reason or the excuse for Prohibition.

In all reforms the tendency is to swing to the opposite extreme. Many a heresy has been born thus, for in the violent swing of the pendulum the balance of adjustment is likely to be destroyed. When a principle of liberty, of law, of ethics, is abused it is ridiculous to condemn the principle with the abuse. Because intemperance is an abuse, it is ridiculously false reasoning to conclude that the principle of temperance must be thrown over. Yet that is precisely what has happened in the attempt to impose Prohibition. A heresy as old as Manes is again resurrected; alcoholic liquor is condemned as intrinsically evil; attempts have been made to re-edit the Bible with a view to the exclusion of all references to wine. This Manichaeism has spread to our own country, and we find ourselves invited to support prohibition movements on a basis of the intrinsic evilness of such liquor and of the immorality of drinking it. It is a pernicious propaganda which militates against Catho-

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lic truth. No vice will ever be eradicated or palliated by setting up against it false philosophical principles. In the notion of Prohibition there is implied not merely the philosophically false thesis of Manichaeism, but also the equally false thesis of state authority to impose unjust restrictions upon the liberty of the subject.

A less valid, though perhaps more obvious and practical, indictment of Prohibition arises from the fact that it is in practice a complete failure. It is not that the remedy is worse than the disease. The plain fact is that the remedy has made the disease worse than it was before the law was enacted. After a decade of test it is now realised, apparently universally, in the United States that Prohibition does not mean Temperance and may even mean intemperance. A recent book, *Temperance—or Prohibition*, published in New York, has crystallised the conclusions of a host of United States citizens in every walk of life. 'The time has come,' it is declared, 'for another plan, a plan which will really promote temperance and not merely promote crime, demoralise citizenship and prostitute the public services.' It is true that the principle of condemnation is pragmatical: 'What good is a law which everybody breaks, and what good are law-givers who try to enforce dry laws with a whiskey flask on their hips!' But whatever the reason, it is now admitted that Prohibition, far from being a 'noble experiment,' is a ghastly failure, and that the situation throughout the country is terrible. 'Let us have a move for real temperance that all will obey,' writes a well-known American Archdeacon; 'that would be the best thing that has happened since the terrible Prohibition Act was inflicted on a liberty-loving and law-abiding people.'

Wittingly or unwittingly, by the juxtaposition of 'the Prohibition Act' and 'a liberty-loving and law-

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abiding people,' the Archdeacon has laid his finger upon the fundamental point of error. The Prohibition Act was not, and could not be, enforced upon free citizens, however law-abiding, because it was an unjust law. It was not the will of the people. Hear an American: 'It's like this. While most of us were away soldiering, the women and the men who stopped at home put one over us, and we came home and found it done. The temperance people were worked up to a frenzy by an astute political gang who used them as a stalking horse . . . . The long and short of it is that a man named Volstead was put up to promote a Federal Prohibition law, which was passed, and it is now illegal to import, make, sell or transport alcoholic drinks. If you want to hiccough, you've got to get a Government permit.'

But there is one fundamental objection to the Prohibition Act, possibly the only valid one, though it has seldom been explicitly set down. Precisely in so far as it pretends to impose total abstinence upon the community as a whole, it is an unjust law or even no law at all, because it violates the just freedom of action belonging of natural right to the individual. A rational man has from his very nature certain elemental rights which belong to him as an individual and are not under the control of the state of which he chances to be a member. He has, for example, a natural right to life, to eating and drinking what God has provided for that purpose, to the procreation of children, to private property. He is normally controlled in the exercise of these rights only by the supernatural and the natural ethical laws of God, though he may be deprived of the exercise of them by legitimate authority as a punishment for gross abuse. Apart from this, only by a strictly personal and voluntary decision may these rights be restricted or forgone. Now the Volstead Act prohibits freedom

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of choice in the matter of drinking—a freedom which is part and parcel of man's nature. Therefore, unless every individual concerned has made a free and uncoerced surrender of this freedom, the Act is contrary to natural law, and as such has no binding force whatever.

In the matter of ordinary Customs dues, there is some question as to the morality of evading the law. It is at least certain that the State has the right to impose taxes for the purpose of revenue. Speaking largely, therefore, smuggling implies the breaking of a law, and probably a just law. But an act against the Prohibition Law is not the breaking of a just law. From this point of view, consequently, the rum-runner does not incur any moral guilt in introducing alcoholic liquor for sale into the United States.

It may be urged, however, that he is nevertheless providing the material for causing or increasing the deplorable continuance of intemperance and other concomitant evils. The rum-runner has an answer: 'People will find booze anyway. It is better we should supply them with honest Scotch than that they should poison themselves with wood-alcohol and various sorts of hooch.'

One might insist that at any rate the law was enacted for a good purpose, namely the suppression of the admitted 'saloon' evil, and that it behoves all honest men to assist the arm of the law in enforcing its observance. But there's the rub. Unless we are gravely misinformed, the arm of the law is here mainly notable for an itching palm which is to be cured only, and easily, by continued oiling. Even granting the hypothetical purpose of the law, how can any honest man be concerned for its enforcement when the administrators, from the lowest almost to the highest, are feathering their nests with the proceeds from 'protection' afforded to rum-runners, operators and

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'speakeasies'? So common is this graft that, in calculating expenses, the operator or rum-runner reckons as a matter of course two or three dollars per case for 'protection.' It has been calculated that, at a moderate estimate, a sum of twenty million dollars per annum is paid over for this purpose.

The well-informed will perhaps produce a trump-card by drawing attention to the great 'liquor drives' and 'clean-ups' that take place periodically. The better-informed will, nevertheless, take the trick, for they know that these spectacular exhibitions of zeal are often no more than a bluff, a sop to public opinion, and sometimes merely a ruse to increase 'protection' tariffs. The 'speakeasy' is the saloon magnified enormously in its evil aspect, but for twenty that are cleaned up in a drive, twenty thousand are allowed to continue. The local authorities will not kill the geese that lay golden eggs in such abundance. A liquor-ship is occasionally seized—and the cargo mysteriously leaks away pending litigation. A few bootleggers are imprisoned—and released by the Board of Parole, if their friends are influential (*i.e.*, wealthy) enough. A few 'drops,' or dumping grounds for liquor are closed down: by the law of supply and demand, the price of the liquor, which comes through those that are left open, rises accordingly—and so does the price for 'protection' in the handling of it.

There is an appalling amount of evil and crime attendant upon the *de facto* working and evading of the Volstead Act. The central evil is the increased drunkenness and alcoholic poisoning, and that can be cured only by the removal of Prohibition and the promotion of the virtue of temperance properly so-called. Much of the concomitant evil would forthwith disappear. But as for rum-running in itself—well, there are easier ways of earning an honest living.

HILARY CARPENTER, O.P.