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HYPOCRISY—A BY-PRODUCT OF PATERNALISM

By CLARENCE J. RUDDY

The truth of the maxim "A man convinced against his will is of the same opinion still" was never more strikingly manifested than on November 6, 1928. On that day some twenty-one millions of voters chose as President of the United States a man who was everywhere advertised as the champion of Prohibition; on that night great numbers of his supporters celebrated his victory in drunken parties. It is the fashion now, you see, to align oneself with the dries, and so long as the alignment does not interfere with one's personal habits, no harm can be done by the allegiance. The Anti-Saloon League, with its thoroughly organized band of zealots and fanatics, is in power now, and to be politic one must let it be known that he supports the Eighteenth Amendment. Such loyalty, of course, is superficial; it extends only to the ballot-box and to conversation about "the welfare of the nation": it does not reach the Country Club or the private cellar. Lurking in everyone's brain is the idea that after all, Prohibition is a vicious attack on man's liberty, and that, while to be on the right side of the administration, one must piously defend governmentally-enforced abstinence, he is under no moral obligation to observe it. Publicly, a host of men are dry from expediency; i.e., their principles are in direct opposition to their professions of loyalty, and they forswear the former only because a militant, vengeful super-organization will excoriate them if they do not—they are convinced against their will. Quite naturally then, drinking continues unabated.¹

No cynicism is required to declare that this is an era of hypocrisy. The ratification of the Eighteenth Amendment, with its absolute denial of individual prerogative and the consequent unequalized methods of enforcement, provoked countless people, otherwise good, to resist the trespass as much as they could; and even its supporters delight in making the acquaintance of

¹ Dries whose sole experience with liquor is from reading deny this; prosecutors and procurers of evidence of Prohibition violations do not.

France's cognac, Canada's whisky and England's gin. Judges who gravely sentence Prohibition offenders to terms in jail themselves violate the law by drinking (discreetly, of course—but not always moderately) in their homes and their clubs. The same lips that solemnly pronounce judgment on petty bootleggers (huge operators are not punished at all) eagerly quaff the choicest wines and liqueurs.²

And the hypocrisy is not now confined to the Volstead Act; it has extended to almost every other sumptuary law. Indeed, why not? If the state will not trust its citizens to act temperately and sanely without restrictive legislation, let the state use its laws to enforce temperance and sanity. If the state will not allow the conscience to function, let the commands of conscience be unheeded, and commands of state be enforced—if possible. The state has arrogated to itself the power of defining goodness; let it now do its utmost to make its definition felt. If the power of *defining* goodness is substituted, let the *enforcing agency* of goodness be substituted, too; i.e., let the police, and not the conscience, make men good. "It is true," in effect say the mass of people to the state, "we shall render your silly laws lip-service, for you are powerful, and such oral obeisance is expedient—and cheap. But further than that we will assume no responsibility; yours is the law—yours too is the duty of enforcing it". . . . So the game begins. Men gravely nod their approval of paternalism when uncompromising zealots are present, but thumb their noses and drain their cups when only laughing companions are near to see. Even what sincere observers of Prohibition there are violate with impunity other laws the rationality of which is certainly more evident. Only the other day (December 30, 1928) I chanced to read that the son of Rev. John Roach Straton, a most militant dry,³ while driving the minister to Richmond, Virginia, was arrested for speeding on the streets of Washington. The Stratons did not deny their speed of fifty miles an hour, but in

² Not an exaggeration. Immediately upon acceding to office a month ago, a "reform" State's Attorney conducted several raids. In one of the roadhouses where liquor had been sold a Justice of the Peace was found. He explained that he had "merely dropped in for a little lunch" and his explanation was accepted at once, though others who offered the same excuse were given additional time—in jail—to think of a more plausible defense.

³ I have no warrant, of course, for the implication that Rev. Straton is a sincere dry; i.e., that he does not drink. But since he is personally unknown to me, I shall give him the benefit of the doubt, and assume that he is a total abstainer.

defense declared they were on their way to a religious meeting! They were soon released on bond and proceeded to Richmond, where doubtlessly the minister exhorted his audience to law observance. And in Brooklyn a month ago a man impersonating a Prohibition agent was discovered. His racket had been to patronize speakeasies, slyly create the impression that he was to cause arrests for the liquor he had just bought, then slip away as soon as a wad of bills was slipped him. His discovery came when some of the proprietors themselves called up Prohibition Headquarters, and objected to paying the *additional* protection money—they had already paid their monthly installmaent, and to the proper authorities, too! The impostor was of course arrested. One can well imagine the wrath of the regular agents. Why, that faker had no right to practice extortion—he didn't represent the law And so it goes; some disciples of Volstead go so far as to use their devotion to Prohibition as a cloak for wantonly immoral transactions. A wealthy chain-store owner, whose donations to Prohibition enforcement agencies were enormous, was recently sued for divorce, his wife alleging (and proving) adultery. Down in Kentucky a dry zealot, blind since he was seven years of age,⁴ has been accused of embezzlement; at this writing his case has not yet been heard, so his guilt is not a matter of record—the mere accusation, however, is interesting. But even such flagrant violations of the criminal code are totally eclipsed by the cold-blooded murders committed by highway agents who press their triggers when innocent motorists, hurrying home late at night, do not heed commands shrieked from inky blackness. Small wonder that decent citizens pale when such killings are charged off as mere casualties in the enforcement of a "noble experiment"!

But of what use is the multiplication of examples? Almost every sane person admits the epidemic of hypocrisy; about its evils countless speeches have been delivered, and as many articles written; Pullman smokers and club lounges are filled continuously with men who unanimately agree that, truly, the mass of people are neat jugglers of law; sometimes (and confidentially) the speakers themselves will confess that they publicly ad-

⁴ In fairness, I hasten to add that his blindness was not caused by intemperance.

vocate what they privately deplore. The query now is, what shall be done about the matter, and what prospect is there of remedying the situation? Only two months ago an opportunity was had to elect as President of the United States a man whose position on every question—and especially on Prohibition—accorded with the practice of the voters. With a courage that was amazing in this age where men are accustomed to decide momentous affairs in secret sessions, and defend their secretiveness by counter charges that oratory is empty, the candidate saluted by vast crowds as “The Happy Warrior” vigorously attacked the whisperers in an attempt to evoke audible opposition, but all of his efforts were vain. His opponent contented himself by grave references to Main Street and the home, but directly answered not a single charge—except on one harassing night when he aroused himself from this lethargy long enough to condemn his challenger for his “Socialistic doctrines”! This from an advocate of Prohibition, the most radically socialistic policy that the United States has ever embraced! But “The Happy Warrior” was vanquished; sincerity right now is not popular. The majority of voters preferred a man who uttered nothing but glib generalities and offended no one but those who loathe insipidity. The reasons for the election result are many and complex. Perhaps the observation of Frank R. Kent made even before the 1928 nominations is as illuminating as any; said he, in his “History of the Democratic Party”—“Prosperity absorbs all criticism”. In view of the fact, however, that prosperity in 1928 was largely illusory, we must extend Mr. Kent’s maxim a little before adopting it; it now should read “*Claims* of prosperity absorb all criticism”. And what is more, the absorption is sometimes compulsory. In many industries hints of employers that factories would be shut down upon the happening of a certain contingency caused nervous employees naturally disposed to Smith to vote against him.⁵ . . . At any rate, the opportunity is gone. We face four more years of a hypocritical era.

The situation, however, is not so bad as it might be. The campaign of 1928 was the first time that the issue of Prohibition

⁵ Anent Prosperity, the fabulous prices of stocks immediately after the election, were said to be the result of a “Hoover Boom”. It is noteworthy that the decline in the early part of December was not said to be caused by anything. Such arrogance can be matched only by a person’s claiming credit for the sunshine, but disclaiming responsibility for earthquakes.

was brought into the open, and even then it was discussed by only one side. The Democratic Party, though as old as the nation, was really the champion of a new issue⁶ in November; and even the Republican Party, with all its present-day popularity and eternal boasting, did not win its first election in 1856. The campaign against hypocrisy and for honest liberalism will endure for years and gather strength as it proceeds. No one who does not altogether despair of the inherent sanity of the people can believe that they will always vote in opposition to their conduct. Dry voters are rapidly getting tired of taunts hurled at them as they consume a glass of sparkling Old Crow—and as they cannot abandon their liquor, they will abandon their politics, and be able to say in all sincerity “The law should be repealed” and repealed it shall be.

Throughout the course of this article no reference has been made to the more profound objections to Prohibition and kindred paternalistic laws. Arguments against paternalism are properly based on the historic policy of the United States, the heretofore unbending opposition to laws which deny individual rights. The term “un-American” has been overworked a bit lately, and does not bear a very charitable connotation, but trite and uncharitable though it is, it is one that most certainly can be applied to any law which is designed to make of man a robot, and of government a god. And too, I do not mean to overemphasize the evils of the Eighteenth Amendment. The Volstead Act is simply the most flagrant example of a general tendency, an example of the progress lately made towards the complete subjugation of the individual. The arguments against it are the same that prevail against arbitrary rates of speed for motor vehicles, Sunday blue-laws, book and theatre censorship, court-imposed birth-control, compulsory sterilization, and other examples of modern governmental activity But it has not been my purpose here to dwell extensively on intrinsic arguments, but rather to attack paternalistic laws for their by-product—hypocrisy. And the by-product

⁶ The words “new issue” (Prohibition) are used advisedly. Subsequent to the passage of the Eighteenth Amendment and prior to 1928 both major political parties contented themselves with typical “fence-straddling”; each solemnly referred to the sanctity of law. The Republican Party did the same thing in 1928; the Democratic Party did also, but it is another tribute to the courage of Gov. Smith that he renounced such pap, and asserted that his position on Prohibition was well-known (as indeed it was), and that he would conduct his campaign consistently with his principles.

will be the same from all of them. The man who urges stringent speed regulations will hardly keep to thirty-five miles an hour on a fifty-mile stretch of open road; nor will the most rabid advocate of compulsory sterilization very readily submit himself to the edict of a State Board when it is composed of members belonging to a rival political faction. And who can imagine a blue-nosed censor getting no joy from reading a book he is about to condemn? Only the birth-control advocate can be sincere, for the highly mischievous piece of legislation does not even purport to be corrective of human frailties—it caters to, rather than curbs, passion: so the reformers in this instance can afford to be sincere, and practice all the debauchery known to their diseased minds, all the while they *obey* the law.

But I exaggerate? Perhaps so; yet all of the incidents depicted above are actual happenings collected at random. It is true that not all advocates of Prohibition are hypocrites; many of them are sincere, and firmly believe the government is fully justified in prohibiting liquor—in prohibiting everything, in fact, declared to be opposed to the “public welfare” as defined by Congress or a legislature. And what is more, these believers actually observe paternalistic laws when they are passed. These persons deplore the treason that makes a man violate what he has declared should be obeyed; and themselves religiously abstaining from the forbidden articles, expect others to do the same. To their honesty at least we must pay tribute.

But while we must acknowledge the sincerity of these men and women, we can hardly compliment their political sagacity. The apostles of a liquorless and moral land are misguided; they argue on a false premise. They assume that whatever is bad, should be illegal; that whatever is destructive of a high moral standard is subject to regulation and prohibition. In this they commit their fundamental error—and it is because they cannot appreciate their fallacy that they cannot understand why their laws are not obeyed. So long as men and women are possessed of a conscience, they will resent any artificial attempts to tell them what should, and what should not be done with themselves. God Almighty has given man the faculty for determining what is right and what is wrong, and a will for acting upon its choice. In this country at least man has heretofore been supposed to be

free to act upon the dictates of his conscience; he has been said to be possessed of "liberty", which means after all, nothing more nor less than the ability to do or not to do. Liberty of conscience does not mean freedom only to do the right thing; it means freedom to do anything. Whether I shall not be good is for me alone to decide—so long as I harm no one else.⁷ . . . And innately almost every man and woman realizes that there is something unnatural about a government's usurping the powers of conscience, and telling the deposed ruler its decisions have been wrong. There is something so inherently repulsive in the whole process that a government doing such a thing is looked upon with contempt, and its laws are violated with impunity and with glee. So long as human nature endures, the sincere advocates of Prohibition and paternalism will never see the day when a universal and wholesome respect will be had for their kind of legislation.

It is most sincerely to be hoped, however, that paternalistic efforts will cease long before human nature is obliged to violate more laws than it does now. And, though it is true that champions of a restrained government were not practically successful on November 6, 1928, it is equally true that organized opposition to a super-state is growing. In 1928 the issues were not sufficiently clarified; people are only gradually awakening to the realization that their liberty is in great danger of becoming in a few years a mere matter of history; heretofore—and even in the last campaign—opposition to paternalism has crystallized into a tirade against its most flagrant example. People are only now beginning to realize that Prohibition is only one instance of an extensive and malicious principle; when that realization is fully accomplished, bitter will be the fight against fanaticism and hypocrisy. Liberalism is not dead, nor does it even sleep; the voice of 15,005,497 voters certainly is not the murmur of a sleepy minority, but the lusty cry of a giant—a giant who is beginning to feel his strength and appreciate his power. Not many years will elapse before this giant, full-grown and herculean in strength,

⁷ It must be borne in mind that we are here considering man's acts in their relation to himself only. When they are extended beyond himself and affect others, then (and only then) they properly are cognizable by the state—not as "sins" and "vices" (for where Church and State are separated the State knows nothing of such things) but as violations of the "rights" of others. Let us not forget that it was merely for the protection of these "rights" that American government was instituted. (See Declaration of Independence.)

will brush away the pitiful dwarves who resist him, and, as right as he is strong, will establish a new regime—a regime which will be directed, not by snivelling, hypocritical busybodies, but by men whose words are honorable, whose acts are sincere, and whose laws are just.