

THE DEFINITION AND THE RULINGS

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The Amateur Definition

By-Laws of the U. S. G. A.

Sec. 7. An amateur golfer is one who has not accepted, directly or indirectly, any fee, gratuity, money or its equivalent as a consideration for the performance of any act or service arising in connection with the game of golf and who is not or has not been a professional in any other branch of athletics. *Provided, however,* that the above shall not apply to writing, editing or publishing articles, magazines or books on golf, or to laying out, constructing, supervising or giving advice concerning the layout, construction or upkeep of a golf course or any part thereof.

Any person who becomes ineligible by reason of this By-Law may be reinstated by giving to the Executive Committee of this Association satisfactory evidence of meriting such reinstatement.

No occurrence prior to January 8, 1915, shall affect the status of any person who was in good standing as an amateur golfer on said date.

Rulings by the Executive Committee

The following are violations of the above rule:

1. Playing or teaching the game of golf for pay. This includes playing for a money prize, accepting travelling or living expenses for playing over a course or for participating in a golf tournament, contest or exhibition.
2. Personally making or repairing golf clubs, golf balls or other golf articles for pay.
3. Serving after reaching the age of sixteen as caddie, caddy master or greenkeeper for hire.
4. Lending one's name or likeness for the advertisement or sale of anything except as a dealer, manufacturer or inventor thereof in the usual course of business.
5. Permitting one's name to be advertised or published for pay as the author of books or articles on golf of which one is not actually the author.
6. Accepting or holding any position as agent or employee that includes as part of its duties the handling of golf supplies; or engaging in any business wherein one's usefulness or profits arise because of skill or prominence in the game of golf.

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AS a diversion from the sterner things that engage most of us in Canada just now, I willingly enough accept the Editor's invitation to contribute a brief note to the discussion on the thorny question of Amateur Status which agitates golfing circles in "your United States." I trust that a frank expression of opinion from an outsider will not be thought an impertinence.

The U. S. G. A. has tried its hand at the difficult task of definition and has given us the now famous By-Law Seven, buttressed by Six Rulings promulgated by the Executive. It is obvious that some effort has been put forth to frame a water-tight definition and sound interpretation; but with what success may be well worth consideration.

The best test of the definition and of the rulings is to consider how they will apply in specific cases. Let us take first the definition and see what it does and does not cover. Let me ask the reader to glance at it again and to say, as a test of its scope, whether it would not apply, as it actually reads, to the following "acts or services" which may certainly "arise in connection with the game of golf," and for which "money or its equivalent" may be paid, and then to say what he thinks of it as a piece of legislation.

Inventions and Patents for new devices in clubs, balls and other golf appliances; drawings and applications for Patents. Betting or wagers upon the result of any golf match. Catering for the supply of refreshments for any golf occasion. Acting as a paid Club Secretary or other capacity. Leasing or selling or purchasing lands or buildings for golf purposes. Leasing, selling or purchasing goods, wares or merchandise in general for the purposes of golf.

The list might be extended indefinitely. The U. S. G. A. therefore, clearly insists that anyone who accepts, directly or indirectly, any fee, gratuity, money or its equivalent as a consideration for the performance of *any act or service arising in connection with the game of golf* forfeits his amateur status! Is the Association really prepared to stand by this definition with all its implications, limited only by the two provisos in favor of writers and golf architects? In that case I greatly fear that its last state will certainly be worse than the first. Indubitably, it has gone too far, (whether with deliberate intention or not I cannot say) in condemning the acceptance of money or its equivalent for the performance of *any act or service arising in connection with golf*, with only the two exceptions named. So drag-net a definition will, if strictly interpreted (and strictly interpreted it will, in fairness, have to be), prove altogether too broad and drastic. The U. S. G. A. should have avoided any attempt at abstract definition and contented itself with concrete declarations.

The Executive Committee has also promulgated Six Rulings which are declarative of violations of the law laid down in the definition. The Committee leaves us in no doubt as to its opinions on certain points but the wisdom of its interpretations is, perhaps, open to serious question. Nor can it be said that these rulings have been much more happily framed than the definition. Let the reader glance at them and he will see that while 1, 2 and 3 forbid teaching, repairing, caddying, etc., "for pay," Number 4 forbids the lending of one's name or likeness for advertising or sale "of anything," even if done gratuitously, (for such is undoubtedly the fair construction of what is stated) while 5 makes an offence of something that no committee could ever hope to prove conclusively. In the case imagined, collaboration between a writer and a golfer untrained as a writer would be all that could possibly be established, and such collaboration is no offence.

The result of the exceedingly loose way in which both definition and rulings are drawn is that the committee will be called upon to add an interminable series of other rulings to explain the six promul-

gations already made and to define their definition. For example I should like to ask the committee if golfers who are also inventors, patent solicitors, lawyers, doctors, merchants, caterers, carriers, seedsmen, engineers, stewards, secretaries (to name no others) who receive directly (not to say indirectly) fees or gratuities for the performance by them of certain acts or services arising in connection with golf thereby become professional? And I should like the same question as to golfers who gratuitously permit their photographs to be used for advertising or literary purposes. Affirmative answers to these questions really reduce the definition and its interpretations to the category of the absurd. But other than affirmative the answers cannot possibly be as the definition now reads.¹

Ruling 6 I cannot but regard as particularly unfair. Why should an agent or employé be more guilty than an employer? Who derives the profit? Does not this rule clearly violate the old maxim, *Qui facit per alium facit per se*? It assuredly does. Moreover, as is well known, golf supplies are largely in the hands of incorporated companies; and such companies are necessarily served throughout the world by agents. Are such agents to be disqualified as amateurs? Or, is there to be another ruling that such agents will be exempted? It is obvious, I think, that this part of Ruling 6 cannot be defended. The second part, which would make a professional of a Francis Ouimet, is equally to be deprecated. What difference in principle can be fairly established between, say, a writer upon golf, a golf architect or a wholesale purveyor of supplies; and the young man, skilful and prominent in golf, who serves the public at large in some business or other of his liking and choice? I quite agree with the Editor in deeming this an unjust invasion of private rights. It will also most probably prove unworkable: for who is to decide whether any individual is engaged in any business because he is a skilful golfer or because he is a skilful business man?

In my humble judgment the U. S. G. A. would do well to withdraw By-Law 7 as either much too sweeping or badly phrased. Ruling 1 might stand, although already covered by existing legislation. Number 2 is petty and unnecessary. In Number 3 the greenkeeper should not be excluded. The best greenkeeper is undoubtedly a scientific agronomist and university graduate. Why should such an one be debarred? Number 4 is loose in meaning. Number 5 cannot be enforced and does not deserve to be. (The book may be a good one.) Number 6 is unfair.

I venture to think that all restrictions should be confined to the actual playing of the game. Nothing else really matters. It will be noticed that the British rules (and the Canadian) do not go outside the field of play or what leads up to the play. That

¹The Executive may say this is not their meaning or intention. But Executives like other people can only be presumed to mean what they say and say what they mean.

is surely enough. And I cordially agree with the Editor when he advocates emphasis upon the etiquette of the game. The fine flavor of golf is not to be preserved by rules that are punctilious and vexatious and inquisitorial. In thus questioning the judgment of gentlemen entitled to all respect it will be seen, I hope, that I am as far as possible from impugning motives. We are all glad to see our leaders jealous of golf. P. S. Since writing the foregoing, I have read in the March issue of this magazine an explanatory statement issued by the U. S. G. A. This statement confirms my faith in the validity of the criticism above offered. Two classes of cases (literary and architectural work) are the only forms of activity for which golfers may accept remuneration! By the simple process of exclusion every other imaginable source of income or financial benefit connected in any way with the game of golf is distinctly barred! If these two things are kept constantly in mind a rule that is simple, easily understood and free from any perplexing complications is provided!!!

Will the legislators of the U. S. G. A. persist in these very positive asseverations after reading the list of "forms of activity" that are neither literary nor architectural? Surely they must admit that their definition will not do.

The distinction in favor of a proprietor and against a mere agent in the matter of golf supplies as reiterated in the explanatory statement must also strike everybody as very unfair, undemocratic and un-American. I very much regret it and hope it will not be enforced. This distinction is not a mere matter of words; it is deliberate class legislation and reprehensible to a degree.

The last paragraph but one in the "statement" is a gem in its way. If it does not make the judicious grieve it will, at least, make them smile. "The rules governing the game are the result of centuries of experience and instinctive sportsmanship and a complete understanding of the reason of their existence cannot be acquired except after painstaking and conscientious study." Why the rules can be the result of "instinctive sportsmanship" and yet demand painstaking "study" is rather singular. But the "*inherent appreciation of the delicate distinctions that distinguish refined, gentlemanly conduct*" is a phrase to be remembered. Unless this "inherent appreciation" is present the much study is of doubtful value—so say the legislators. Why all this bother and pother then? Why not leave the rules to "instinct" and "inherent appreciation?" Are we quite sure that "refined and gentlemanly conduct" would justify the nice distinctions between proprietors and employés that have been made? This last paragraph but one in the "statement" is destined to become famous, for it is as far removed from the fine spirit of golf as "guff" is. It is impossible to take it seriously. There ought to be another Ruling, at once, disavowing it.