Isomorphic moral regulation: evidence from alcohol retail in Scotland

Euan Beveridge

Hunter Centre for Entrepreneurship

University of Strathclyde

Supervisor: Professor Peter McKiernan

A thesis submitted in fulfilment of Ph.D.

May 2020

This thesis is the result of the author's original research. It has been composed by the author and has not been previously submitted for examination which has led to the award of a degree.'

The copyright of this thesis belongs to the author under the terms of the United Kingdom Copyright Acts as qualified by University of Strathclyde Regulation 3.50. Due acknowledgement must always be made of the use of any material contained in, or derived from, this thesis.

Signed: Date:

Abstract

This research asks, "How do isomorphic mechanisms and institutional pressures for moral regulation influence legislation?" A framework of neo-institutional theory, legitimacy, moral panic and moral regulation literatures are applied, via an interpretivist flashpoint methodology, to the Scottish alcohol retailing context, examining parliamentary debates from 2002-2012.

The primary research output is the isomorphic moral regulation model, detailing the process by which organisations become more technically inefficient due to legislation regarding a problematized aspect of production on moral grounds. Moral appropriateness overrides pragmatic assessments of personal gain, inflating the value of moral legitimacy in such contexts, serving to rationalise new inefficiencies. A necessary part of the IMR process is the narrative supporting institutional change. Key figures in this narrative, or story, are the villains, victims, and vexes, which highlight the threat posed to all levels of by the essential problematizations.

Contents

List of Figures

List of Tables

Acknowledgements

I have many people to thank for helping me produce this research.

There is no adequate thank you I can offer my Mum and Dad. They offered support and patience during rough times and I am incredibly grateful. Not many parents would support a son like they did. I owe a great debt.

To my brothers, Gordon and Graeme, you are the best role models.

My supervisor, Peter McKiernan, showed patience when others did not and allowed space to explore bolder theoretical concepts. I was far from the perfect student so thank you for sticking with me to the end.

Every PhD student should have someone as dedicated, friendly, and welcoming as Hilde Quigley was to me. Doing a PhD can be overwhelming at times. Thank you for all the support.

Dave MacKay and Darren McGuire, thank you for reading those drafts. Your help was invaluable for write up and completion.

Tom Bourkel, thanks for being there from start to finish.

Andrew, Tony, Iain, Junior, Scott, Keith, Kenny, Chris, Jeff, Kim and Janniek. Thank you. They know why.

1 <u>Introduction</u>

This research explores the impact of social and cultural pressures on Scottish alcohol regulation from 2002-2012 and the consequences for retailers. This, by proxy, has consequences for consumers and implications for what Scotland's future relationship with alcohol will be.

The health, social and criminal impacts of overconsumption (e.g. liver cirrhosis, domestic violence, FASD, drink driving etc.), estimated at £3.5bn per annum, delegitimise retailers as the worst outcomes of producing and selling alcohol products are detrimental to society. Nuisance, deviant and criminal behaviours (identified by prominent stakeholders[1]) invite supply-side policies and regulation limiting access and availability to reduce consumption. Established (i.e. TV, newspapers, online publications) and social media communicate this message, often exaggerating problems for sales and views, or promulgating political/moral agendas. This ratchets public anxiety over the scale of purported problems and the urgency required to repair the very fabric of society as a vehicle to push through regulation.

Retailers, manufacturers, and consumers share blame for harmful outcomes of consumption; however, it is not equally or proportionately attributed. The retail sectors (both on and off-trade) receive greater scrutiny due to different institutional conditions, political and economic factors from manufacturers and consumers. Exported spirits account for 3% of Scottish GDP (O'Connor, 2018), whisky is

---

[1] Police, NHS, health boards, religious groups, and politicians

embedded in Scottish history and culture, creating jobs across the country. There are no serious ethical questions over 'If' or 'How' alcohol should be produced. However, there are considerable questions over what, when, where, why, and how individuals are legally and responsibly authorised to consume. Answers to these questions are frequently enshrined in law (i.e. minimum age, drink driving limits, hours of sale, public drunkenness etc.) or upheld by social norms and expectations, evolving over time, governing acceptable behaviour. Enforcing laws and norms is trickier as some retailers are less willing to conform due to diminished profits (Alexander, Beveridge, MacLaren and O'Gorman, 2012). Individuals' consumption is more complicated as any democratic government dictating what individuals can do in the privacy of their own home runs risk of overreach. Therefore, any effective strategy to reduce consumption across Scotland must be achieved through the retail sector as the alternatives are too difficult.

It is communicated that once severe behaviours are now commonplace and new threats are emerging to exacerbate problems further, tearing away at the moral fabric of Scottish society. These communications have a basic format: a wrongdoing; an innocent victim(s); and/or, a new threatening practice/behaviour. At least two out of three of the criteria will feature and, if convincing, invites regulation (this is especially true of health and safety regulation, e.g. smoking ban, seat belt regulation). Threat levels are assessed and, if deemed suitably high, receive proportionate regulatory action, justified by the narrative, targeting the supply and availability of alcohol. Practices of retail and hospitality professionals

have also changed to improve the behaviour of wrong doers and align them more closely with the characters in alcohol policy narratives.

This research frames the retail sectors susceptibility to regulatory change from social pressures and cultural symbols as a legitimacy problem. Neo-institutionalism provides an appropriate framework to explore wider social-cultural impacts on licensing law and the higher susceptibility of retailers to institutional change than manufacturers or changes to the rights of individuals. Conforming to more stringent laws and adopting more 'responsible' detrimental to the company bottom line de-emphasises profit in favour of legitimacy as a long-term strategy. Rationalising negative outcomes as contrary to prevailing norms and attitudes homogenises institutional constituents to reduce or minimise harm. Cultural symbols propel this process and, in many cases, reflect latent social anxieties escalating concern to disproportionate levels. Put simply, real problems are exaggerated, exaggerations are perceived as the norm, and overzealous regulation is deployed to tackle misrepresented problems.

Research outcomes include: a model of the institutional perspective on moral regulation; and, factors explaining why some institutional environments are more susceptible to social pressures than others.

1.1 Research Question and Objectives

This thesis asks:

"How do isomorphic mechanisms and institutional pressures for moral regulation influence legislation?"

To achieve this, the following objectives are set:

- Explore legitimacy challenges to the sale of alcohol in Scotland

- Explore the role of moral panic in alcohol policy and regulation

- Investigate coercive isomorphic change in the institutional environment

The first section of the next chapter provides two perspectives on legitimacy. The first details pragmatic, moral and cognitive dimensions by which entities accrue legitimacy, as well as how it may be acquired, maintained, repaired and lost. The second is a process by which implemented change (i.e. innovation in product, sales practices, technology, trialled pilot schemes etc.) is legitimised or delegitimised. The second section provides the moral panic perspective on how cultural symbols are created to communicate the threat posed by specific groups or practices and how, given the necessary mobilisation of key stakeholders, this can inform legislation impacting both business organisations and individuals. The final assembles the neo-institutional framework, emphasising legitimacy as a resource for organisations' survival and the conformity imposed by external pressures derived from cultural symbols and norms. This strand of isomorphism, dubbed coercive isomorphism,

demands conformity and functions as a rationalisation process dictating acceptable

activity in light of any cost placed upon society as an outcome of production.

2 Literature Review

2.1 Legitimacy

"The notion that an organization will be rewarded for having a legitimate reputation is a ubiquitous theme in organizational theory" (Elsbach & Sutton, 1992, p. 700). To be considered legitimate the organization/activity need not be endorsed by all of society but only by enough segments to survive external criticism. Maintaining and acquiring legitimacy can prove very difficult irrespective of past perceptions (Armstrong & Abel, 2000; Pfeffer & Salancik, 1978) since "organizational legitimacy is not an absolute constant, because organizations differ considerably in their visibility to society as a whole and others are more dependent than others upon social and political support" (Mathews, 1993, pp. 30-31) but the consequences of becoming illegitimate risk claims of negligence, irrationality or even irrelevance (J. Meyer & Rowan, 1977) This suggests industries with potentially harmful products or production processes (harmful to health, environment, children etc.) require more sophisticated strategies to maintain, acquire and repair the precious resource granted by external stakeholders.

Legitimacy is not conferred by legality within a democratic society. The correlations of norms, values and legality are imperfect; norms change over time and legal change can be staggered and long (recent examples include gay marriage, legalisation of marijuana, expansion of LGBT rights). Social norms are diverse offering gradations of opinion and practice whereas legality addresses only what 'is' and 'is not' legal. There are also behaviours which are illegal but have a 'blind eye'

turned to them, (public drunkenness, prostitution, recreational marijuana), disapproved of but accepted as part of a complex society. For organisations, we have three inter-related behaviours: 'economically viable', 'legal' and 'legitimate' (Dowling & Pfeffer, 1975).

Organisations operate as part of a 'superordinate social system' in which the utilisation of resources, in light of the relative opportunity cost, affords some degree of legitimacy while goals resonate with society at large (Parsons, 1956). This perspective accommodates for the inter-relatedness of viability, legality and legitimacy: implying the positive correlation between legitimate status and alignment with prevailing societal goals. Dowling and Pfeffer (1975, p. 122), echoing Parsons (1956), claim legitimacy "connotes congruence between social values associated with or implied by [organizational] activities and the norms of acceptable behaviour in the larger social system". Extending Parsons's assertion to include social norms as external validators of activity offers a clearer understanding of legitimacy as a resource obtained from external sources as opposed to currency created by the organisation.

2.1.1 Do actors create or acquire legitimacy?

This distinction between creation and acquisition is important. It is the demarcation between neo-institutionalists and strategists on the nature of legitimacy. Neo-institutionalism, a perspective covered in detail in section 2.4, views organisations as submissive to social pressures with limited scope for resistance (Oliver, 1991). However, strategists (Mintzberg, Ahlstrand, & Lampel, 2009) are hostile to this

perspective[2] due to implicit assumptions about the existence of agency and strategic action. It is worth observing Mitzberg et al's (2009) miscomprehension of neo-institutionalists perception of restricted choice.

Suchman (1995) attempts to reconcile this difference by conceptualising legitimacy in a manner accounting for how legitimacy is granted and how actors acquire it. Suchman (1995, p. 574) defines legitimacy as: the "generalized perception or assumption that the actions of an entity are desirable, proper, or appropriate within some socially constructed system of norms, values, beliefs and definitions". Deephouse (1996, p. 1025) asserts legitimate status requires both regulatory and public endorsement. Accepting the observed relationship among legitimacy, legality, and economic viability, an organisation engaged in commercial activity requires all three, with institutional stakeholders least concerned on economic viability. This research adopts Suchman (1995) and Deephouse's (1996) understandings due to their complimentary nature and depth of analysis offered.

2.1.2 Three Dimensions

There are three dimensions to legitimacy; pragmatic, moral and cognitive. *Pragmatic* legitimacy is "grounded in pragmatic assessments of stakeholder relations". If consumers' gain an immediate personal benefit this confers legitimacy. *Moral* legitimacy is rooted in "normative evaluations of moral propriety", assessments consequent of deliberate rationalisations on correct and appropriate behaviour. *Cognitive* legitimacy "grounded in… definitions of appropriateness and

---

[2] Known as the Environmental School due to the emphasis on restrictions imposed by external environmental political, ideological, and symbolic factors.

interpretability" (Suchman, 1995, p.572), a subconscious understanding of why and how a practice should be conducted.

2.1.2.1 Pragmatic Legitimacy

Pragmatic legitimacy requires immediate stakeholders assess personal benefit from organisational activity, greater perceived benefit equates greater legitimacy. Given large organisations presence, entrenchment, and potential political, social and economic power, stakeholders function as continual assessors of pragmatic legitimacy (Suchman, 1995; Wood, 1991). Pragmatic legitimacy is granted in three ways; through: *exchange*; *influence*; and *dispositional* means. *Exchange* is the value of an organisation by a particular stakeholder or set of stakeholders often rooted in "more conventional, materialistic power dependence relations" (Pfeffer & Salancik, 1978; Suchman, 1995, p. 578). *Influence* results from stakeholders and constituents viewing the organisation as responding to their needs and interests. This can be seen more readily when constituents are factored into organisations' policy making procedures (Suchman, 1995). *Dispositional* is centred on treating organisations as autonomous entities, akin to individuals with inherent personalities, motivators and goals. Greater legitimacy, in this instance, is afforded firms perceived to uphold praise-worthy or honourable goals. Legitimacy afforded in this way can be manipulated for strategic gain capitalising on the potential naivety of constituents (Scott, 1998), a powerful but unethical means of acquiring legitimacy.

2.1.2.2 <u>Moral Legitimacy</u>

Moral legitimacy is rooted in "judgements about whether the activity is the 'right thing to do'" (Suchman, 1995, p.579), meaning it is an outcome of constituents reflecting on ethical appropriateness and consequences. This dimension accounts for moral objections to organisational activity (e.g. fossil fuel industries, tobacco farming and cigarette manufacture, 'sweat-shop' clothing production, animal testing) despite valuable economic contributions to local and national economies. The potential for false claims to moral legitimacy from self-serving pretences of altruism are very real, although, unlike pragmatic considerations, "moral concerns generally prove more resistant to self-interested manipulation" (Suchman, 1995, p.579). This is likely due to the perspective adopted in assessments, i.e. pragmatic assessment involves selfish individual benefit. Moral legitimacy takes four forms: *consequential*; *procedural*; *structural*; and *personal*. *Consequential* rests on evaluations on the impact and consequences of activity. These considerations are best understood via critiques of industries like fossil fuels, pharmaceuticals, and fast food retailers, where a great deal of potential harm exists via specific practices or misuse of products. *Procedural* arises from organisations seeking moral legitimacy for a socially beneficial outcome by utilising socially acceptable procedures. Procedural legitimacy "becomes most significant in the absence of clear outcome measures" (Scott, 1998; Suchman, 1995, p.580) and consequently an employment of 'sound practice' is deemed a proper means of acquiring moral legitimacy. *Structural* is presented as "indicators of an organization's socially constructed capacity to perform specific types of work" (Suchman, 1995, p.581). There is

potential for the boundaries between structural and procedural to become blurred.

A key difference exists as procedural legitimacy focuses on narrow processes

whereas structural legitimacy focusses on the system as a whole (J. Meyer &

Rowan, 1977). *Personal* legitimacy draws upon Weber's (1978) belief that

charismatic leaders can positively influence legitimisation through blame tactics or

replacing perceived illegitimate executives with more legitimate alternatives.

2.1.2.3 Cognitive Legitimacy

Cognitive legitimacy "may involve either affirmative backing for an organization or

mere acceptance of the organization as necessary or inevitable based on some

taken-for-granted cultural account" (Suchman, 1995, p.582). Jepperson (1991, p.

147) describes this 'taken-for-grantedness' as "distinct from evaluation: one may

subject a pattern to positive, negative or no evaluation, and in each case

(differently) take it for granted". This implies a third and final legitimising dynamic

with two variations: *comprehensibility*; and *taken for granted* cognitive legitimacy

(Aldrich & Fiol, 1994; Suchman, 1995). *Comprehensibility* can be seen in

constituents making sense of organisational activity in relation to their own

constructed realities. This sense-making process can integrate cultural models to

provide a more meaningful and predictable explanation (Wuthnow, Hunter,

Bergesen, & Kurzweil, 1984), however, Suchman (1995) believes that without

explanatory models activity will collapse due to lack of understanding. Legitimacy is

not merely granted through cognition itself. It must be understandable within the

"experienced reality of the audience's daily life" (Suchman, 1995, p.582). *Taken for

granted* cognitive legitimacy is best understood through Zucker's (1983) proposition

that it represents constituents' inability to imagine any change – change is "literally

unthinkable" (Suchman, 1995, p.583). Taken-for-granted legitimacy appears the

most powerful, when being without a 'thing' is unthinkable then legitimacy is

unquestionable. Legitimacy this potent is rare.

The following table provides the adopted definition of legitimacy, offers a summary

of legitimacy's components, stipulates the specific types and a generalised

understanding of the components.

Legitimacy Dimensions and Typologies

Legitimacy	Definition	Dimension	Typology	Understanding
	"A generalized perception or assumption that organizational activities are desirable, proper, or appropriate within some socially constructed system of norms, values, beliefs and definitions"	Pragmatic	Exchange	Rests on the self-interested calculations of immediate stakeholders
			Influence	
			Dispositional	
		Moral	Consequential	Rests on judgements about whether organizational activity is the right thing to do
			Procedural	
			Structural	
			Personal	
		Cognitive	Comprehensibility	Rests on a conscious or unconscious acceptance of organizational activity as comprising social reality
			Taken-for-grantedness	

Table 1: Legitimacy Dimensions and Typologies. Adapted from Suchman (1995)

These typologies promise precise analysis by honing in on how organisations are

rationalised within a wider social context, however, there are four emergent

archetypes: "permanent, structurally legitimate organizations of good character

(churches, banks, nation states); predictable, consequentially legitimate organizations engaged in valued exchanges (commodity producers, fast-food restaurants, gas stations); inevitable, procedurally legitimate organizations subject to constituent direction (law firms, medical clinics, local schools); and plausible, charismatically legitimate organizations sharing constituents' interests (advocacy groups, political parties, social movements)" (Suchman, 1995, p.584). However, this suggests pragmatic and moral legitimacy may 'push and pull' against one another as collective rationalisations on appropriateness negotiate the benefits to individuals with 'correct' moral activity regarding the population as a whole.

2.1.3 Passive Mitigation

The term passive mitigation encompasses characteristics which aid organisations' ability to resist pressure and acquire legitimacy. They are *age*, *size*, *profitability*, *positive-associations*, *visibility* and *vulnerability*.

"Nothing legitimates both individual organizations and forms more than longevity. Old organizations tend to develop dense webs of exchange, to affiliate with centres of power, and to acquire an aura of inevitability" (Hannan & Freeman, 1984, p. 158). Older organisations are more adept at defending established reputations and resist delegitimising claims as their activities are routinized and interactions with external stakeholders long established (Ahmadjian & Robinson, 2001).

Size affects the structure and pattern of social interaction (Blau, 1970), enhancing legitimacy (Ahmadjian & Robinson, 2001; Deephouse, 1996; Ruef & Scott, 1998).

Larger firms are generally more prestigious, more reputable, believed stable employers and attract the best graduates. The larger the firm the greater tendency towards legitimate status. In the most entrenched institutional environments, those incorporating business, professional organisations, political organisations and civic groups, organisations can exhibit a greater sensitivity to institutional pressures (Goodstein, 1994). This interconnectedness amongst organisations enables "the definition and promulgation of normative rules about organizational and professional behavior" (Powell & DiMaggio, 1991, p. 71). Increased transparency from collaboration implicitly negotiates conformity to institutional rules and societal expectations. Large organisations are in direct competition with other large and, in certain instances, indirectly with medium-sized organisations but not small. Medium organisations compete directly with both large and small. Small organisations compete directly with other small organisations, and to a lesser extent, some medium organisations. This places medium-sized organisations on more dangerous ground with higher likelihood of failure than larger and smaller competitors (Haveman, 1993).

Profitability or efficient provision of goods and services (Di Maggio, 1983; Meyer & Rowan, 1977), is a valuable societal contribution, it generates taxation revenue for governments, provides sustainable employment and helps to resist periods of economic decline. Increased profitability means 'deeper pockets' to weather periods of declining performance, however, economic pressures will eventually override legitimacy pressures to ensure survival (Ahmadjian & Robinson, 2001). Increased institutional restraints and minimum standard compliance can be

absorbed more easily by top performers as well as overcoming periods of recession. This characteristic is interwoven with age and size, as effective and profitable performance is a precursor to large and mature organisations.

Positive associations affect how society perceives the moral calibre of an organisation. These affiliations and partnerships help rationalise an existence beyond that of capitalist gains and the extent to which organisations are seen as aligned with social goals (Ashforth & Gibbs, 1990; D. T. Hall, Schneider, & Nygren, 1970; Reichers, 1985). These associations allow organisations to reinforce their legitimacy via affiliations with trade bodies (Ruef & Scott, 1998), regulatory agencies and more legitimate organisations/individuals (Selznick, 1949). This implies legitimacy has a 'rub off' effect, whereby less legitimate organisations can acquire legitimacy by merit of association (Ahmadjian & Robinson, 2001).

Whilst looking at the mimetic effects of corporate contributions to charitable bodies in Minneapolis, Galaskiewicz and Wasserman (1989, p. 456) note the importance of the role played by the local philanthropic elite in ascertaining the distribution of donations. As the beneficiaries are often third parties to the transaction it highlights "the donor can seldom tell if there is any real demand for the services the non-profit provides or if the supply of services is adequate". So, if this is true, what is the corporation buying with the donation? If the wish to engage in corporate philanthropy is real there is no shortage of non-profit organisations offering aid in various contexts. Donors' providing aid to charities supported by the local elite is seen as a tool towards enhancing their own legitimacy (Galaskiewicz, 1985).

Organisations purporting a responsibility to society often practice CSR (Miles, 1987). Dowling and Pfeffer (1975) observe CSR and charitable donations are a, context specific, form of legitimising behaviour. An example of such is reflected in Palazzo and Richter's (2005) study of CSR in the tobacco industry. The fact tobacco kills raises doubt over any 'responsible' activities or affiliations by tobacco giants. For example, Philip Morris have donated to victims of domestic abuse, but these actions are viewed as an attempted deflection tactic from ethical questions over selling a lethal product. Charitable activities, or sponsorship of public events, could be deemed more legitimate in other industries, i.e. Tesco sponsoring 'Race for Life' with Cancer Research UK. The effectiveness of CSR in other industries could be seen as a motivator for tobacco giants like Philip Morris and British American Tobacco to persevere with CSR as a legitimacy remedy (Hirschhorn, 2004). The difference in perception regarding the authenticity of each organisations desire to do good directly correlates with perceived alignment with society's goals.

The visibility of an organisation is problematic for legitimacy (Dowling & Pfeffer, 1975) and stems from increased "attention from the state, media and professional groups" (Goodstein, 1994, p. 356). Criticism from media invites scrutiny by government and professional groups and vice versa. This interwoven relationship increases accountability, particularly for larger organizations, and necessitates careful action to ensure/protect legitimacy (Mintzberg, 1983). Studies have shown that highly visible organisations in both America and Japan will conform to prevailing institutional logics to avoid unwanted scrutiny by constituents and shareholders (Ahmadjian & Robinson, 2001; Budros, 1997). The visibility of on and

off-trade drinking (i.e. public drinking in night-time economies and drinking in the home) has implications for government policy. Media, NHS, police and NGO criticism of youth drinking habits, especially in public spaces, has influenced alcohol legislation. Whereas, drinking habits within the home are less influential, due to consumption occurring in private space. It is observed that "illegitimate practices spread through social processes"; such practices may not be endorsed by stakeholders but spread via "safety in numbers, as firms wait for others to go first, and to allow negative publicity to subside, before they act themselves" (Ahmadjian & Robinson, 2001, p.647). This is best exhibited via a 'but everyone else is doing it' mentality to excuse conformity to social norms, i.e. the sale of alcohol to drunk individuals, provisioning under-age persons or drinking to excess in the home.

Vulnerability to pressures impacts legitimacy. This characteristic is most useful by contrast, despite the potential for objective judgements (based on the previous criteria at the very least), a comparison will help tease out critical differences. Vulnerability is closely related to age and size, as older, larger organisations facing the same environmental expectations have more strategic options due to increased economic, political and social power: a younger, smaller, less positively affiliated, highly visible organisation is more susceptible to stakeholder demands than an older, larger, less visible but positively-affiliated organisation.

Passive Mitigation Characteristics

Passive Mitigation					
Age	Size	Financial-Performance	Positive-Associations	Visibility	Vulnerability

Table 2: Passive Mitigation Characteristics

These factors account for inherent organisational traits and external environmental conditions impacting perceptions of legitimacy without purposeful action.

2.1.3 The Legitimisation Process

Legitimacy is viewed as a process (Suchman, 1995) and a state (Deephouse, 1996). Framing legitimacy as a state allows measurement, whereas Suchman accommodates for change, conceptualising the implications of production, consumption, and activity. The process perspective is not unique. Other literature asserts legitimacy as congruence with a collective construction of reality (Weber, 1978), determined by shared norms and values. Dornbusch and Scott (1975) outline legitimacy as a force for compliance and homogeneity within Weber's social order. Zelditch (2001, p. 33) states "something is legitimate if it is in accord with the norms, values and beliefs, practices, and procedures accepted by a group" and, like their contemporaries (Jepperson, 1991; Suchman, 1995), Hannan and Carroll (1992) reflect upon the 'taken-for grantedness' of organisations as the indicator legitimate status. There is relative consensus across disciplines on the nature of legitimacy.

Johnson et al (2006, p. 56) note four similarities between neo-institutional theory and socio-psychological theory which display overlapping understandings as a "process by which institutions are linked to a much broader cultural framework". First, legitimacy results from the "construction of social reality" and is rooted in accepted norms, values, and beliefs. Second, despite individual judgement and reflection it is a collective process. Third, "Legitimacy depends on apparent, though not necessarily actual, consensus among actors". Therefore, legitimate status does not guarantee unanimous societal approval. Fourth, the social process concept and neo-institutional perspective both dictate a cognitive and normative dimension to legitimacy. The essential underpinning being that legitimacy, once conferred to an organisation, is real and right.

Acquiring legitimacy "is a contested process that unfolds through time" (Johnson et al., 2006, p.59) via implicit and explicit processes. When a new organisation or social object is introduced society rationalises its legitimacy. The process is as follows: innovation; local validation, diffusion, and general validation. *Innovation* results from a need or want within a group of actors being addressed. This innovation need not be isolated, it can arise in several places. *Local validation* draws upon the fundamental understanding of legitimacy conferred via congruence with a collective sense of what is right and proper (Suchman, 1995). Therefore, once innovation has created new organisational activity to address a specific need, want or desire the local collective can advance legitimisation by passing favourable judgement. This progresses legitimisation towards diffusion. *Diffusion* arises when organisational activity is introduced into new surroundings after approval in prior social contexts is

carried forward as fact (congruent and supportive of collective norms, values and propriety), occurring fastest when resonating with broader societal goals. This 'new prototype' can result in cognitive approval as its adoption is further entrenched throughout local social situations and is then viewed as 'the way things are done' (Mezias, 1990; Palmer, Jennings, & Zhou, 1993; Scott, 2008), even if the activity is less efficient this cognitive belief in the early innovators being 'correct' persists (Roy, 1997; Scott, 2008; Tolbert & Zucker, 1983). When diffusion carries the innovation throughout society there is further validation. General validation arises from widespread acceptance beginning from initial innovation, to local validation, to diffusion (and diffusion's potential to catalyse emulation and homogeneity from belief in the practice being 'proper and accepted') to general validation throughout society as collective approval endorses and legitimises the innovation.

Legitimisation Process
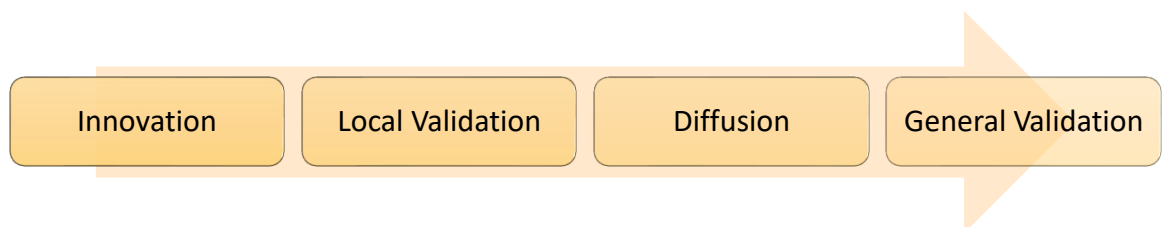
Figure 1: Legitimisation Process (Johnson et al, 2006)

2.1.6 Reconciling the Approaches

These perspectives are complimentary, granting a more holistic perspective on how legitimacy is acquired with respect to small operators and large multinationals as inhabitants of a broader cultural framework.

Suchman's approach considers how firms acquire, maintain and repair legitimacy. These techniques are most salient for industries with harmful outcomes, e.g. Philip Morris (the world's largest tobacco firm) will benefit more from these considerations than IKEA (a leading furniture manufacturer)[3]. Maintaining legitimate status is more valuable to Philip Morris than IKEA, best exhibited by the difficulty in reacquiring lost legitimacy. Cigarette's kill by default, affordable furniture does not. It is difficult to imagine a scenario where the pragmatic, moral, and cognitive legitimacies of manufacturing furniture are threatened, however, cigarette manufacturers have faced these challenges for decades (Palazzo & Richter, 2005).

Since legitimacy is an on-going rationalisation process, alignment with prominent stakeholder and institutional constituent goals is critical. This problematizes Johnson et al's (2006) process model as there is little accommodation for delegitimisation and is occupied by the rationalisation of new products or practices. Therefore, it is best to restrict Johnson et al's (2006) approach to these changes while remaining sensitive to broader institutional contexts.

---

[3] CSR is an effective tool and commonly used to display the purpose of an organisation beyond generating profit. An assembled portfolio of philanthropic ventures, social causes and charitable works to demonstrate a greater mission driven by core organisational values. However, this is not the same as legitimacy management as, useful though CSR can be in acquiring legitimacy, there are some industries considered incapable of CSR (Palazzo & Richter, 2005) due the inescapable harm and death caused. There are other factors which grant these organisations legitimacy, i.e. creating employment, tax contributions, career development, among many others.

2.1.8 Don't Panic

These complimentary perspectives offer a useful framework for identifying external challenges to legitimacy. These challenges problematize outcomes of production or service provision on some ethical grounds despite benefits to the consumer, e.g. health outcomes of alcohol consumption (liver cirrhosis, cancer, obesity), cost to society (£3.5 billion in Scotland), binge drinking, links to violence, assault, petty crime, domestic violence, under-age drinking, over-provision (sales to drunk individuals), and many others. Ethical musings over appropriateness of any activity when framed as the needs of the many against the rights of the individual is often exhibited in the de-emphasis of pragmatic legitimacy and the emphasis of moral legitimacy. With respect to alcohol-related problems, these problems are often framed as considerations of harm minimisation, risk management, and supply-side policy. A component of the increased importance of moral over pragmatic is key stakeholders highlighting their issues of concern, communicating the nature of the problem, to what extent it occurs, why the phenomenon is problematic, and maybe recommending implementable action. However, claims-making is not uniform, and criticism not always proportionate to the reported phenomena but a reflection of importance to the relevant claims-maker.

2.2 Moral Panic

2.2.1 What is Moral Panic?

'[O]lder sociology… tended to rest on the idea that deviance leads to social control. I have come to believe the reverse idea, i.e., social control leads to deviance' (Lemert, 1967, p. v).

In 1972, with social constructionism in its infancy, Cohen (2002) brought attention to the role newspapers play representing deviant groups in mainstream media. He called this phenomenon 'moral panic'[4], although the phrase was already employed by Young (1971) at the time, describing the social interactions between claims makers, moral guardians and the media. Moral panic recognises that an observed deviant phenomenon exists but is exaggerated. This exaggeration is verified in two ways: first, by comparing media sources with more objective and credible alternatives; and second, when compared with other more serious problems deserving of media attention. This is seen as a reaction of the political right in the belief that liberals and leftists are downplaying social concerns believed a threat to traditional moral values. Cohen indicates that three components comprise a successful panic. There must be a target, someone to stand in the crosshairs for

---

[4] "A condition, episode, person or group of persons emerges to become defined as a threat to societal values and interests; its nature is presented in a stylized and stereotypical fashion by the mass media; the moral barricades are manned by editors, bishops, politicians and other right-thinking people; socially accredited experts pronounce their diagnoses and solutions; ways of coping are evolved or… resorted to; the condition then disappears, submerges or deteriorates and becomes more visible. Sometimes the subject of the panic is quite novel and at other times it is something that which has been in existence long enough, but suddenly appears in the limelight. Sometimes the panic and is forgotten, except in folklore; and at other times has long-lasting repercussions and might produce such changes as those in legal and social policy or even in the way society conceives itself"(Cohen, 2002, p.1).

public vilification but remain bereft of credible defence. This may be a result of powerlessness or lack of credibility or cultural astuteness. These are known as folk devils. There must then be an appropriate victim, someone innocent, an individual with whom society can easily identify. Finally, there must be belief in the need for action. The fear of a lurking threat endangering the moral fabric of daily life, on a very personal level, drives this need to act, "that, if something is not done it could be you, or your family who'll suffer next" (Cohen, 2002, p.xi). This misrepresentation and exaggeration of deviance emerges from cultural ambiguity during socio-political change, rendering the folk devil symbolic of latent fears symptomatic of a problem found elsewhere.

2.2.2 How the Concept has developed

Goode and Ben-Yehuda (1994, p. 149) expanded upon Cohen's original concept agreeing that periods of panic are brief and acknowledge existing theories on why panics emerge, however, they stipulate that although moral panics (MP) are short-lived they have a tendency to leave "an informal, and often institutional legacy". The implication being change in the institutional environment with long-term implications. In order to identify when a panic is underway, they insist key criteria be met. These are: concern; hostility; consensus; disproportionality; and, volatility. Concern must be shown about the behaviour (or alleged behaviour) of specific groups and the consequences for society. This concern becomes manifest and is measured through media attention, proposed legislation, social movements, NGO activity or public opinion polls. Hostility increases as deviants threaten traditional values and interests. This feature resonates with Cohen's stipulation of a necessary

target to create folk devils in the first place, stereotypes are then created and issues of morality enter the construction. Consensus requires a portion of society share heightened concern and hostility towards the specific group. Although concern must be widespread it need not require a majority. The authors' point out that panics come in different sizes and concern may be restricted to elite corners or interest groups. "Still in arguing that a measure of consensus is necessary to define a moral panic, we do not imply that panic seizes everyone, or even a majority of the members of a society at a given time. Even during moral panics, public definitions are fought over, and some of them win out among one or another sector of the society, while others do not" (Goode & Ben-Yehuda, 1994, p.157).

Disproportionality is recognised by the authors, other researchers (Garland, 2008; Hier, 2008; Victor, 1998) and Cohen as an important criticism of the concept, i.e. 'How do we know the reaction is disproportionate?' (Waddington, 1986). However, Goode and Ben-Yehuda (1994) believe there are four indicators satisfying the disproportionality criteria: first, is over-exaggeration of statistics and figures measuring deviance; second, if the alleged threat is, by all collectable evidence, non-existent; third, if attention attributed panic concerns is greater than other more widely-acknowledged and visible concerns; and fourth, if the current level of concern is greater than that of the past without clear, objective evidence calling for increased attention. MPs exhibit high volatility. The authors extend Cohen's original concept via the belief that panics may leave structural or historical antecedents, as concerns generating current panic may have occurred in the past. Panics may also be sustained over time as "a series of more or less discrete, more or less localized,

more or less short-term panics. Likewise, describing a given concern as volatile does

not mean that moral panics do not, or cannot, leave a cultural and institutional

legacy. Indeed, elements of panics may become institutionalized; during panics,

organizations and institutions may be established at one point in time that remain

in place and help stimulate incipient concerns later on, at the appropriate time"

(Goode & Ben-Yehuda, 1994, p.158).

Identifying a Moral Panic

Concern	• Heightened level of concern over behaviours, manifests in media attention, proposed legislation, etc.
Hostility	• Increasing hostility from 'law-abiding' respectable citizens due to perception as a threat. Folk devils are created
Consensus	• There must be a collective consensus, although not a majority view, within society that the folk devils are a genuine threat to traditional values and interests and that action must be taken
Disproportionality	• Insistence that societal reaction is exaggerated and blown out of all proportion. The means to test this are as follows: • (i) Over-exaggerated statistics and figures reported • (ii) That no collectable evidence proves the deviance exists • (iii) If attention given to the panic is better allocated to other more obvious problems • (iv) If concern is greater than in the past without an objective rationale
Volatility	• Moral panics can be highly volatile but they still leave structural and historical antecedents, may become routinized or institutionalised, and be sustained longer term via a series of sequential mini-panics

Table 3: Identifying a Moral Panic. Adapted from Goode & Ben-Yehuda

2.2.3 Models used to explore MP

After identifying what constitutes a panic, the question of 'why do panics occur in the first place' remains. As Goode and Ben-Yehuda (1994, p. 159) posit: "Why do the public, the media, the police, politicians, and/or social action groups in a particular society at a particular time evidence intense concern about a condition, phenomenon, issue, or behaviour that, a sober assessment of the empirical evidence reveals, does not merit such a level of concern?"

In its origins, how is the panic generated? Does concern rise up from genuine belief that a threat to traditional values is at work and action be taken? This concern originates from either elites, the social middle or the general public, giving potential for three types of ideologically driven MP – exhibited in Cells 1, 3 and 5 (See table 4). Or is the panic a smokescreen covering less altruistic machinations to accrue power, wealth, and position? The origin of the panic provides insight into the material/status interests pursued. When engineered by economic or political elites, panics are fabricated or exaggerated to draw attention away from more pressing concerns which, if fixed, would be detrimental to their personal interests – exhibited in Cell 2. When middling status individuals, i.e. the police, intellectuals, media, social action groups support a moral agenda as a means of furthering personal power and status – Cell 4. Cell 5 exemplifies the moral outcry of the masses where panics are spontaneous and contagious eruptions of concern. Cells 1, 3, and 6 are not represented in the literature but still exist as theoretical possibilities.

<u>Theories of moral panics: motives and origin</u>

Level of Society	Motives	
	Morality/Ideology	Material/Status Interest
Elites	1	2 (Elite Engineered Model)
Middle	3	4 (Interest Group Model)
Public	5 (Grassroots Model)	6

Table 4:Models of Panic: Motives & Origin. Extracted from Goode and Ben-Yehuda (1994, p.159)

The concept of MP has evolved since Cohen's original model, achieved through the introduction of additional dimensions. The level of the panic's origins (i.e. they can spread from the bottom-up, from the top-down, or expand out from the middle) leads to questions over the moral/ideological agenda and whether this is a deflection tactic from more pressing social/political/economic concerns. Cells 2, 4, and 5 are the most explored phenomena and reflect upon the influences and outcomes of different panics. These panics have become known as the 'elite-engineered'; 'interest group'; and 'grassroots' models

2.2.3.1 <u>Elite-Engineered, Interest Group and Grassroots Models</u>

These examples permeate the literature and go some distance to teasing out the contextual intricacies of the research subjects. When employing the grass roots model, studies explain that panics begin with the general public and become widespread through a genuine, heartfelt consensus that a particular behaviour is threatening. It is important to note that the belief in the threat is genuine even if, by the very nature of the phenomenon, exaggerated or even non-existent. The media, politicians, or police become involved and, although they may propel the cause, are acting upon what was once a latent social concern. "The panic is simply

the outward manifestation of what already existed in less covert form. Politicians give speeches and propose laws they already know will appeal to their constituency, whose views have already been sounded out; the media broadcast stories their representatives know the public, or a segment of the public, is likely to find interesting and, about certain topics, troubling". Thus, the grassroots panic is most inclined towards a spontaneous eruption after a particularly tragic case (Goode & Ben-Yehuda, 1994, p.161).

The elite-engineered model accounts for powerful elites purposefully generating fear and concern over an issue of little relevance. The agenda is to deflect attention away from other more pressing social concerns which, if solved, would damage elites' interests. This stems from a conspiratorial perspective where a few powerful individuals control society; "they dominate the media, determine the content of legislation and the direction of law enforcement, and control much of the resources on which action groups and social movements depend" (Goode & Ben-Yehuda, 1994, p.164). Hall et al's (1978) exploration of mugging in early 1970's Britain is considered the best example of an elite-engineered panic, when the powerful constructed a panic distracting attention from the worsening contemporary economic crisis. However, unlike the paranoid foundations of the model they did not share that belief. Instead, they insist the ideological drivers behind the panic are a tool to protect elite interests, not through conspiracy, but via political manoeuvring to create hegemony. In this way, elites' economic interests are protected while contributing towards restabilising the economy.

The interest group model is the most common and best evidenced when police, media, educational associations, NGOs or religious groups raise concerns over an issue outside the interests of the elite (and best known through Cohen's (2002) *Folk Devils and Moral Panics*). These groups are responsible for directing and furthering the panic, irrespective of motivations. These motivations can be sincere and benevolent but may also aid specific agendas or serve to increase status, power, or wealth. It must be acknowledged, whether driven by ideological fervour or more materialistic goals, successful deployment will likely increase their status and power, if not wealth. This makes employment of the interest group model the trickiest, as it is difficult to separate the agendas of morality and interest as they can potentially be so closely related. Goode and Ben-Yehuda (1994, p.166) encourage researchers to not picture "these two motives as contradictory… [but will find] it is more fruitful to see both as operative, but, in a given moral panic, one as more influential or dominant than the other".

Each model is incomplete. The elite-engineered model, whilst promoting a critical insight into political manoeuvrings behind the constructions of panics, relies too heavily on a gullible public. The grass roots model offers insight into catalysing a 'bottom-up' panic but it does not explain how panic is sustained. The interest group model can explain how panic is communicated and escalated beyond an initial eruption. The models seem complimentary and fill the gaps of the others, where the grassroots model on its own could be described as naïve and the interest group model could be described as overly cynical. The elite-engineered model sensitises the researcher to the societal levels and hidden political agendas. Collectively, they

offer a more complete picture of panic construction, "interest groups co-opt and make use of grassroots morality and ideology. No moral panic is complete without an examination of all societal levels, from elites to the grassroots, and the full spectrum from ideology and morality at one end to crass status and material interests at the other" (Goode & Ben-Yehuda, 1994, p.168).

2.2.4 Role of the Media in Panic Construction

Since the media shapes "populist discourse and political agenda setting" its role in the success of any panic is pivotal. As a result, the media is believed to fulfil one, if not all of the following roles: "setting the agenda (selecting stories on deviant behaviour with the potential for panic), transmitting the images (providing a platform for claims makers using moral panic rhetoric), and breaking the silence, making the claim (naming the guilty parties)" (Cohen, 2002, pp xxiii-xxiv). Now, given the evocative imagery associated with the MP label there is a purposeful distinction made on how 'panics' impact mainstream discourse. Since the label conjures images of uncontrolled frenzy, or a mob brandishing burning torches, two types of panic are distinguished, noisy and quiet constructions. Noisy constructions ignite consequent of at least one sensational case (Hier, 2002; Victor, 1998). These panics are most indicative of the imagery associated with their label. Quiet constructions (Welch, 2004) occur when "claims-makers are professionals, experts or bureaucrats, working in organizations with no public or mass-media exposure" (Cohen, 2002, p.xxiii). MPs receive public validation and persist longer when preached by professionals in positions of authority, e.g. politicians, police, doctors, health officials etc.

Victor's (1998) study on satanic cults and the ritual abuse of children offers a case study with no supporting evidence, illustrating noisy panics can be pure fantasy and indicative of the irrational mob associated with the MP label. However, it is essential to observe rational reactions to underlying social concerns. Although children are not brainwashed into Satan worship, kept as "breeders", programmed to become cannibals, or commit sacrifices, documented crimes of child abuse in recent history has redefined how we scrutinise, consider and approach adult interaction with children. The exaggeration about satanic ritual child abuse is extreme, and central to the panic's success, but although such exaggeration is fabricated, it must be remembered these fears stem from what could and does happen in secluded corners of society. Hier (2002) illustrates how an emerging MP over the risks of ecstasy in Toronto based raves in the early 90's was subverted by other organisations, acting on behalf of ravers, engaging with a wider range of media outlets. The aim of the panic was to avoid future overdoses from ecstasy by banning raves from Toronto properties via new moral regulation. This case shows the potential implications for moral agendas to impact on policy. This noisy construction failed due to comparisons with more credible and objective forms of media. Quiet constructions are observed to fuel the enforcement of harsh governmental policies during periods of heightened, potentially irrational, concern. When researching the reception of asylum seekers in America post September 11th, Welch (2004, p.125) found "the war on terror provides an enhanced rationale for greater reliance on that form of containment [i.e. unfair and unnecessary detention]. Bolstering its push for legitimacy, detention rests on the exaggerated

claim that it serves the purpose of crime control and maintaining national security".

He highlights the importance for scholars to acknowledge the polarities of over-reaction and under-reaction, i.e. whilst the US were carrying out well-documented 'War on Terror' imperatives intended to safeguard the nation, the pervasiveness of their publicity and rhetoric deflected attention from "innocent victims caught in the machinery of counterterrorism" (Welch, 2004, p.126). Amongst each of these examples is the creation of appropriate folk devils, i.e. Satan worshippers, faceless drug dealers, and would-be terrorists. These examples help underline Garland's observation of MP's usefulness in critically appraising "overzealous law enforcement and moral conservatism" (Garland, 2008, pp. 18-19).

It is suggested that traditional MPs, "very much belongs to the distinctive voice of the late Sixties" (Cohen, 2002, p.vii), and has shifted towards culture wars between social groups. Since the 1960's, when Cohen wrote his original thesis, media and information espousing contrasting perspectives have become increasingly available, as well as the emergence of experts and activists willing to contest those creating and blaming new 'folk devils'. This provides a more open forum to contest the meaning and value of deviant behaviour, albeit with an asymmetrical distribution of power between accusers and folk devils. Folk devils, once forced to cease their deviance or embrace their assigned identity, may now have the agency to resist the imposed cultural stigma consequent of their perceived illegitimacy and see their behaviour as normative within society. However, irrespective of the consequences of any redistribution of power and increased access to media debate, MPs have the potential "to create social divisions and redistribute social status as well as building

infrastructures of regulation and control that persist long after the initial episode has run its course" (Garland, 2008, p.16) leaving behind an institutional legacy.

There is a documented propensity to vilify youth and young people: Cohen's (2002) 'Mods and Rockers'; Hall et al's (1978) drug dealing, inner city, black youth; Victor's (1998) Satanic cult indoctrination; Hier's (2002) drug dealers and pill poppers; and Bartie (2010) with Glasgow gangs. The following responses to deviance have been observed: organised collective action to raise concern and/or protest about the perceived problem; introduction of legislation criminalising perceived deviance; inclusion in political/social campaigns ranking perceived national problems; and, discussion of specific behaviours associated with said deviants in the mainstream media, e.g. newspapers, magazines, television, documentaries (Goode & Ben Yehuda, 1994).

Hier (2002) offers an example of a failed panic in Toronto where pursuit of new moral regulation was thwarted by comparison with more objective sources of information. Developments in the literature have linked moral panic and moral regulation (Critcher, 2009; Hier, 2008; Hier, Lett, Walby, & Smith, 2011). Hunt (1999, p. ix) asserts "projects of 'moral regulation' involve practices whereby some social agents problematize some aspect of the conduct, values or culture of others on moral grounds and seek to impose moral regulations on them". Effective deployment requires changing the behaviours and identity involved (Critcher, 2009), thereby neutralising the threat to traditional values originally posed and a desired shift occurring better aligned with government expectations.

2.2.5 <u>Moral Panic and Legitimacy</u>

The distinction between legality and legitimacy is important for this discussion. Although folk devil creation can involve severe criminality, the exaggerated nature of MPs reflects anxieties over petty crimes or unconventional behaviours different from social norms. Amplification is a means of inflating the significance of said anxieties to levels where large swathes of the population find a phenomenon as troublesome as the claims-maker(s). The issue of criminality is important. There are many contemporary norms once considered illegal, immoral, or even absurd. Women can vote, homosexuals can marry on par with heterosexuals, pre-1992 it was legally impossible for a man to rape his own wife (rendering it illegal to refuse a husband his conjugal rights) parents cannot hit their children, hand guns are banned to the general public, corporal punishment is prohibited and capital punishment abolished. Each of these examples are now taken-for-granted, absorbed into the grander social, cultural, and legal cognitive understandings of how Scottish society *should* work. However, amidst their happening, these demands for fairer allocations of rights represented were contested by a pre-existing cognition.

The explicit link between the moral dimension of legitimacy and MP is the act of folk devil creation; condemning groups or behaviours as deviant due to some perceived threat to morality and appropriateness. These groups are considered illegitimate within society; alleged deviance differentiates the folk devils from normal, decent, productive citizens acceding to established conventions on normal behaviour. The increased propensity for youth and young people to be folk devils is significant as they are the next generation; custodians of the future in whom

previous generations entrust stewardship. The activities of youth and young people are fertile ground for moral panic due to these competing perceptions of how the world *should* be.

2.3 <u>Moral Regulation</u>

'[There] is no more inviting field than the moral and prudential improvement of our fellow creatures' (Mill, 2005, p. 85)

Classical definitions of MP emphasise the episodic, unpredictable, and disproportionate facets of the concept, painting panicking as somehow irregular. Hunt (1999) is critical of traditional understandings due to essential epistemological flaws of a 'negative normative judgement', predilection to conspiracy theory, and the assumption of a right-wing political agenda guiding the panic. The negative normative judgement is part of the disproportion concern raised by many proponents of the concept. Disproportion infers comparison and measurement against an objective version of reality to gauge exaggeration – this is problematic amongst consensus where reality is socially constructed - MPs, by their nature, invite exploration and resist quantification. MP theorists are considered prone to conspiracy theories about the state and the media. Despite observable historical instances (the classic elite-engineered panic (Hall, et al, 1978) as the quintessential example) this should not be taken for granted. Finally, the assumption of a 'right thinking' (Cohen, 2002, p. 1) political agenda ubiquitously guiding each panic is erroneous and Hunt is not alone in thinking panics need not be conservative in

origin (Critcher, 2009). However, MP in the UK has been most effectively employed by a dominant right wing press (McRobbie & Thornton, 1995).

The link to moral regulation (MR) embraces MP (a term synonymous with what criminologists call the volatility of moralization) as a regular feature of the moral landscape with real implications for policy and regulation. Hier (2002) considers moral regulation an appropriate fit for academic analysis despite the shortcomings. Originally perceiving MPs as a form of regulation; Hier (2008, p. 175) refined his outlook to conceive of 'such volatility as a much more routine extension of everyday life operating through flexible configurations of risk and responsibility' but the conception of MPs as MR is criticised for oversimplification. After research into how folk devils resist labelling, the understanding was further refined: 'moral panics represent episodes of contestation and negotiation that emerge from and contribute to or reinforce broader processes of moral regulation' (Hier et al., 2011, p. 260).

Hier (2002, 2008), Hier, et al.(2011), Hunt (1999, 2003), and Critcher (2003, 2008, 2009) all explore the link between MP and MR. Hunt (1999, 2003) argues an increasing number of moralised dialectical judgements on what is right and wrong, healthy and unhealthy, are based on adjudicated trade-offs between risk and harm. The crux of this position rests on individual's ethical self-conduct to minimise risk and preclude labelling as a harmful or deviant 'other'. Hier (2008) uses responsible drinking as an example of individualised risk management, i.e. individuals who practice responsible drinking will avoid collective harms like drunk driving. Scottish

alcohol licensing enshrines responsibility in law via licensing objectives seeking to increase retailer accountability for individual's inability to manage personal risk. If deemed to fail in this responsibility the premises licence is at risk. Alcohol policy encourages drinkers to be responsible in light of these objectives and minimise social harms. The inability to conform to policy recommendations on ethical self-conduct increases not only the probability of harm to the drinker but to others who, irrespective of their own endeavours to be responsible citizens, are still affected by irresponsible consumption. A basic definition of moral regulation: '[P]rojects of "moral regulation" involve practices whereby some social agents problematize some aspect of the conduct, values or culture of others on moral grounds and seek to impose moral regulation on them' (Hunt, 1999, p. ix).

Critcher (2009, pp.29-30) suggests 'moral regulation can be seen as a useful overarching framework within which moral panics may occur', positing three dimensions of MR:

Dimensions of MR

Issue	Discursive Construction		
	Threat to Moral Order	Amendable to Social Control	Generalised ethical self-formation
Child sexual abuse	High	High	Low
Violent Crime	High	High	Low
Recreational drugs	Medium	Medium	Medium
Internet pornography	Medium	Low	Medium
Smoking	Low	Medium	High
Obesity	Low	Low	High
Sexually transmitted diseases	Low	Low	High

Table 5: Dimensions of MR. Extracted from Critcher (2009)

Hier, et al (2011, p. 260) argue 'the scope of moral panic analyses must extend beyond the episodic nature of resisting primary definitions to assess the broader foundations that give rise to and sustain ongoing processes of moral regulation. Although folk devils and their supporters can and do fight back, their resistance to dominant claims can be subverted, particularly when primary claims are integral to the validation of (especially state-based) regulatory programs. In other words, moral panics represent episodes of contestation and negotiation that emerge from and contribute to or reinforce broader processes of moral regulation'.

MPs as a feature of ongoing MR processes is pre-occupied by effects on individuals, groups, or subcultures. There is little emphasis on the impact of MP and MR on business organisations. There are many examples of products, manufactured or sold, featuring in panics and scares in recent history many of which based on little to no evidence. However, the legacy of these panics leaves a mark on social

consciousness and delegitimises companies and products in the eyes of stakeholders, e.g. computer games like Grand Theft Auto corrupting children, violent films causing violent behaviour, rock music and devil worship, vaccines causing autism, alcopops designed to recruit underage drinkers. These are examples of *illegitimate* panics, unfounded, unsubstantiated and, in some cases, fact defying. These concerns receive appropriate degrees of censorship (age restrictions on computer games and films), restriction (minimum drinking age) and dismissal (anti-vaccination movement). There are examples of more *legitimate* panics which are direct responses to problematic aspects of a complex society, grounded in demonstrable fact. This conforms to the idea of MR as an ongoing negotiation process balancing the importance individualised risk vs collective harms: the paedophile panic led by the Sun newspaper, despite existing in grey ethical territory, contributed to top-down reappraisals to determine how society can interact with children; implementing the Smoking Ban (first in Eire and then Scotland) as health legislation in 2006; 1966 legislation prohibiting drink driving over prescribed limits, these limits have been reduced further over time rendering it now near impossible to drink and drive legally in Scotland; the Dunblane shooting catalysed support for a handgun ban in the UK.

2.3.1 Mill

Concerning the impact of regulation on individuals, it is often more useful to consider individual liberty vs collective harm instead of risk. *On Liberty* (2005, p.13), written in 1859, rejects the idea of government restricting individual freedoms on grounds of physical and moral improvement. The only rationale for restricting

individual freedoms must directly relate to the harm an activity causes to others with careful stipulation that rules for "one's own good, either physical or moral is not sufficient warrant". Individuals are sovereign regarding their own conduct.

The case for moral regulation hinges on behaviours. Any individual who pursues base pleasures, runs up debt despite moderate means, "exercises hurtful indulgence", or makes poor decisions risks becoming less in the eyes of his peers. However, should an individual have their professional ability besmirched on account of unrelated activities occurring in their personal lives they have the right to challenge their accusers. However, when behaviours cause harm to others[5] there is a case for "moral retribution and punishment". Social duties only become obligatory when others are impacted by their outcomes. There is similarity to perspectives collectivising risk as a milieu to address health and social problems but stresses nearly opposite priorities. The goal is to improve society via the extent of restriction placed on individual agency. One stresses adequate restrictions be in place to minimise problems across a population while the other recommends few restrictions, but desires individuals make fully informed decisions.

---

[5] Mill's (2005, p.95-96) lists: "Encroaching on their rights; infliction on them of any loss or damage not justified by his own rights; falsehood or duplicity in dealing with them; unfair or ungenerous use of advantages over them; even selfish abstinence from defending them against injury – these are fit objects of moral reprobation and, in grave cases, of moral retribution and punishment. And not only in these acts, but the dispositions which lead to them, are properly immoral and fit subjects of disapprobation which may rise to abhorrence. Cruelty of disposition; malice and ill-nature; that most antisocial and odious of all passions, envy; dissimulation and insincerity, irascibility on insufficient cause, and resentment disproportioned to the provocation; the love of domineering over others; the desire to engross more than one's share of advantages (the pleonexia of the Greeks); the pride which derives gratification from the abasement of others; the egotism which thinks self and its concerns more important than everything else, and decides all doubtful questions in its own favor – these are moral vices and constitute a bad and odious moral character".

A duty to oneself is a means to preserve self-respect or cultivate self-improvement. It is not in the interest of the collective good for an individual to be held accountable for a duty to oneself (Mill, 2005, pp. 95-96). Mill uses a man unable to pay off debts through intemperance as an example. A man without dependents does nothing immoral but a man with dependents who fails to provide support deserves punishment. The immorality is the dereliction of duty to his family and not intemperance. Professions with social duties, e.g. doctors, police officers or teachers, are useful examples as they highlight this importance. If a member of these professions is drunk at work they commit a social offense by dereliction of their inherent duty, they must be punished for dereliction of duty and not the act of drinking.

When an individual harms another is the limit of individual liberty. However, it can be argued that no-one exists out-with society and therefore must harm his nearest connections if harming himself, e.g. damaging one's property harms any reliant upon it; self-harm harms those who derive happiness from his continued well-being; denying society professional skills he possesses; he may even strain their good will, affection and finances if he becomes a burden. Drinkers and gamblers may cause no harm to others but persisting the behaviour sets a poor example to those who may be influenced. Such a person should exercise self-restraint "for the sake of those whom the sight or knowledge of his conduct might corrupt or mislead" (Mill, 2005, p.98). Drinking and gambling are used as examples of vices where individuals require protection from themselves much in the way that children require supervision to ensure responsible self-government. The odds of

this perspective leading anywhere other than eventual prohibition are small. Legitimate panics exist in this realm. They represent contestations over individuals/groups activities and the potential harm posed to themselves and the rest of society. It is easy to imagine a continuum with legitimate and illegitimate panics polarised by the verifiable level of risk/harm posed by a specific phenomenon.

Business organisations sell and manufacture products with potential for harm. These organisations are susceptible to moral regulation and moral panic effects. MP as part of a broader landscape of MR reflects ongoing negotiations and changing perspectives on appropriate and correct conduct in a modern society. This is amenable to pragmatic, moral and cognitive assessment of legitimacy; the individual risk vs collective harm perspective reflects issues where pragmatic and moral dimensions are contested. These contests pit individual's desire to engage in certain activities against wider questions of moral appropriateness (often featuring issues of health and safety), e.g. debates on US gun regulation, public smoking, decriminalising recreational drugs, internet pornography, and recommended levels of alcohol consumption.

2.4 <u>Institutional Theory</u>

'*When someone announces that he or she is conducting an institutional analysis, the next question should be, "Using which version?"'* (Scott, 1987, p. 501).

In modern management writing, one of the earliest definitions of an institution comes from Hughes (1936, p.180): "The only idea common to all usages of the term 'institution' is… some sort of establishment of relative permanence of a distinctly social sort". Understandings of institutions are not confined to management literature but are also explored in economics, political science and sociology. There is consensus amongst social scientists that institutions exist but there is more agreement on what institutions are not rather than what they are (DiMaggio & Powell, 1991). Due to embedded ontological assumptions, which will become apparent in the upcoming section, this thesis adopts the neo-institutional perspective (DiMaggio and Powell, 1983; Meyer and Rowan, 1977) but those wishing to learn more on differences – although attention is given when necessary - between the perspectives should consult Scott (1987).

2.4.1 <u>Neo-institutionalism</u>

Meyer and Rowan (1977) reframed institutions as rule systems where expectations on organizational activity were predicated by macro-environmental influences setting courses of appropriate activity. These developments in the late 1970's saw the departure from what is referred to as 'old' institutionalism (OI) and the ascendancy of 'new' institutionalism (NI). This new school of thought is described as "a rejection of rational-actor models, an interest in institutions as independent

variables, a turn toward cognitive and cultural explanations, and an interest in properties of supra-individual units of analysis that cannot be reduced to aggregations or direct consequences of individuals' attributes or motives" (DiMaggio & Powell, 1991, p. 8). This observation gives NI a unique identity it not only departs from OI but distinguishes sociological NI from contemporaries in economics and political science. 'Old' institutionalists, Thompson (1967) and Blau and Schoenherr (1971), view organisations as rational actors within complex environments, capable of agency to strive for improved technical efficiency and further economic gain. Zucker (1977), unlike DiMaggio and Powell, argues 'old' institutional adaptation approaches need not be rejected but remain restricted to environments with low levels of institutionalisation.

DiMaggio and Powell (1983) observed that institutionalised organisations were becoming increasingly homogeneous; pushed into alignment with prevailing institutional ideals by a process called isomorphism. The institutional ideal does not strive for technical efficiency but resembles more a romanticised ideal of how the organisation 'should be'. This idea of what 'should be' underpins the acquisition of legitimacy necessary for survival and offers the best understanding of what an institution is, i.e. the set of rules and requirements to which organisations should conform for survival. This is the underpinning tenet of NI where conformity to the rules, belief systems and formal structures pacifies prominent stakeholders over questions of legitimacy, particularly with regard to coercive pressures and Government policy (Masrani & McKiernan, 2011). Compliance with these structures "are less likely to provoke protest by protected classes of employees… are more

likely to secure Government resources… and … are less likely to trigger audits by regulatory agencies" (Edelman, 1992, p. 1542). This theoretical shift also allows for social influences on organisations where public perception can constrain or even dictate how an organisation can operate (Masrani & McKiernan, 2011). These external influences upon organisational activity account for "task-related inefficiency" (Zucker, 1987, pp. 445-446) where practises, that could be substituted for more efficient alternatives and a healthier bottom line, are adopted to pacify prominent stakeholders.

NI is built upon OI but these are not the only alternative view of institutions within sociology. Scott (1987) observes four perspectives:

- Distinct Societal Spheres (Friedland & Alford, 1991; Hertzler, 1961; Hughes, 1936)

- A process of Instilling Value (Perrow, 1986; Selznick, 1957)

- Process of Creating Reality (Berger & Luckmann, 1967; J. Meyer & Rowan, 1977; Zucker, 1977)

- Institutional Systems as a Class of Elements (DiMaggio and Powell, 1983; Meyer & Rowan, 1977)

NI understands institutional systems as a class of elements and OI is a process of instilling value. Two other approaches have been developed, one of which views institutionalisation as a process of creating reality and the other views institutions as distinct societal spheres. He sought to outline the divided views of institutional thought whilst emphasising the similarities. Writing in the late 1980s, the

underpinning rationale accentuated institutional theory's "early stage of development". He compares institutional theory to an adolescent: "Adolescents have their awkwardness and their acne, but they also embody energy and promise. They require encouragement as well as criticism if they are to channel their energies in productive directions and achieve their promise" (Scott, 1987, p. 510). Scott's aim was not to further differentiate the theoretical works but to order them, show a progressive development and recognise where they complement one another.

2.4.2 "The Many Faces of Institutional Theory"

NI originates with Meyer and Rowan (1977), building upon Berger and Luckmann (1967) but diverging from Zucker (1977). There are four chief differences between it and its predecessors. Meyer and Rowan (1977, p. 341) argue "that the formal structures of many organizations in post-industrial society dramatically reflects the myths of their institutional environments instead of the demands of their work activities". Organisational structure does not reflect technical necessity but rather conformity to collective rationalisations. Businesses may, in their inception, be organised as per Selznick's definition but undergo institutionalisation over time and technical efficiency is gradually sacrificed for conformity to institutional rules and societal expectations. This rejects contingency theory, resource dependence theory and adaptation theory which "call attention primarily to technical requirements, resource streams, information flows, and influence relations" and instead emphasises cultural elements, including, "symbols, cognitive systems, normative beliefs… and the sources of such elements" (Scott, 1987, p. 498). This departure led

Scott and Meyer (1991, p. 140) to distinguish between institutional sectors and technical sectors: "technical sectors are those within which a product or service is exchanged in a market such that organizations are rewarded for effective and efficient control of the work process". This disjunction acknowledges the usefulness and applicability of adaptation theories but confines utility to less institutionalised environments (Zucker, 1983).

The institutionalisation process, although acknowledged, is de-emphasised (DiMaggio & Powell, 1983). Organisations do not gradually conform because of Berger and Luckmann's (1967) understanding of a shared reality, instead conformity stems from increasing legitimacy and improving access to resources. Due to de-emphasis on institutionalisation as a process and the introduction of rational myths, cognitive and cultural influences on organisational conformity, scholars began to theorise other explanations. DiMaggio and Powell (1983) present three isomorphic pressures: coercive; mimetic; and normative, which constrains organisational activity to align with institutional expectations. Isomorphism differs from process-based theories but incorporates the push towards conformity based on taken-for-granted acceptance of institutional life (Meyer & Rowan, 1977; Zucker, 1977).

Meyer and Rowan's (1977) rationalised myths emerge from propositions grounded in support of one institutional environment. Scott (1987, p. 498), when commenting on Meyer and Rowan's work, observes that over time, "through the use of many diverse examples – public opinion, educational systems, laws, courts, professions, ideologies, regulatory structures, awards and prizes, certification and accreditation

bodies, governmental endorsements and requirements – they underscored the multiplicity and diversity of institutional sources and belief systems found in modern societies." Consequently, recognition is given to multiple institutional environments (DiMaggio & Powell, 1983; J. W. Meyer & Scott, 1983).

There is belief in a rationalisation of society, as "Folkways and traditions and customs give way to laws, rules, and regulations; and elders' councils and other forms of traditional authority are replaced by the nation-state, the professions, and rationalized systems of law" (Scott, 1987, p. 498). This rationalisation supplants the importance of the competitive marketplace (Weber, 1978), rational action, resource dependence, and highlights the importance of other influences upon organisations through institutional expectations.

Consensus prevails across the four sociological schools on several key areas: institutions are semi-permanent social constructs; they retain a 'taken-for-granted' status; their practices carry inherent value beyond monetary transactions; institutionalisation is a process (although Meyer and Rowan (1977) and DiMaggio and Powell (1983) place less emphasis on this); advocates case study analysis; employment of a longitudinal approach; and emphasises analysing organisations as a whole. These few similarities do not allow blending the approaches due to their differing underlying assumptions.

Institutional systems as a class of elements offers the most lucrative opportunity for contextual exploration and theoretical development. The acknowledgement of the role played by prominent stakeholders, government legislation and policy, social

expectations and fickle perceptions in constraining organisational behaviour allows for a broad and detailed analysis. In their critique of NI, Kraatz and Zajac (1996, p. 831) argue the adaptation perspectives of Selznick (1957) and Perrow (1986) better encapsulate societal expectations of norms, standards and values regarding institutional constituents. Their study constructed using longitudinal analysis in a highly institutionalised environment found NI "consistently… unable to account for the observed organisational behaviour and performance". Homogeneity was contradicted by increased heterogeneity and legitimate but technically adaptive changes. This questions the link between isomorphism and legitimacy, strengthens the position of OI thinking and cultivate a resolute belief that the nature of institutions is debatable. However, a highly regulated and restrictive social context, complex stakeholder interactions and cultural specificity is considered indicative of the isomorphic push central to NI. These cultural explanations help tease out significant details of more institutionalised environments. Social influences dictate how organisations can act and creates the external environment influencing institutional inhabitants. This implies inhabitants are submissive to their respective institutional requirements to pacify prominent stakeholders. OI (Selznick, 1957) attests to the organisation's capability to influence the wider environment through interaction and adaptation, and, over time, even become the institution. These distinctions are irreconcilable. This lack of agency and resultant technical inefficiency is attestable to social expectation but is too imprecise when documenting exactly how organisations behave whilst minimising technical inefficiency.

The assembled literature chronologically acknowledges the contributions of the major modern institutional thinkers from the 1930's onwards. Their diversity is obvious, but the latent commonality shows, despite lack of consensus on the specific nature of institutions, there is hope of realising Zucker's (1987, p. 460) wish for a "more complete and precise institutional theory".

The following sections will explore NI in further detail. The next step outlines the nature of organisational fields existing within the institutional environment and isomorphic pressures demanding conformity despite technically inefficient outcomes.

2.4.3 Organisational Fields

'*Organisational theory has a tendency to propose a differentiated world where organisations are varied, not only in activity but also in structure*' (Child & Kieser, 1981).

Organisations exist in fields. These fields are comprised of "organizations that, in the aggregate, constitute a recognized area of institutional life: key suppliers, resource and product consumers, regulatory agencies, and other organizations that produce similar services or products" (DiMaggio & Powell, 1983, p. 148). The phrase is differentiated from the economic term 'industry' referring to a set of equivalent firms that all produce the same product or service (Alter & Hage, 1993). To illustrate, the on-trade is an organisational field consisting of public houses, bars, restaurants, Pubcos, wholesalers, suppliers, logistics firms, entertainment venues, brewer-owned premises, microbreweries. Other well-known fields include the off-

trade, the pop music sector, fine arts, commercial banking, medicine, national defence, and international tourism.

Fields, at the beginning of their life cycle, can display considerable diversity in both activity and structure. However, the more established a field becomes the stronger the push towards homogeneity. This is a fundamental principle in isomorphic institutional change (DiMaggio & Powell, 1983; Maguire & Hardy, 2009). The drive to homogeneity is a key stage in the 'structuration' of an organisational field (DiMaggio & Powell, 1983; Kraatz & Zajac, 1996). Structuration is the point when a field becomes "well-defined and mature" (Kraatz & Zajac, 1996, p. 814) after which a once diverse field is increasingly homogenised (DiMaggio, 1983). This homogeneity is imposed upon new entrants to the market derived from a "collective rationality" justifying stratification (Kraatz & Zajac, 1996) to increase the legitimacy of the field. This legitimacy, simply stated, is the constituent perception of organisational activity as congruent with wider social aims, concerns, and goals (Suchman, 1995). A valuable means of understanding the institutionalisation process could lie at the boundaries between fields, as this is the line where similar, yet differentiated, rationalities on how organizational activity should be conducted will congregate (Zucker, 1987). Tolbert (1985) observes that some organizations may be constrained more than others and this is likely exemplified by comparing different types of organization situated at field periphery. .

2.4.4 <u>Isomorphism</u>

Isomorphism is a term borrowed from biology denoting two separate organisms of different ancestry bearing a strong physical resemblance. This term is applied to organisations, asserting that in order to attain legitimacy, firms within the same organisational field become homogenised via "a constraining process that forces one unit of a population to resemble other units that face the same set of environmental conditions" (DiMaggio & Powell, 1983, p. 149). The authors believe two forms of isomorphism exist, competitive and institutional. Competitive isomorphism, favoured by population ecologists (Hannan & Carroll, 1992), arises from market competition. However, institutional isomorphism focuses on competition for social legitimacy. The intricacy of institutional isomorphism is apparent as legitimacy can stem from political, economic and market sources, which may have conflicting interests. Institutional isomorphism stems from three responses to change: coercive, mimetic, and normative. Therefore, when dealing with overlapping fields, logic dictates that organisations within each field will be homogenised to resemble different institutional 'ideals'. Coercive isomorphism is catalysed by "political influence and the problem of legitimacy". Mimetic stems from emulation of another organisation or organisations. This action is touted as a "response to uncertainty" and most likely seen within institutions where organisations are very similar or even homogenous. Normative isomorphism stems from professionalization, wherein educational influences and professional practices shape what is expected from individuals comprising an organisations professional workforce (DiMaggio & Powell, 1983, pp. 150-151). This has led to the belief that

isomorphism can depict idealised organisations as opposed to reality (Meyer & Rowan, 1977).

Studies of institutional pressures are varied and stretch over several contexts but the literature exhibits greater attention to mimetic processes (Galaskiewicz & Wasserman, 1989; Haveman, 1993; Wilson & McKiernan, 2011). There is a tendency for studies to focus on one specific isomorphic pressure. Scholars have emphasised the importance of exploring all three of DiMaggio and Powell's pressures as previous studies restricted to mimesis has resulted in a socially constructed understanding of their work incongruent with the authors' original argument (Farashahi, Hafsi, & Molz, 2005; Mizruchi & Fein, 1999). The conclusion drawn is that DiMaggio and Powell's (1983) thesis has become socially constructed and scholars exploring social phenomena underpinned by this framework "will tend to emphasize the components of a work that accord with their own previous preconceptions" (Mizruchi & Fein, 1999, p. 677). Wilson and McKiernan (2011, p. 458) acknowledge the veracity of this critique but feel the contextual specificity of their study sufficiently parallels DiMaggio and Powell's (1983) proposition of collective rationality to circumvent concerns over any premature socially constructed conclusions.

Carmona and Macias (2001) explored multiple pressures and found coercive and mimetic pressures to be strongest. Organisations operating within the same field with the research subject were found capable of exerting influence upon their activities. This had implications for the legitimacy of the research subject when

these organisations regulated activities. These regulations could be training requirements, health and safety issues, professional standards, or minimum legal standards necessary to operate. The stricture of compliance to these standards is likely tied in with follow up checks by the regulatory body. Neo-institutionalists contend that organisations' will conform to coercive pressures which are legally enforceable. Yet, even with legal enforcement and ascribed punishments for non-compliance in place, is the threat of what could happen enough to drive homogeneity when organisations believe/know they are unlikely to face comeuppance due to low levels of enforcement and/or restricted opportunities to be caught acting illegitimately? Competition for resources is seen as a major driver for conformity, i.e. competitors will report illegitimate activity if they feel compliance with the rules of the game places them at a disadvantage. Consequently, it can be deduced when competition for resources is low non-conformity to institutional rules will be high. This has been labelled a 'Safety in Numbers' (Ahmadjian & Robinson, 2001) phenomenon where the wide diffusion of non-conformist practice is tolerated or has a blind eye turned to it simply because 'everyone else is doing it'.

Mimetic isomorphism is an efficient response to uncertainty where organisations emulate the leader within the field as a guide (DiMaggio & Powell, 1983). This process occurs over time and a direct relationship exists between age and uniformity. Therefore, young fields will exhibit the most diversity and older fields will be more homogenous. However, Galaskiewicz and Wasserman (1989, p. 456) point out that this could be oversimplified. They believe predicting exactly who will

be mimicked is not so straight forward and highlight the importance of examining "the network of ties extenuating from the organization through its boundary spanners". Consequent of this success was not found to be the most likely driver for emulation. Organisations were more disposed to mimic field inhabitants they trust.

Terminology like 'mimesis' and 'uniformity' imply a simple world where illegitimate practices are processually discarded, after field structuration, on an inevitable march towards homogeneity. Consequently, one must raise the question, 'What happens when the leader chooses to diversify?' This emulation results in a streamlining effect amongst the fields inhabitants as they become more similar. This increased similarity does not necessitate simplification. If a successful role model chooses to diversify to achieve growth they will legitimise that new market for other organisations. Mimetic pressures will push others to emulate their success and follow suit into the new market (Haveman, 1993).

An over-lapping field comparison could offer interesting contrasts between pressures active in each field, i.e. one could be distinctly coercive and mimetic, the other mimetic and normative or simply one coercive the other mimetic, particularly when selling/providing the same product. In the instance of a harmful product with wider social costs it could be considered a safe assumption that regulatory pressures in both fields will be strong. Due to the on-trade and off-trade existing in different fields their homogenisation processes will differ, however, since governed by the same legislation these differences will be marginal. Organisations within each field may not be part of the same economic industry but they can still be in

competition (i.e. pubs and supermarkets). The isomorphic pressures responsible for shaping how organisations within that field produce or sell their product can be different whilst still institutionalising the fields' residents (Slack & Hinings, 1994). This distinction is important as it highlights the difficulty in predicting what organizational characteristics will exhibit isomorphism, ironic since the onset of isomorphism is inevitable in a specific field's lifespan (Oliver, 1988).

The different extents to which coercive pressures affect a field supports Seo and Creed's (2002, p. 226) observation that boundaries segregating fields can lead to isolation and render fields less sensitive to "change in their external environments". Zietsma and Lawrence (2010, p. 190) note these boundaries can create "contradictions between the norms and practices accepted in fields and those legitimate in broader society". This segregation can lead to societal perception defining the fields differently, even in practices where they overlap. Isomorphism homogenises but that homogeneity ends at the periphery of the field.

Institutional isomorphism forces organisations to conform to rationalised but technically inefficient concepts of how organisations 'should be' where the closest adherents acquire the most legitimacy. This proposes an interesting situation where profit-seeking entities purposefully undermine their primary function to pacify external expectations. Profit-seeking organisations are no longer justified solely by the volume of profits generated and must also qualify their existence via intrinsic purpose, function, appropriateness, ethics, and suitability. This is what legitimises organisations to everyone other than shareholders.

2.5 The Problem of 'Ought'

Organisations require legitimacy to survive. Damaged legitimacy has severe consequences for the bottom-line of any organisation, particularly profit-seeking businesses in competitive markets. Businesses whose output causes some measure of harm will be called upon to defend legitimacy more often than those who do not. The state of legitimacy is negotiated via a process of constituent assessment, weighing self-interest (pragmatic) against ethical appropriateness (moral), while factoring wider understandings of comprehensibility and indispensability, i.e. the most legitimate organisation is one with an indispensable product, satisfying individual needs, manufactured beyond the ethical expectations of stakeholders and, if possible, improves the moral decision-making of users. This 'supra-legitimate' status, for want of a better phrase, is highly improbable. However, this is an expression of 'ought', i.e. what the organisation ought to be, an abstraction which changes over time as the role the organisation plays changes over time, continuously renegotiated. An organisational field oriented around the manufacture, sale, and consumption of products with diminishing moral legitimacy is susceptible to criticisms of not fulfilling 'what it ought to be' in the eyes of stakeholders.

Criticisms from stakeholders may differ, problematizing different outcomes or biproducts of production/consumption. This presents different, potentially conflicting, versions of what 'is' and correspondingly a different 'ought', highlighting the fickle nature of pacifying stakeholder expectations and remaining legitimate.

These outcomes become stakeholder concerns, especially when competing for limited resources, creating impetus for action and desire to galvanise wider support for regulation to better improve moral behaviour in some regard. Stakeholders make claims de-legitimising organisational activity, these concerns may become amplified or embellished by virtue of zeal or a desire to be heard, this can lead to folk devil creation. This conforms to the interest group model, with a form of panic originating from the middle of society with authentic, well-meaning professionals desiring social change. However, these problematizations do not always conform to traditional model's requisites; target (eventual folk devil), innocent victim (unfortunate every person who symbolises the threat posed to loved ones), and a desire to act. The folk devil is not always a person or group but sometimes a thing or even a practice, examples (covered in section 2.2.4) include video games, ecstasy, alcopops, and binge drinking. Belief in the need for action is instigated by the initial legitimacy challenge, however, essential momentum to tackle social problems is gathered by communication. Central to any issue which can be labelled as a 'panic' is the disproportionate and misrepresentative claims-making responsible for galvanising necessary moral outrage. The traditional components change from target, innocent victim, and a desire for action; to villain, victim, and vex. This preserves the original components whilst reframing the issue to explicitly incorporate illegitimate practices or behaviours without restricting the approach to groups or individuals. This mobilises self-appointed moral guardians to challenge emergent threats. These individuals are compelled to defend society from moral ills which may otherwise slip beneath the radar or worse still, if allowed to go

unaddressed, become normalised, and move society further away from what it 'ought' to be. These moral guardians are specific to the relevant institutional stakeholders but, based upon previous moral panic cases, it is probable that NGOs, charities, churches, politicians, police or health boards may be involved with news media and social media serving to communicate and amplify the threat.

Institutional processes take effect as isomorphic pressures exert upon the field. *Villains*, *victims* and *vexes* are evaluated; organisations defend against claims-makers where appropriate. *Passive mitigation* factors (size; age; profitability; visibility; positive associations; and, vulnerability) insulate some organisations from pressure but not all. The effectiveness of these factors is best examined at the boundaries between organisational fields engaged in similar practices. If, after evaluation, regulators deem any of these symbols of sufficient threat coercive isomorphism will ensue. New rules and regulations prevent or deter perceived deviant behaviour. Explicitly asserting an inherent duty to safeguard against occurrences of problematic phenomena. This coercion imposes technical inefficiencies upon organisations (most often via additional costs or other means of hindering production/sales) in order to conform with a newly negotiated institutional ideal, i.e. how things 'ought' to be, undermining the express purpose of an organisation as a structural expression of rational action (mobilising factors of production towards specific ends).

2.6 Scottish Context

Scotland consumes more alcohol vis-à-vis the rest of the UK (Robinson & Beeston, 2013; Robinson, Catto, & Beeston, 2010) with the majority purchased off-trade[6] (Meloche & Stanton, 2009) (Meloche & Stanton, 2009) due to cost. Alcohol Focus Scotland (AFS) contend Scotland's relationship with alcohol costs £3.5billion every year - £900 to each individual taxpayer (AFS, 2012). 'Binge drinking', a recent phenomenon, described by former UK Prime Minister Tony Blair as the 'new British disease' (BBC, 2004) is emphasized as a troubling aspect of contemporary consumption. Since the early 2000s, small on-trade businesses have declined with consumers favouring cheaper off-trade retailers, leaving the hospitality sector dominated by pubcos (Pratten & Curtis, 2002). The removal of 'happy hours' and 'irresponsible promotions' is a key factor in small businesses inability to compete. However, despite health concerns from AFS and Drink Aware, recent evidence from both the BBPA (The British Beer and Pub Association) and the NHS indicates overall alcohol consumption is declining (The BBPA claim that UK wide consumption is declining at an average of 3.3% per capita (BBPA, 2013)). Robinson and Beeston (2013) posit Scotland has experienced a downward trend in consumption since 2009. Sales of all alcohol products, except cider have declined; sales per capita of pure alcohol remain 6% higher than in 1994 but this is linked to increased purchasing of wine off-trade; Scotland still consumes more pure alcohol than England or Wales and is attributed to purchases of low price vodka; since the price

---

[6] Meloche and Stanton's (2009, p. 167) study compared trends of alcohol consumption between the UK and the USA and found "on-premises consumption grew at a positive disproportion rate in the USA and that off-premises consumption grew at a positive disproportionate rate in the UK"

of alcohol increased between 2009 and 2012 and consumption decreased, researchers believe it underscores the importance of a minimum unit price.

The early 1990s saw a marked increase in sessional consumption (Measham, 1996) and growing late night economies provided a stage for the worst side-effects (Pratten & Greig, 2005). These pubs and clubs attract young people, primarily within the 18-25 age range, for festivities and recreation but the gentrifying imperative has side-effects: "littering, urinating, vomiting… indecent exposure… Rowdy behaviour…fighting and assaults… criminal damage to cars… drug dealing and robbery… Noise [and] problems of dispersing large numbers of people from town centres late at night and in the early hours of the morning" (Jones, Charlesworth, Simms, Hillier, & Comfort, 2003, p. 99). The media sensationalises these behaviours (Berridge, Herring, & Thom, 2009; Day, Gough, & McFadden, 2004; Pratten & Greig, 2005; Warren, 2009) and crime reduction approaches seek to minimise them. Others disapprove while advocating moderation among young people (Pratten, 2009), moderation as 'temperance' in the Aristotelian sense (Warren, 2009) included as part of a shift towards southern European drinking culture. These media portrayals have been decried as moral panic (Armstrong & Abel, 2000; Day et al., 2004; Warren, 2009; Young, 2009). The concept of moral panic is criticised as too simplistic to analyse and encapsulate the complexity of media coverage afforded to binge drinkers (Measham & Brain, 2005) but the applicability of the concept is difficult to refute.

2.6.1 <u>Binge Drinking</u>

While harmful drinking has become a prominent political and social concern, binge

drinkers are held responsible for some of the worst side-effects. However, there is

little consensus on what binge drinking is, other than a, subjectively determined,

volume of alcohol consumed in a non-specific period of time. Evidence provides a

variety of definitions from different sources: Ritchie et al (2009, p. 173) offer "single

occurrence heavy episode drinking, i.e. repeatedly going out to get drunk" or

SOHED; Berridge et al (2009, p. 603) cite the common US definition of "drinking five

drinks in a row for men and four in row for women"[7]; Drink Aware (2013)

differentiate by gender: "Binge drinking for men… is drinking more than 8 units of

alcohol – or about three pints of strong beer. For women, its drinking more than 6

units of alcohol, equivalent to two large glasses of wine", a view which is shared by

the NHS (2012). The next steps in the national alcohol strategy (Home Office, 2007,

p. 21), "feeling very drunk at least once a month in the last 12 months" (Matthews,

et al, 2006; as cited in Smizgin, et al, 2008). These definitions provide qualitative

and quantitative answers but little consensus over a confused concept. Overlap

between explanations sees a 'large' volume of alcohol (in some cases unspecified)

consumed to ensure intoxication leading to unpredictable but possibly negative

outcomes, i.e. binge drinkers drink to get drunk and bad things might happen. The

cultural and individual subjectivity of drunkenness and an inability to pinpoint

---

[7] This definition is flawed as different drinks contain different volumes of alcohol, i.e. a bottled beer
compared to a glass of wine or classic cocktail like a mai tai or long island ice tea.

exactly when a person reaches intoxication[8] undermines the usefulness of 'binge drinking' in academic investigation (Martinic & Measham, 2008; Ritchie et al., 2009).

The pervasive use of the term, different definitions from government and alcohol groups, and 'binge drinking' diffusing into colloquial discourse has diminished concept meaning and validity in academic investigation. The definition of what constitutes a binge has metamorphosed many times and these "definitional change[s] must be related to the shifts in the focus of alcohol policy and alcohol science, in particular in the last two decades, and also to the role of the dominant interest groups in the alcohol field. It is not a change simply in the types of people drinking and the ways in which they drink, but rather an issue of perception which tells us something about the ways in which science and policy interact" (Berridge et al., 2009, p. 598).

The invalidity of 'binge drinking' due to lack of consensus has been observed (Martinic & Measham, 2008; Ritchie et al., 2009; Szmigin et al., 2008) but, despite concerns over applicability, legislation continues to be amended to enforce responsibility. The rhetoric implies a 'right' and 'wrong' way to drink: those who conform are law-abiding, responsible citizens and those who do not are likely to become involved in crime or become ill (Szmigin et al., 2008), all of this despite an

---

[8] "Alcohol differs from other intoxicants because its action on the brain is non-specific… the lack of specificity of alcohol for a single neurochemical system and the variety of associated behaviours often make it difficult to define intoxication clearly on the basis of blood alcohol concentration (BAC) may confound attempts to define or identify an exact point of intoxication" (Martinic & Measham, 2008, p. 2)

inability to define binge drinking and creating binge drinker stereotypes.

Irrespective of confusion, an unavoidable fact persists: individuals choose to drink

immoderately (Pratten, 2009). Building on the work of AFS, March (2008) found

that Scottish young peoples' attitudes are: that regular, excessive drinking is a rite

of passage; drinking in social groups is the norm and peaks at the weekend; alcohol

induced 'trouble making' and potential arrests are considered par for course;

getting into debt or being 'skint' from buying alcohol is seen as a cost of the rite of

passage; and, most believed that they would grow out of any risky drinking

practices before long term health effects took hold. Very little research investigates

the drinking practices of individuals and groups over 25 years of age.

This thesis places no value in the concept of binge drinking as a means of analysis,

dubbing it imprecise, unspecific, and politically charged. Any investigation of why

young people and youth subcultures drink as they do could make better use of

Martinic and Measham's (2008) concept of 'extreme drinking'. 'Extreme drinking'

has emerged from the lack of consensus on binge drinking and the superficiality of

its implementation as an academic avenue of investigation[9]. In sum, an extreme

---

[9] It exists on a scale of five criteria that must be satisfied for drinking behaviour to be termed extreme. These are intoxication, motivation, process, outcomes, and alcohol maturity. Intoxication is required over a sustained period. Motivation distinguishes extreme drinking from pathological. Extreme drinking is conducted to achieve a state of calculated hedonism or controlled loss of control (Measham, 2002) and can be planned or accidental. It is the motivation of 'hedonism' that is most important, this can be coupled with "an element of risk-taking or sensation-seeking, or a desire to push the boundaries of consumption beyond usual of acceptable social levels". Process involves the actual 'how' an individual reaches the desired state. Drinking must go beyond the usual social levels but be pursued positively, enabled, and encouraged by friends and peers. These individuals share the experience and share the belief of the process as a positive one. Drunkenness is a staple of Outcomes, although, the extent of what constitutes drunk is culturally and context specific, it "need not be harmful to the individual or society" (Martinic & Measham, 2008, p. 9). Alcohol maturity is best understood by the pursuit of controlled loss of control. Although young people wish to reach high levels of intoxication, they still wish to end the evening safely. To navigate these stormy waters,

drinker must drink to intoxication as a means of experiencing controlled loss of

control, likely as part of a group with similar intentions whose understanding of

'drunk' is contextually and culturally specific, and the variability of individual's

behaviour is mediated by specific alcohol tolerances. This perspective complements

March's (2008) observations of Scottish drinking habits. The label of the 'binge' is

discarded not only for its inappropriateness and lack of sophistication but also

association with political agendas tied to anti-binge-drinking campaigns. This

research requires objectivity and personal agendas on central issues driving

legislative reform are unnecessary and may influence results. 'Extreme drinking',

unlike binge drinking, takes steps to acknowledge why young people choose to

drink as they do without making ethical judgements on the appropriateness of the

behaviour. However, this thesis does acknowledge binge drinking is perceived as a

serious health problem which despite inconsistency in understanding is used as an

umbrella term for drinking behaviours superficially deemed excessive.

2.6.2 Panics

Despite different opinions on what binge drinking is it has not deterred labelling

individuals or groups as such. Like the 'lager louts' of the late 80s and early 90s

(Measham & Brain, 2005) the binge drinker is commonly depicted as a

heterosexual, white, working-class, male youth (Nayak, 2006). However, outrage is

not restricted to male drinkers as studies draw attention to the vilification of

---

the 'ability to handles one's booze' comes into effect. The authors' note the importance of
individual's life experience with alcohol, causally this results in extreme drinking behaviours
generally being found amongst youth and young adults.

females as well. The criticism levelled at women differs from their male counterparts. Women receive criticism for not cultivating temperance, an expectation of females in the Victorian era (Warner, 1997). Often ascribed the 'ladette' label, portrayed as unfeminine (Griffin, Bengry-Howell, Hackley, Mistral, & Szmigin, 2009) and believed more easily engaged in risky (Day et al., 2004), unplanned (Berridge, Thom, & Herring, 2007) (Berridge et al., 2007) and unprotected (Piombo & Piles, 1996) sexual activity. The same outrage does not exist for males. This research agrees with the observation that young (aged 18-24), heterosexual working-class persons (both male and female) are most likely to be labelled as binge drinkers.

Deeper analysis shows many fears surrounding female binge drinkers is related to traditional ideas on motherhood: "women, in their child-bearing and child-rearing roles, have always been held responsible for the 'future of society'". The depth of fear in 1990s USA surrounding foetal alcohol syndrome (FAS) escalated concerns about a rarely occurring condition (0.67 per 1000 cases) to a major public health concern (Armstrong & Abel, 2000, p. 280). The perceived threat of the female 'binge drinker' stems from a lack of conformity to traditional ascribed gender roles and the construction that femininity is synonymous with motherhood (Abbott & Wallace, 1996). Adopting a different institutional logic (that of Hughes (1936)), could frame this subversion as destabilising the model of marriage and the traditional family.

In 1995, a category of drink known as 'alcopops' emerged. These drinks, describable as alcoholic lemonades, were the subject of a media scare as they were judged appealing to those underage, especially children, and were in fact, deliberately designed to recruit the next generation of drinkers. The focus of media attention on these drinks was to draw attention to this sinister strategy and marshal public opinion to secure a ban. The reasoning behind the campaign "appears to have been because young children drink lemonade, these drinks must be marketed at young children" and led to the conclusion that alcopop reporting in Scotland may "now have more in common with that concerning other deviant 'youth behaviours' such as glue sniffing, joyriding or illegal drug use, and less in common with that concerning other (often more powerful) alcoholic beverages such as wines, beers and spirits" (Forsyth, 2001, pp. 60-61). Findings convey interest in alcopops is low prior to the news campaign but consumption of alcopops increased as it went on. When the scare passed consumption did not fall back to previous levels: "In other words, the type of free publicity provided by the press may have made alcopops more appealing to teenage drunks" (Forsyth, 2001, p. 72). Those self-appointed moral guardians appear to have created the problem they originally sought to prevent; this example also serves to illustrate the harm amplified reporting of otherwise innocuous threats can have.

Some perceive representations of alcohol-related behaviours as predicated upon social constructions of government aligned to contemporary life[10] (Berridge, Thom, & Herring, 2007), and accounts for the change in perception of what antisocial drinking is. Assuming Berridge et al's (2009) rationale is correct (and binge drinking is deemed by authority as deviant and illegitimate) and alcohol policy serves to mediate dysfunction while encouraging correct behaviour then governmental policy could be fundamentally flawed in three ways. First, it operates off the assumption that irresponsible drunkenness is an indulgence of an antisocial minority of young people; second, that a southern European drinking culture can replace the current one through legislation; and thirdly, assuming the second level is achievable, that a Mediterranean replacement would be in the best interest of Scottish health and safety (Measham & Brain, 2005).

2.6.3 Responsibility and Harm Minimisation

Lack of consensus on binge drinking is not conducive to policymaking. Moderation and responsibility are advocated as acceptable approaches to drinking. This is an outcome of alcohol policy and regulation shifting from tackling problems of alcoholism to intoxication. In the past, restraint was advocated for fear of addiction whereas the current recommendation is not only to avoid addiction but to avoid drunkenness entirely. Room views this as repackaging Victorian puritanical views, where Calvinist temperance is replaced with drunkenness as an impediment to the

---

[10] The example used to illustrate this reflects the alcohol policy agenda of the 1950s and 60s when the focus of concern was that of a homeless, drunken, alcoholic street drinker. This deviant has faded into the background in light of more prominent binge drinker concerns.

demands of modern work life, social expectations, and accountability. Since alcohol is an addictive, habit-forming, psychoactive drug consuming "more than a limited amount disables the user for the consciousness, attention, and conscientiousness demanded of major roles – as a worker, as a parent, as a driver, and for that matter as a person using public space" (Room, 2011, p. 144).

Room (2011, pp. 146-147) insists "The underlying worldview of controlled or moderate drinking as an ideology and program of ostensive self-control ties together three separate arguments". The first prefers moderation to abstention: abstention is deemed an inferior moral position as, by doing so, "one is opting out of the test altogether". The second requires intoxication be viewed as undesirable, a fact "so taken for granted that it is often not explicitly discussed". The third is opposition to state intervention. The case against intervention and restricting availability rests on the futility of keeping addicts away from their substance; and unfairness upon the majority capable of restraint due to the actions of a minority: "The proper role of the state, in this view, is limited to punishing those who have failed the moral test of responsible drinking".

"The moderate drinker, who drinks regularly, but without ever becoming intoxicated is thus a hero of the economic system, painstakingly treading the knife edge between failure to consume and overconsumption". Framed against this are two others, a victim, and a villain, who by some means have failed the moral test ingrained in the moderate drinking rhetoric. The first is the alcoholic, and these individuals are absolved of personal responsibility by becoming victim to a disease,

something which could be attributed to genetic predisposition or environmental conditions. The second is the villain (i.e. drink drivers, lager louts), people who become intoxicated and then act in ways which endanger others. The "political framing of this antihero is often in terms of a 'small minority', a few 'rotten apples' who can be dealt with by ASBOs and banning orders" (Room, 2011, p. 147).

The approach of the Scottish Government is inconsistent with perspectives on personal responsibility to control drinking behaviours. Room claims, despite merits of state intervention, it contradicts the moderation ideology by restricting availability of alcohol and therefore reducing the opportunity to cultivate good moral character. Since banning 'happy hours'[11] and 'irresponsible promotions'[12], and introducing MUP[13] , it is clear the Scottish Government will not wait for Scots to cultivate better moral character. The negative impacts of Room's antiheroes (victims and villains) is judged severe enough to demand intervention to reduce harm from excess consumption. This led to harm reduction policymaking, articulated primarily as a response to 'binge drinking' but also to help engender the approved attitudes to drinking contained in government messages advocating moderation and responsibility.

Harm reduction is not new or even unique to alcohol policy. It comes from approaches to reduce the harm caused by illegal drugs in the 1980s (as a more realistic alternative to abstention) and involves such methods as providing clean

---

[11] Licensing (Scotland) Act 2005
[12] Alcohol etc (Scotland) Act 2010
[13] Alcohol (Minimum Unit Pricing) (Scotland) Act 2012

needles for intravenous drug users and methadone (Stockwell, 2006). Definitions of harm reduction lack precision to accommodate for different stakeholder perspectives in tackling alcohol problems. Harm minimisation is preferred as a collective term for harm, demand, and supply reduction strategies.

• "Harm reduction: Strategies that reduce the likelihood of harm to health or safety without necessarily requiring a change in the pattern of level of substance use. These work principally by making the substance use environment safer (for example, better lighting, well-trained security staff) and/or the means of administering the drug less risky (for example using clean needles, safer glassware).

• Demand reduction: Strategies which succeed by motivating users to consume less overall and/or less per occasion (for example, controlled drinking and brief intervention programmes) or by affecting population groups (for example, raising taxes on tobacco and alcohol)

• Supply reduction: Strategies that are intended to achieve social, health, and safety benefits by reducing the physical availability of a particular substance (for example, creating legal prohibition, reducing hours and days of sale for legal drugs)" (Stockwell, 2006, p.270).

Minimising harm must target the entire population instead of specific high-risk groups and is best achieved via demand and supply reduction strategies. This approach reduces consumption across the entire population including those often

grouped as high-risk groups (Stockwell, 2006). Liberalising licensing hours[14] is argued against (Measham, 2006; Stockwell, 2006), as is the staggering of closing times in areas with high concentrations of licensed premises as the supply of alcohol is increased by extending the window for purchase (Stockwell, 2006). Measham (2006, p. 264) insists the "current climate of determined drunkenness[15] by young drinkers" makes extending hours an unrealistic change. It does appear that supply reduction is easier deployed than demand reduction due to alcohol's availability, as an albeit controlled, consumer good whose levels and instrumental motivations for consumption run contrary to messages of responsible drinking.

Measham (2006) observes the Scottish licensing act of 2005 operates "radical" policies of supply reduction (banning happy hours, all you can drink promotions, responsible drinking marketing schemes, advertising restrictions) when compared to their English counterparts. Despite the 'radical' label, O'Donnell (2006, p. 369) points out the Scottish supply reduction approach does not restrict hours of sale and, in fact, 'could potentially result in 24hr trade'[16]. O'Donnell does not completely mislead readers by acknowledging any such instance would be an exceptional circumstance afforded by a system predisposed against 24hr licensing. The claim of

---

[14] 24hr licensing is allowed under The Licensing Act (2003) enacted in England prior to The Licensing (Scotland) Act 2005.
[15] 'Determined drunkenness' is an earlier conceptualisation of 'Extreme Drinking'
[16] Premises must designate operating hours in the original operating plan submitted as part of the licence application process. Any attempt to extend must be made through a formal application to the premises local licensing board.

licensing law not restricting availability is guilty of ignorance or deliberately misrepresenting the role played by a licensee's operating plan[17].

Despite a complex institutional environment with two overlapping organisational fields – containing corporations with varying degrees of power and legitimacy - engaged in the mutual practice of alcohol retail, the isomorphic pressures shaping organisational practice, structure and procedure are intended to minimise opportunity for individuals to deviate from the 'responsible' subjects of governmental discourse. Alcohol is considered a consumer good by manufacturers (Diageo, 2019) but the institutional environment implies otherwise, concern for the social impacts leads to amplification of the threat posed by groups of individuals. Claims of deviance which go improperly evaluated can lead to knee-jerk legislation tailored to help curb behaviours which, in the clear light of day, are of no significant concern compared to more prominent social, economic, and political problems.

---

[17] For example, qualifying for a premises licence requires two compulsory documents, an operating plan and a layout plan. These must "set out clearly the applicant's proposals including the activities that would be undertaken on the premises, proposed opening hours and their policy in relation to access for children. The layout plan of the premises should show, among other things, the area where alcohol will be sold, seating arrangements and areas suitable for children. The form of the operating plan and layout plan are set out in regulations made under the Act" (Government, 2007). The licensee must then comply with the details contained within and any deviation requires express permission from the relevant licensing board. Any found to operate out-with the authorised operating and layout plans can be found in breach of their licence, facing either suspension or revocation. What this means for licensees is they may plan for 24hr licencing but must receive express permission to begin operating at those times, other than that the standard licensing hours apply within a system that is predisposed against 24hr licensing. The assertion that Scottish licencing law allows 24hr sales is grossly misleading.

2.7 Restatement of Research Aim and Objectives

"To what extent is alcohol morally regulated in Scotland?"

To achieve this, the following objectives are set:

- Explore legitimacy challenges to the sale of alcohol in Scotland

- Explore the role of moral panic in alcohol policy and regulation

- Investigate coercive isomorphic change in the institutional environment

2.7.1 Propositions and Rationale

Adopting Suchman's approach will indicate the nature of legitimacy challenges to retailers. Retailers and manufacturers are judged to share the responsibility for harm individuals cause while intoxicated, even if that action occurs out-with premises in which the alcohol was purchased. This leads to the first proposition:

1. Legitimacy challenges will contest the moral legitimacy of alcohol retailers

The expectation is a contest between the pragmatic and moral dimensions, whereby individual's desire to do as they wish with their own bodies without causing harm to others is opposed by those who insist such a desire makes a false distinction. In the instance of alcohol misuse, those who do harm to themselves will also do harm to those nearest to them. Even if those nearest to the individual suffer no physical mistreatment or damage, they are still harmed by the individual in

question harm themselves, especially those financially or emotionally dependent on the individual (i.e. family, children, elderly parent).

2. Moral challenges will conflict with pragmatic legitimacy

Moral panics are peaks on the landscape of moral volatility symptomatic of debates over the threat posed by emergent, re-emergent or even re-imagined phenomena. The history of moralisation over the perils of drink are well-documented and volatility over the threat posed by certain groups are institutionalised to be relived in patterns resistant to prediction. However, despite resistance to prediction, based on the assembled literature, the figures at the centre of the panic are more foreseeable.

3. Young people (aged 18-25) will feature as villains

4. Women, especially young women, will feature as villains and victims

5. Children will feature as victims

6. Problem products will feature as vexes

Whether the emergent moral panic includes *villains*, *victims* or *vexes* (or a combination of all three), the threat posed by problematic elements of drinking culture invites regulation as a vehicle for harm minimisation. These regulations will scrutinise and reduce agency of retailers, thereby reducing technical efficiency as a cost of the actions taken by individuals in a misplaced evaluation of shared responsibility. By comparison, individuals will see fewer restrictions due to problems of enforcement and potential criticisms of government overreach intruding upon the liberty of citizens.

7. Coercive change will reduce the technical efficiency of retailers

This thesis asserts alcohol retailing is an institutionalised practice and differentiates between the on-trade and off-trade as two distinct organisational fields comprised of separate members. This has implications for isomorphism within those fields and the passive mitigation characteristics are assembled to explain why these fields exhibit different isomorphic changes, despite providing comparable services to demonstrably different outcomes.

8. Passive mitigation characteristics will account for differences in isomorphism exhibited in both fields

The Next Step

The next chapter will detail research methodology and provide appropriate rationale for the selected method, including considerations of ontology, epistemology, and reflexivity.

3 <u>Methodology</u>

3.1 <u>Introduction</u>

The methodology provides the strategy devised to complete this thesis. This includes considerations of ontology, epistemology, justification for the selected method, all necessary information regarding how data was collected and organised, coding implemented, and reflexivity exercised.

The purpose of this methodology is to gather information necessary to answer the research question: explore the process of moral regulation within the Scottish alcohol context by identifying the nature of legitimacy challenges to alcohol sale and consumption; identifying *villains*, *victims* and *vexes* featured in government discourse on appropriate action; and evaluating the extent to which coercive change is implemented in response to potential misrepresentations of social problems. To achieve this:

- A flashpoint methodology is used

- Government debates, from 2002-2012, become data

- Inductive content analysis is employed

- Template coding approach is devised

The previous chapter provides the theoretical framework for this study, beginning with the legitimacy problem for organisations profiting from the manufacture and sale of goods with health and social costs. These costs delegitimise organisations giving rise to concern and condemnation. These communications contain elements

of traditional moral panic where the threat of folk devils, representing the worst behaviours, finding innocent victims with the added element of specifically troublesome emergent products or practices. Folk devils become *villains*, victims remain *victims*, and new troublesome elements become *vexes*. Stakeholders and moral guardians communicate the threat (promulgating an inherent world view or political cause), with some amplifying and even exaggerating the problem, in order to preserve a-priori interests. The media communicates and amplifies the message, either to further a political agenda (Cohen, 2002; Hall, et al., 1978), increase circulation or the number of internet hits by provocative headlines and stories. Social anxieties on becoming a victim to either/both villain and/or vex invites regulation. When the need for regulation is not thoroughly investigated and assessed it results in moral regulation tailored to help 'improve' individual's behaviour(s) disproportionate to the problem more closely aligned with a-priori interests.

The following section will justify and outline why this methodology was chosen.

3.2 Adapting the Flashpoint Approach

"*The model of a flashpoint combines reference to antecedent conditions (the 'tinder') with a highlighting of interpersonal interaction (the 'spark'), thus involving both psychological and sociological perspectives*" (Waddington, et al, 1989, p.2).

In studies of public disorder, a flashpoint is the catalyst event, often a march, protest, or riot, embodying feelings of discontent and often considered the "final straw" (Lieberson & Silverman, 1965, p. 888; Waddinton, Jones, & Critcher, 1989) in a series of grievances. The original study included six levels of analysis to reconcile and consolidate the approaches of sociologists and psychologists[18]. Adopting this approach is not direct as the nature of research phenomena is very different, however, with modification the adapted approach will have fewer ontological and epistemological concerns since the theoretical building blocks, while multi-disciplinary, dwell within the same philosophical paradigm.

Waddington et al's (1989) flashpoints signify moments in time where public concern over government activity demands action, in some instances culminating in protest, riot or violence, as a reaction to perceived abuse of state power. The flashpoint metaphor is visceral and concise. The process for this study is different. The recommendations laid out in the Nicholson Report forecast many national debates of alcohol regulation over an undetermined but necessary duration. There is less volatility and unpredictability as the role of individuals and groups is de-emphasised

---

[18] Sociologists tend to emphasize the political, social or racial elements, whereas psychologists are more concerned with the dynamics of the group

and institutional processes emphasised in their stead. Therefore, flashpoints within the context of this study do not exist as T (tinder) + S (spark) = F (flashpoint). They exist as significant moments in time determining coercive change, these determinations will, through time, lead to subsequent isomorphic change. These changes are the outcomes of stakeholder activity over many years, the immediate and eruptive nature of Waddington et al's (1989) flashpoints is lost.

3.2.1 Data Set

The research question requires rich data on coercing conformity to institutional norms and values, both established and new. The research context is of public concern for many reasons, three of which are: controlling retail organisations is a proxy to controlling consumers; health and social costs impact public spending; and the major economic contributions (e.g. contributions to GDP and employment) made by alcohol manufacturing and exports. These concerns render debate over regulation and policy more visible due to keen public and private interest. This renders such debates as suitable flashpoints for coercive change as they encompass stakeholder, constituent, and political interest at multiple stages, offering representative insight into the rationale for regulatory and policy changes. Exchanges reflect the refining positions of debaters, where the process by which regulatory outcomes can be observed.

The *Journal of the Scottish Parliament* (JSP) "contains the minutes of chamber proceedings, notices of bills, instruments and draft instruments, reports of committees, and other matters which the Parliament considers should be included.

The Journal is the authoritative record of what the Parliament has done and is published for every Parliamentary Year" (Scottish Government website). As the official record of parliamentary proceedings, the JSP is an ideal data source.

At the time of collection, records ran from 1999 (the year of Holyrood's founding) until 2013, establishing fourteen years of archival data to select from. The publication of the Nicholson Report in 2001, implementation of the Licensing Act in 2009, and the eventual amendment to introduce MUP in 2012 were the key dates to incorporate as they would stimulate debate. 2002-2012 offers a ten-year period including initial committee findings, the implementation of the Act, and culminating in amendments to introduce more radical legislation (MUP, an amendment sharply differentiating Scottish licensing law from British and EU neighbours).

3.2.2 Determining the Flashpoints

There is significant data in the archive of Holyrood's devolved parliamentary business. The challenge becomes accessing and leveraging the most pertinent data to the research question: identifying debates most relevant to alcohol use/misuse in Scotland.

3.2.2.1 Narrowing things down

Content analysis is seen in quantitative, qualitative, and mixed methodologies using texts as a data source. This approach was adopted due to its systematic nature and capacity for minimising researcher bias. Therefore, to preserve consistency with the template coding method (covered later) and maintain a systematic approach, key word searches were used to siphon through the entries in the *JSP*. However, it was

soon apparent the approach was imperfect. Due to the widespread effect of

alcohol, debates containing pertinent and useful data did not necessarily contain

relevant keywords in the title.

<u>Keywords</u>

- 'Alcohol'; 'Alcoholism'; 'Alcoholic'

- 'Drink'; 'Drinking'; 'Drinker'

- 'Licensing'; 'Licence'; 'License'

- 'Whisky'

Therefore, it was concluded that keyword searches be supplemented with a manual

review of the index, summarily, going through every piece of parliamentary activity,

2002-2012, for debate containing data relevant to the research question. This

manual review was conducted whilst observing the initial keyword prerogative and

further extended to include the eventual objectives of the Licensing (*Scotland*) Act

2005[19].

---

[19] Preventing crime and disorder; securing public safety; preventing public nuisance; protecting and improving public health; and, protecting children from harm.

3.2.2.2 <u>Process</u>

1. Go to Scottish Government Website

(http://www.parliament.scot/index.aspx)

2. Select 'Parliamentary Business'

(http://www.parliament.scot/parliamentary-business.aspx)

3. Select 'The Chamber'

    (http://www.parliament.scot/parliamentarybusiness/chamber.aspx)

4. Select *Journal of the Scottish Parliament*

    (http://www.parliament.scot/parliamentarybusiness/41720.aspx)

5. Select Appropriate Link (Beginning with Session One Volume 4)

6. Select Journal Index for complete alphabetised contents

7. Individually review entries and assess relevance to *a-priori* criteria

8. Note relevant entries

9. Repeat Stages 4 -8 for next volume (Finish with Session 4 Volume 2)

10. Tabulate entries

The process yielded the following results (24/04/13):

Potential Flashpoints

Date	Debate	*A-Priori* or Keyword/Rationale for Exclusion
2002	None	N/A
2003 05/02/03 17/09/03 02/10/03	Under-age Drinking Licensing Laws Antisocial Behaviour etc (Scotland) Act	*Drink; Preventing Crime and Disorder* *Licensing*. *Preventing Crime and Disorder*.
2004 05/02/04 31/03/04	Tax Stamps on Scotch Whisky Products The Effect of Whisky Stamps on the Whisky Industry	*Whisky.* Unrelated to alcohol misuse *Whisky.* Similar to previous but also impact emphases is restricted to manufacturers and not retailers.
2005 02/06/05 22/06/05	Antisocial Behaviour Licensing *(Scotland)* Bill	*Preventing Crime and Disorder; Prevent Public Nuisance*. Removed to avoid repetition of content. *Licensing*.
2006 11/05/06 20/12/06	Drugs and Hidden Harm Rise in Alcohol Related Crime Figures in the Highlands and Islands	*Subjective*. Despite alcohol's classification as a drug, any drug related content was removed to prevent obfuscation. *Alcohol; Preventing Crime and Disorder*. Lacked individual content, issues covered in other debates.
2007 07/03/07 07/03/07 28/06/07 03/10/07 25/10/07 15/11/07 21/11/07 12/12/07	Tackling Alcohol Misuse Licensing (Scotland) Act 2005: Draft Guidance for licensing boards and local authorities Health and Wellbeing of the People of Scotland Licensing (Mandatory Conditions) (Scotland) Regulations 2007 (draft) Alcohol Perceived Norms of Alcohol and Tobacco Consumption – Pilot studies in Scottish Educational Institutions Licensing (Mandatory Conditions) (Scotland) Regulations 2007 (draft) Scottish Government's Health Strategy	*Alcohol*. *Licensing*. Excluded due to lack of content. *Protecting and Improving Public Health* *Licensing*. Excluded due to lack of content. *Alcohol*. *Alcohol*. Lacked content. Tobacco does not pertain to research question. *Licensing*. Excluded due to lack of content. *Protecting and Improving Public Health*. Threat of saturation
2008 24/01/08 26/03/08 04/06/08 02/10/08 18/12/08	Health Improvement, Subject Debate Alcohol Strategy Alcohol Misuse, Subject Debate Age Limits of Purchases of Alcohol Drink Driving	*Protecting and Improving Public Health* *Alcohol*. *Alcohol*. *Alcohol*. *Drink. Preventing Crime and Disorder*.
2009 02/04/09	Antisocial Behaviour Framework	*Preventing Crime and Disorder; Preventing Public Nuisance*.

10/06/09	Licensing (Scotland) Act 2005 (Consequential Provisions) Order 2009	*Licensing*.
17/06/09	Licensing (Mandatory Conditions) (Scotland) Regulations 2009	*Licensing*.
02/09/09	Campaign against Diageo Closures, Members Business	*Subjective*. More focussed on the social and economic consequences of unemployment due to closures.
17/09/09	Diageo	*Subjective*.
2010 16/12/10	Antisocial Behavioural Framework	*Preventing Crime and Disorder; Preventing Public Nuisance*.
2011 07/09/11	*Scottish Legislative Programme*	*Subjective*.
08/09/11	*Scottish Legislative Programme*	*Subjective*.
28/09/11	Battling Scotland's drinking culture, Members' business	*Drink*.
2012 24/05/12	MUP	*Subjective*.
	Scottish Government Growth Strategy	*Subjective*. Initially included based on MUP and 2010 Amendment. However, the debate lacked content.

Table 6: Potential Flashpoints

The above table contains those debates appropriate for collection and analysis. The right-hand column demarcates those entries ruled out: mostly to avoid repetition and over-saturation. At this stage, it became apparent the collated data need be condensed due to volume. Therefore, to avoid diluting the data priority was to avoid repetition. This helped assuage earlier fears over the decision to remove a pre-planned media analysis to account for the negative normative judgement critique. The primary means to condense content was exclusion of stages 1-3 of subject debates. This decision was made on the grounds that final stage debates reflect the most robust versions of included arguments and other more brittle arguments already dispensed with.

The final dates are tabulated below:

Flashpoints

Debate	Selection Rationale	Rationale for inclusion
05/02/03 Under-age Drinking	Drink Preventing Crime and Disorder; Prevent Public Nuisance; Protecting Children from Harm	Keyword. Linked to the objectives of the Act.
17/09/03 Licensing Laws	Licensing	Keyword. The first debate after publication of the Nicholson Report findings. Did not appear in original search and does not appear in the JSP. Reference was made during The Antisocial Behaviour Act debate and the Official Reports were investigated in response.
02/10/03 The Antisocial Behaviour Act	Secure Public Safety; Preventing Crime and Disorder; Prevent Public Nuisance.	Linked to objectives of the Act.
22/06/05 Licensing (Scotland) Bill	Licensing	Contains keyword. Linked to every objective of the Act. This is the core piece of legislation.
07/03/07 Tackling Alcohol Misuse	Alcohol. Secure Public Safety; Preventing Crime and Disorder; Prevent Public Nuisance; Protecting and Improving Public Health; and, Protecting Children from Harm.	Linked to every objective of the Act
24/01/08 Health Improvement	Protecting and Improving Public Health; Protecting Children from Harm.	Linked to objectives of the Act (the recent introduction of the Smoking Ban provided enough of a rationale on a subjective level)
04/06/08 Alcohol Misuse	Alcohol. Secure Public Safety; Preventing Crime and Disorder; Prevent Public Nuisance; Protecting and Improving Public Health; and, Protecting Children from Harm.	Contains keyword. Linked to every objective of the Act
18/12/08 Drink Driving	Drink Preventing Crime and Disorder	Contains keyword. Linked to the objectives of the Act
10/06/10 Alcohol etc (Scotland) 2010	Alcohol	Contains keyword. Amendment to the original Act
28/09/11 Battling Scotland's	Drink Secure Public Safety; Preventing Crime and Disorder; Prevent Public Nuisance; Protecting and Improving	Contains keyword. Linked to every objective. Title functions as a umbrella for broader discussion about alcohol's effects

Drinking Culture	Public Health; and, Protecting Children from Harm.	
24/05/12 **MUP**	Subjective	Subjective. Contains no keyword and the title does not explicitly relate to the objectives. The content is deeply significant.

Table 7: Final Flashpoints

Each debate functions as a flashpoint: a significant moment in time determining coercive change, such determinations will, through time, lead to causal isomorphic change.

3.3 Methods

This research favours what 'considerable prior instrumentation' (Huberman & Miles, 2002). Considerable prior instrumentation is necessary for conditions where, if the research is not focussed, collected data will be imprecise and potentially inconclusive. Alternative approaches include 'no-prior instrumentation' and 'an open question' formats. The former is best suited for data collection capable of accommodating unsuspected phenomena, requiring "some orienting questions, some headings for observations [and] a rough and ready document analysis form" (Huberman & Miles, 2002). The latter is best suited to exploratory studies where little is known of the research phenomena (Silverman, 2006). The maturity and multi-disciplinary nature of incorporated literatures (strategy, neo-institutionalism, political philosophy, management, and social policy) requires the 'consider prior instrumentation approach' as it minimises the risk of imprecise or inconclusive findings.

Reliance upon multiple social science disciplines (strategy, neo-institutionalism, political philosophy, management, social policy) leaves focussed research

instrumentation as the most expedient choice. This instrumentation is restrained by the research paradigm, not through any sense of research orthodoxy, but from a patchwork theoretical framework woven with social constructionist underpinning for thread. This common ontology provides a shortlist of methods suitable to this critical inquiry.

3.3.1 Qualitative, Quantitative or Mixed Methods?

Content analysis can be an umbrella term for different research approaches. This is most apparent in the adoption of qualitative, quantitative, or mixed analysis. Implementation of the original key word searches is amenable to all but the theoretical framework leans heavily towards qualitative or mixed methods. The bulk of the assembled literature (neo-institutionalism, moral panic, moral regulation, and legitimacy) is social constructionist by nature. Meyer and Rowan (1977) were early adopters of social constructionism (SC), Cohen's (2002) *Folk Devils and Moral Panics*[20] predates Berger and Luckmann's (1967) *Social Construction of Reality* but shares several assumptions about the nature of social reality (most importantly, the influence of cultural symbols). Legitimacy is a resource garnered by organisations from their external environment based on societal perception according to management theorists, strategists, and neo-institutionalists. The reason why this is so important is that quantification does little to help analyse meaning. The subjectivity of individual speakers' words regarding meaning, specificity, intent, vocabulary and syntax is varied and devalues quantification.

---

[20] First published in 1962

Quantified content analyses focus on frequency and prominence. Frequency counts the number of times specific keywords or phrases are used. A useful example of this is 'binge drinking': binge drinking is a term which has no consensus but is freely used as if there were. However, the only real commonality between those who employ the term is a description of something which, through their analysis, is disapproved of. This could be substituted for other words or phrases featuring as part of a-priori or emergent coding, i.e. 'youth', 'young people', 'drunk', 'antisocial' etc. All these terms lack specificity as they are strongly influenced by the perception of the speaker, particularly with regard to vague collective nouns like 'youth' and 'young people'. The value of this data is reflected in the specific arguments made utilising key ideas to drive forward regulatory agendas. Prominence is not a feature of this research as the data source has no visual component and the JSP is not an edited and circulated publication. It is worthwhile acknowledging that frequency is not entirely discounted as the most frequent codes received considerable attention, however, the highest frequency did not necessitate the most critical information. Prominence is best reflected in the editorial decisions determining what page news stories belong in a newspaper, what photographs or graphics are used on websites, how many pages are devoted to a particular issue. Prominence would be useful in a mixed-methods research design utilising media analysis to account for the negative normative judgement. Even so the imagery is symbolic with an inherent meaning dependent on the framing and intent of the editor/photographer (which need not be in symbiosis). The qualitative dimension would be the most valuable in the mixed-method approach.

3.3.2 <u>Qualitative Design</u>

Having established a qualitative and interpretivist approach is most appropriate, the next question becomes, "What is the best method to answer the question?"

Establishing precedent

Literature	Studies	Methods
Legitimacy	Elsbach & Sutton (1992) Deephouse (1996) Ruef & Scott (1998)	Interviews, archival and observational Experiment Statistical Analysis
Moral Panic	Cohen (2002) Hall, et al. (1978) Bartie (2010)	Newspaper Analysis Newspaper Analysis Newspaper Analysis
Neo-Institutionalism	Kraatz & Zajac (1996) Masrani & McKiernan (2011) Maguire & Hardy (2009)	Positivist Longitudinal study Archival and interview data Exploratory Case Study and discourse analysis

Table 8: Establishing Precedent

Neo-institutional theory and legitimacy studies utilise both positivist and interpretivist approaches. In the instance of Deephouse (1996), it should be noted the experiment conducted conceptualises legitimacy as a state, whereas this study does not. Positivist studies typically adopt quantitative methods and interpretivist adopt qualitative methods, but this is often as much to do with orthodoxy as it does with the best interests of the study or the nature of research phenomena. Traditional approaches to MP are wedded to newspapers as a data source however changes in media consumption devalues any potential contribution when investigating recent phenomena. The impact of generated panic relies upon the circulation of information and the successful amplification of threat levels.

Furthermore, this research does not seek to prove Scotland is panicking over alcohol consumption but is more interested in how elements (young people, women and children) of panic, previously tackled by criminal justice approaches, have been folded into contemporary strategies to reduce consumption.

The key legislation is The Licensing *(Scotland)* Act 2005 and its amendments. These changes stem from recommendations made by the Nicholson Commission to help address contemporary problems. The Nicholson Report findings, published in 2002, led to the eventual implementation of the Act on September 1st, 2009 (with further amendments made in 2010 and 2012). This establishes 2002-2012 as a period of specific interest. Due to the influence of external factors on isomorphism, the importance of meaning and the strategic implementation of cultural symbols of deviance requires an interpretivist research approach utilising systematic archival analysis.

3.3.2.1 The Flashpoint Design

To investigate critical discussions for introducing legislation, this research adapts a flashpoint approach (Waddington et al, 1989) with archival sources from 2002-2012 using content analysis. The term flashpoint is borrowed from Waddington et al's (1989, p.1) study in public disorder advocating the approach as "an explanatory concept in media and other authoritative accounts of disorder". While their study has a different focus, the choice of qualitative methods and sources (interviews, observation and news media), application of inductive reasoning and triangulating data sources (in a way comparable to grounded theory) offers a great deal of

synergy. The term flashpoint, similar to moral panic, is a metaphor encapsulating how otherwise peaceful protests escalate into riot after a routine arrest or police altercation. When the application of 'flint' to 'tinder' ignites a fire requiring state authority to stamp out: underlying social-cultural and political conditions function as tinder exposed to the flint and steel of state power, e.g. 2011 shooting of Mark Duggan galvanising the London riots, and Rodney King's beating igniting the 1992 L.A. riots.

Government debate is the critical data source (accessed online) but other valuable information can be gleaned from news media as communicators of panic. It must be acknowledged, contemporary trends of individuals accessing news media diminish the applicability of traditional approaches - it is wrong to assume newspapers promulgate panic as effectively now as they did in the 1960's. Therefore, methodologies utilising MP must be more creative if traditional models are to be applied and accommodate for social media as the primary distributor of information (never mind the curated insulated existences individuals build via social media regarding what information is important). However, as this research is not focussed on the communication of panic via news media but is more interested in the use of established MP symbols by government and political parties to communicate the need for legislative change it is ruled fair to omit news contributions.

There is an elephant in the room regarding the inclusion of MP due to choice of method. A contention of this thesis is that MP is institutionalised regarding alcohol consumption. There are key social anxieties about specific groups or artefacts

(young people, women, children and problem products) from the gin craze[21], to temperance, US Prohibition in 1920, to 'ladettes', to binge drinkers but the traditional method of demonstrating the existence and effect of panic is ruled out due to diminished relevance. Therefore, to benefit from additional and useful analysis this research takes those established panics/scares and looks for evidence of recurrence in governmental debate over necessary regulation. It is a worthy addendum that extending this study to incorporate a news component is a worthwhile means of addressing the negative normative critique of MP by 'measuring' disproportion. However, this comes with the inherent assumption that government debate is equally evidence-based and can serve as the rational counterpoint to attempted folk devil creation, and it also fails to account for the impact of stakeholder lobbying.

Traditional perspectives frame panics as unpredictable but the institutional framework offers a means to anticipate when a particular social anxiety will re-emerge as a prominent cause of concern. The extent to which MP is useful for analysis will be directly reflected in the supposed re-emergence or repackaging of latent social anxieties. Therefore, government debates are relied upon as a data source. An important factor is the potential to extend this methodology by including additional data via media analysis with which to compare the influence of panic with an established timeline; or incorporate the visual communication of meaning via a quantitative dimension accounting for prominence and frequency of images.

---

[21] Best captured by Miles Hogarth's satirical engraving of Gin Lane and Beer Street

3.4 <u>Coding</u>

The coding manual was developed using an approach called template analysis (King, 2004). This approach builds a template based on hierarchical stages: literature themes; a-priori codes; emergent codes; and, emergent sub-codes. King (2004) advocates this approach for better illustrating relationships between selected themes. Madhil et al (2000) refer to this as the 'contextual constructivist' approach. Akin to social constructionism this positioning maintains the existence of multiple interpretations of any sociological phenomenon. This understanding promotes the utility and flexibility of template analysis as was customised to suit the needs of the researcher (King, 2004). This analysis method was adopted due to its compatibility with the social constructionist theoretical framework, support of a-priori themes tailored to resonate with the data and better illustrate the relationships between final emergent themes.

A "code is a label attached to a section of text to index it as relating to a theme or issue in the data which the researcher has identified as important to his or her interpretation" (King, 2004, p. 257). Adopting this understanding, individual paragraphs (1 paragraph = 1 unit of analysis) were attributed a-priori themes, emerging trends generated codes, often these codes reflected change of focus or shift in nuance for debate. Any code emerging within an already emergent code was labelled a sub-code. Each time a new code is created potential analysis deepens. The following table illustrates this:

3.4.1 Themes, A-Priori, Codes, and Sub-codes
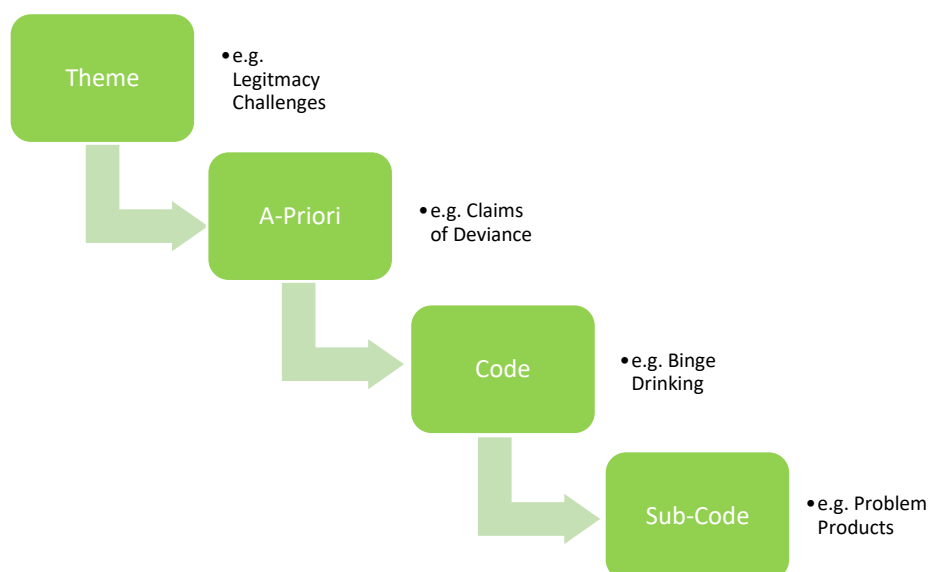
Figure 2: Themes, A-Priori Codes, and Sub-codes.

This process applies for each of the individual themes, e.g. Coercive Isomorphism –

Regulatory Change – Minimum Unit Pricing – Social Responsibility Levy; Villains – Women –

Foetal Alcohol Syndrome Disorder. The coercive isomorphism theme derives from neo-

institutional theory as the most powerful source of external organisational pressure and

linked to the research question. Regulatory change is the a-priori derivative of coercive

isomorphism. Minimum Unit Pricing is a code emerging from data regarding regulatory

change. The social responsibility levy emerged as a sub-code from minimum unit pricing

coding.

3.4.2 The Initial Template

The coding template began with themes derived from the literature review:

legitimacy challenges; folk devils; and, coercive isomorphism. Very simple. This

provided the underlying structure of the research problem: alcohol misuse

(legitimacy challenges), those blamed (folk devils), and supposed necessary steps to

minimise impact (coercive change). The principal idea was to cast a broad net and

examine the emergent codes and sub-codes from within the themes. This was judged most appropriate considering the timeline and the potential for key issues (or constructions) to be redeployed further down the line or be limited to just one flashpoint (FP).

3.4.2.1 Coding Template

Stage 1: Prior Instrumentation; Themes and A-Priori Assumptions

Theme	A Priori	Criteria
LC	**Claims of Deviance**	*Behaviours considered consequent of alcohol misuse.*
	Health	*Health outcomes and problems attributed to alcohol use and misuse*
	Responsibility	*Notions of responsibility, broadly conceived*
	On-trade	*Issues pertaining to any form of on-trade business*
	Off-trade	*Issues pertaining to any form of off-trade business*
3 Vs	**Young People**	*Problematizing behaviours of young people*
	Women	*Problematizing behaviours of women*
	Youth	*Problematizing behaviours of youth*
CI	**Regulatory Change**	*Any change to existing law*
QM	**Statistical Information**	*Statistical information used to quantify alcohol related problems*

Table 9: Stage 1: Prior Instrumentation; Themes and A-Priori Assumption

New codes and sub-codes emerged from the a-priori assumptions. These emergent codes are a result of significant, recurring discussion points from flashpoints. The eleven identified flashpoints yielded a developing template, the content of which is tabulated below:

Stage 2: Emerging Codes; Sub-codes and satisfying Criteria

Theme	A-Priori	Criteria	Code	Criteria	Sub-code	Criteria
LC	Claims of Deviance	*Behaviours considered consequent of misuse.*	**Antisocial Behaviour**	*Descriptions of antisocial behaviour*		
			Binge Drinking	*Reference to binge drinking*	**Problem Products**	*Problematizing specific products as binge drinking products*
			Crime, Violence & Safety (CVS)	*References to crime, violence and safety concerns consequent of misuse*	**Drink Driving**	*Drink Driving*
					Protecting Communities	*Protecting local communities from misuse*
					Sports	*Alcohol at sports events*
			Links to Illegal Drugs	*Reference to alcohol misuse leading/linked to illegal drug use*		
			Underage Drinking	*References to underage drinking*		
	Culture Change	*Reference to the need to change Scottish drinking culture*	**Consumption Trends**	*Reference to changes in drinking patterns*		
	Health	*Health outcomes and problems attributed to use and misuse*	**Alcoholism**	*Reference to alcoholism*		
			Health Impacts	*Health impacts of misuse*		
			Mental Ill-health	*Effects of misuse on mental health*		
	Responsibility	*Notions of responsibility, broadly conceived*	**Retail CSR**	*Specific reference to retailers practising CSR*		
	Retail	*Reference to retail practices*	**Advertising**	*Reference to and rationales provided for changes to*		

				advertising alcohol products		
			Off-trade	*Issues pertaining to any form of off-trade business*	**Local Off-licences**	*Problematizing local shops as key offenders*
			On-trade	*Issues pertaining to any form of on-trade business*		
			Price	*Problematizing low-cost alcohol*		
			Provisioning Underage persons	*Reference to retail outlets provisioning those under 18*		
3 Vs	**Young People**	*Problematizing young peoples' behaviours*	**Unprotected Sex**	*Reference to unprotected sex, unwanted pregnancy, and spread of STDs consequent of misuse*		
	Youth	*Problematizing youth behaviours*				
	Women	*Problematizing behaviours of women*	**Foetal Alcohol Syndrome**	*Reference to FAS*		
	Children	*Problematizing children accessing alcohol*	**Child Drinking** **Prevention from Harm**	*Reference to children as victims due to either other's misuse or their own*		
	Supplying Alcohol	*Problematizing persons supplying alcohol to underage persons*				
CI	**Regulatory Change**	*Any change to existing law*	**Drinking Age**	*Calls to increase the minimum drinking age*	**New Proof of Age Scheme**	*Calls to introduce a new proof of age scheme*
			Increased Enforceability	*Calls to ensure either current/existing laws are properly enforced*	**LSOs**	*Reference to LSOs*
			Irresponsible	*Calls to scrap discount offers on alcohol products*		

			Promotions			
			Licensing Hours	*Calls to extend or reduce licensing hours*		
			MUP	*Calls to impose MUP*	SRL	*Calls for a SRL*
QM	**Statistical Information**	*Statistical information quantifying alcohol related problems*				

Table 10: Stage 2: Emerging Codes; Sub-codes and satisfying criteria

3.4.2.2 <u>Reflexivity</u>

The research process was iterative, unfolding over time and required revisiting previous flashpoint data sources to ensure a new emergent code or sub-code had not previously emerged but remained unobserved. Codes were attributed via two methods, one immediate and another upon completion of the coding manual:

1. Keyword searches for observed phenomena

2. Manual review of observed phenomena

These keywords are included in the table below:

<u>Code and Sub-code Keywords</u>

Theme	A-Priori	Code	Response	Sub-code	Response
LC	**Claims of Deviance**	**Antisocial Behaviour**	*1: 'Antisocial'* *2: Manual*		
		Binge Drinking	*1: 'Binge'* *2: Manual*	**Problem Products**	*1: 'Alcopops', 'cider', 'tonic wine', 'buckfast', 'caffeinated'* *2: Manual*
			2: Manual	**Drink Driving**	*1: 'Drive'*

		Crime, Violence & Safety (CVS)			2: Manual
				Protecting Communities	2: Manual
				Sports	2: Manual
		Links to Illegal Drugs	1: 'Drugs' 2: Manual		
		Underage Drinking	1: 'Underage' 2: Manual		
	Culture Change	Consumption Trends	2: Manual		
	Health	Alcoholism	1: alcoholism'; 'addict'; 'addiction' 2: Manual		
		Health Impacts	2: Manual		
		Mental Ill-health	2: Manual		
	Responsibility	Retail CSR	1: 'CSR'; 'responsibility' 2: Manual		
	Retail	Advertising	2: Manual		
		Off-trade	1: 'supermarket' 2: Manual	Local Off-licences	1: 'off-licence'; 'off-sales' 2: Manual
		On-trade	1: 'pub'; 'club'; 2: Manual		
		Price	1: 'price'; 'low'; 'cheap' 2: Manual		
		Provisioning Underage persons	2: Manual		
3 Vs	Young People	Unprotected Sex	2: Manual		
	Youth				

	Women	**Foetal Alcohol Syndrome**	*1: 'FASD'; 'foetal'; 'foetus';* *2: Manual*		
	Children	**Child Drinking** **Prevention from Harm**	*2: Manual*		
	Supplying Alcohol		*2: Manual*		
CI	**Regulatory Change**	**Drinking Age**	*2: Manual*	**New Proof of Age Scheme**	*2: Manual*
		Increased Enforceability	*2: Manual*	**LSOs**	*1:'LSO'; 'standards officer'* *2: Manual*
		Irresponsible Promotions	*2: Manual*		
		Licensing Hours	*2: Manual*		
		MUP	*1: 'minimum'; 'unit';* *2: Manual*	**SRL**	*1: 'SRL'* *2: Manual*

Table 11: Stage 3: Code and Sub-code Keywords

The objective of this approach was to ensure every data source is subject to the same analysis and necessitated revisiting the data serval times. Some older codes were condensed or discarded to avoid saturation of similar codes and sub-codes (forty-seven in total, the highest figure was seventy-four). Some remained consistent across the data with little to no need for change or amendment (mainly a-priori themes), some were subject to greater or lesser forms of amendment. This was observed in three forms:

1. De-emphasis - (Sports, Licensing Hours, Drinking Age, FAS, Alcoholism)

2. Evolution – changed over time (Price to MUP)

3. Relocation - Some codes could be relocated to different themes within the template (Price to MUP changing from LC to CI; Problem Products changing from LC to FD, eventually 3 Vs).

De-emphasis is expected. The purpose of the flashpoint methodology is to capture the essential regulatory debates and their contents where some contents become less important to the narrative as time progresses. Codes evolving over time reflected an advancing of the debate on a core issue. The change from Price to MUP reflected, not just identifying a problem, but agreeing action must be taken and then further debate on what the nature of that action must be. Codes changing to different themes is more complex. The research problem is focussed on LC leading to FD creation (later the 3 Vs) and subsequent CI to appropriately address concerns. A change of theme means the role of the coded object has fundamentally changed. For example, problem products could change from LC to FD. When put into context, this means products like Buckfast and alcopops are represented as way more problematic and threatening than before, that they are unlike other products and need be singled out for blame and corrective action.

3.4.3 NVivo

NVivo was used to hasten data collection and reduce the margin for error in data analysis in order to produce more reliable results. The data was consolidated and organised in one place. This allowed the potential flashpoints (table 6) to be imported, read, made subject to keyword searches, manually reviewed and then coded. A decision was then made on whether each debate should be included and

become a flashpoint (this process is represented by table 7). Individual codes (i.e. unit of analysis) were arranged according to the respective template theme, codes and sub-codes. These codes and sub-codes were then edited and shaped into a coherent text. A priority while editing was representing the most resonant contents of each flashpoint and being true to the data while resisting repetition and preventing boredom for the reader.

NVivo was not essential to the research project. Data collection and analysis could have been done using paper transcripts, attributing codes manually (using coloured pens for different codes) using the same coding template and re-reading every transcript for keyword searches. This would improve familiarity with the data but the length of time necessary to re-read every script for individual keywords would be massive, challenging, and likely, very frustrating. This frustration would lead to two potential outcomes: a simplification of themes and derived codes or a reduction of the data sample, i.e. 2002-2007, or a further curated version of the current sample. Neither is in the best interest of the study.

3.5 <u>Conclusion</u>

This research strategy was devised to answer the question:

"How do isomorphic mechanisms and institutional pressures of moral regulation influence legislation?"

Once placed within the research context, the following three objectives and subsequent propositions are derived:

1. Explore legitimacy challenges to alcohol sale and consumption

    -   Legitimacy challenges will contest moral legitimacy of retailers

    -   Moral challenges will conflict with the pragmatic legitimacy

2. Investigate government debate for evidence of moral panic

    -   Young People will feature as villains

    -   Women will feature as villain and victim

    -   Children will feature as victims

    -   Problem Products will feature as vexes

3. Investigate coercive isomorphic change in the institutional environment

    -   Coercive regulation will reduce the technical efficiency of retailers

    -   Passive mitigation factors will account for legitimacy variance between over-lapping fields

The research question, objectives, propositions, literature themes, means of

analysis, and their evident relationship is tabulated below. This table conveys how

each flashpoint is analysed with respect to the research question.

Flashpoint Composition

RQ	OBJ	Propositions	Theme	Analysis
"How do isomorphic mechanisms and institutional pressures for moral regulation influence legislation?"	1	1. Legitimacy challenges will contest moral legitimacy of retailers 2. Moral challenges will conflict with pragmatic legitimacy	LC	Suchman (1995)
	2	3. Young People will feature as villains 4. Women will feature as villain and victim 5. Children will feature as victims 6. Problem products will feature as vexes	3 Vs	Hunt (1999) Critcher (2009) Hier et al (2011)
	3	7. Coercive regulation will reduce the technical efficiency of retailers 8. Passive mitigation will account for legitimacy variance between over-lapping fields	CI	DiMaggio & Powell (1983) As Per Table 2

Table 12: Flashpoint Composition

Research findings for each flashpoint are presented in the Findings chapter. Each FP

will detail legitimacy challenges; victims, villains, and vexes; and, proposed

regulations to address concerns. Discussion is provided on the link, if any, between

the legitimacy challenges and the portrayed villains, victims and vexes, and the

effect proposed regulations will have in ending or restricting the problems raised.

The eleven flashpoints organised in this way, with respect to the 2002-2012

timeline, offers robust assessment of the moral regulation of alcohol in Scotland.

Summary of Flashpoint Methodology

RQ	Flashpoint	Template
"How do isomorphic mechanisms and institutional pressures of moral regulation influence legislation?"	05/02/03 Underage Drinking	LC
		3 Vs
		CI
	17/09/03 Licensing Laws	LC
		3 Vs
		CI
	02/10/03 The Antisocial Behaviour Act	LC
		3 Vs
		CI
	16/11/05 Licensing (Scotland) Bill	LC
		3 Vs
		CI
	07/03/07 Alcohol Misuse	LC
		3 Vs
		CI
	24/01/08 Health Improvement	LC
		3 Vs
		CI
	04/06/08 Alcohol Misuse	LC
		3 Vs
		CI
	18/12/08 Drink Driving	LC
		3 Vs
		CI
	10/06/10 Alcohol etc (Scotland) 2010	LC
		3 Vs
		CI
	28/09/11 Alcohol Misuse	LC
		3 Vs
		CI
	24/05/12 Alcohol (Minimum Pricing) Scotland	LC
		3 Vs
		CI

Table 13l: Final Flashpoints

The next chapter will provide Findings move one step closer to answering the research question.

4 <u>Findings</u>

This chapter contains eleven sections, each dedicated to the flashpoints identified in the methodology. The flashpoints are arranged chronologically, containing key findings from the archival data, arranged as per the determined themes (legitimacy challenges, the 3 Vs, and coercive isomorphism) containing pertinent codes and sub-codes. The chapter is arranged in this way to preserve chronology, accurately represent the evolution of debates within the data, and to reflect the nature research phenomenon, i.e. identifying problematic side-effects of alcohol consumption, identifying and blaming misusers for undesirable outcomes, devising measures to counter or prevent those blamed from further misuse.

4.1 <u>Under-Age Drinking</u>[22]

"Parliament *commends the members of the Renfrewshire Council on Alcohol for their innovative and widely welcomed Young Persons Advisory Project which seeks to guide and educate young people and school children on the growing social, personal and health problems associated with underage drinking; notes that many of the youngsters that have attended the project's counselling programmes have benefited from their participation; further notes that they and their parents now have a greater awareness and a more sensible view of alcohol and its dangers; is pleased to see that there is growing interest in the project's work from as far away as the New Zealand Police, and believes that such initiatives dealing with alcohol*

---

[22] The page numbers for the debate are abbreviated, e.g. Godman (p.14813) becomes Godman (p.13). This abbreviation pertains only to the Under-Age Drinking debate and is included to assist those referring to the original document.

and substance misuse amongst children and young people should receive

appropriate support from the Scottish Executive"" (p.13).

4.1.1 Legitimacy Challenges

Claims of Deviance

Under-age drinking is an issue of *"widespread concern"* with implications for health

and potential problems within families. Arguments that young people are inclined

to experiment with alcohol and recreational drugs are dismissed in favour of a

direct approach encouraging abstinence (Godman, p.13). Current habits are

considered more extreme and acceptance of drinking as a rite of passage amongst

young people can no longer be overlooked. Under-age *"drinking is now out of hand"*

leading to more severe consequences than before (Robison, p.15).

Escalating consequences underpins the debate, often manifesting as anecdotal

accounts, provided by MSPs on behalf of constituents, where they *"all received*

complaints from constituents about gangs of young people hanging about and

drinking in play parks, smashing bottles and causing a disturbance" (Robison,

p.15).Under-age drinking is portrayed as a threat to community safety: *"The impact*

of under-age drinking on the safety of our communities is an important issue in my

constituency and, I am sure, elsewhere. The police tell me that it is difficult to

manage underage drinking, never mind eradicate it. Gatherings of young people

drinking cause disorder and create fear for many people in our communities"

(Lamont, p.16). Addressing escalation, Lochhead (p.26) declares *"when I visited the*

accident and emergency unit of Aberdeen royal infirmary… I was informed… that

admissions of under-13s to hospital with alcohol problems had increased by about

50 per cent over the past two to three years, so that between 50 and 60 under-13s

were being admitted with alcohol problems". The essential message is "*Young*

Scots… are drinking more than ever before" (Mulligan, p.29). These consequences

include increased crime and decreased safety from a problem described as difficult

to police by law enforcement. These outcomes damage the consequential and

procedural legitimacy of retailers. The outcomes have detrimental effect on health

and crime but also implies some retailers are not conforming to over-18 only sales.

Police frequently deal with consequences of misuse, but under-age drinking is

illegal. Under-age drinking will occur, but it is difficult to posit the level at which it

merits increased resources to reduce the problem. This damages exchange

legitimacy as retailers are not only disobeying the law but acting without care for

what the knock-on effect of their actions can be for police forces.

Rates of "*crime, disorder and… unprotected sex*" are "*part of the accidental*

outcome of too much alcohol consumption" (Campbell, p.20) amongst under-age

persons cements bad habits for adulthood, leading to dependency and health

problems. There is praise the "*common-sense programme*", where police "*summon*

parents to the places where they have identified youngsters… who are under-age

drinking. During a visit that I undertook with my local police, we discovered two 14-

year-old girls in a park…with a group of men aged between 17 and 25. Rather than

removing the girls and taking them to the station, the police summoned their

parents. Their parents nearly died when they saw the vulnerable situation that the

girls were in—I doubt that those young women will repeat that behaviour. That

approach struck me as a constructive way of dealing with the problem, as opposed to the more bureaucratic procedure of taking the youngsters off to a police station and hoping that work could be done there" (Fitzpatrick, p.26). The "common-sense program" attempts to ease pressure on police by involving parents to amend youth behaviour, i.e. bring it back down to blind-eye levels. The implicit threat of sexual predation amplifies severity by folding in a more serious and vilified crime of paedophilia and potential rape.

"*The culture of binge drinking is at the root of the problem*" and only when adults desist from setting a poor example will change begin to occur (Robison, p.15). In 1999-2000 there were "*486 alcohol-related hospital admissions for under-16-year olds*": "*A Joseph Rowntree Foundation report shows that, among 15 and 16-year-olds, 27 per cent report three or more binges in the previous month and that 16 to 24-year-olds are the most likely age group to exceed recommended weekly limits*" (Raffan, p.17). Gorrie (p.23) insists it is not the volume consumed but the habit of "*drinking to oblivion. That is the heart of the problem. Many continentals drink more in a year than Scots do, but they do not get so drunk. The big problem is binge drinking*". Binge drinking is perceived as the fundamental problem and the implication of this is any means by which individuals', under-age or not, are encouraged to binge drinking is damages consequential legitimacy.

The *Plan for Action on alcohol problems* is described as an "*ambitious framework for reducing alcohol-related harm*". The aim is to help change attitudes but most importantly to do away with the "*acceptance of binge drinking as the norm and a*

view that getting drunk is acceptable and fun". This plan extends to high schools where pupils will receive instruction in developing healthier lifestyles accompanied by an advertising strategy to reduce under-age binge drinking (Mulligan, p.30).

Alcopops, "*astonishingly colourful drinks on the type of gantries that did not exist when I was a lad*", are deemed especially problematic: "*They are designed, through the sweeteners… they contain, to be palatable. Anyone who recalls their first drink will remember that they probably did not like it terribly much, as was the case with their first cup of coffee. It was necessary to persist, for whatever social reasoning, but the alcopop business has got round that*". Fears abound over underage drinkers thinking alcopops "cool" (Campbell, p.21). For the speaker, it appears alcohol is not something which should be enjoyed but endured until tolerance develops. Manufacturers have, to his mind, in this unique instance, trespassed beyond the boundaries of what an alcohol product is allowed to be and in resembling other, more palatable, drinks is indicative of shadier tactics. Others think this a convenient scapegoat but the impact on underage persons is more likely communicated via the role alcohol plays in "*the milestones in our lives… We wet a baby's head at a christening. We toast a happy couple at a wedding or an engagement. We give somebody a send-off with a drink at a funeral*" (McIntosh, p.20).

Health

There are considerable consequential legitimacy challenges regarding long term health impacts (Robison, p.15; Lamont, p.17). Campbell's (p.20) concerns over unprotected sex, oesophageal cancer, high blood pressure and liver cirrhosis have

been mentioned, Lochhead (p.26) raises under-age hospital admissions, Boyack (p.22) frets over children becoming "*hardened drinkers at the age of 12*", and Davidson (p.24) worries "*Young mothers, pregnant women and married women are drinking to oblivion*".

Stone (p.28-29) recommends sending a recovering alcoholics to speak to school children about liver cirrhosis and teenage pregnancy, "*That does the trick in a way that a teacher, an MSP or anyone else talking at the young people cannot*", and encourage abstinence. As previously mentioned by Mulligan (p.30), schools will be assisted to help promote positive attitudes towards health and drinking.

Retail

Describing a "*huge retail problem*" caused by a minority, Davidson speaks of the Scottish Grocers Federation pushing for a new identity card system exhibiting the kind of professional standards often described by MSPs as responsible. Off-licences are blamed for "*knowingly or unknowingly*" provisioning under-age persons and Lamont (p.17) insists "*more work must be done in conjunction with the police and the licensing authorities to tackle the matter*". However, "it is not just through corner shops that young people get access to alcohol" as underage persons are often supplied alcohol via their parents, friends or family. This is not framed as parents carelessly thinking there's no harm involved but attempts to take account of the "*number of young people who live in a family that might be headed up by somebody with alcohol problems*" (Boyack, p.22).

Robison (p.15-16) wishes more effective law enforcement on retailers provisioning under-age persons. It is accepted that mistakes can happen (identification cards are often abused, and counterfeits are made) and retailers provision by accident. However, those who are known to consistently over-provision should be punished. Community off-licences are consistently blamed and reported to occur via face-face sales to under-age persons or to adults purchasing on their behalf and delivering it to them somewhere nearby (Lamont, p.16-17). Concern is also raised about individuals buying cheap alcohol from mainland Europe and driving it back to Scotland in white vans and selling it to anyone prepared to pay (Gorrie, p.23).

4.1.2 V's

Under-age drinkers are both villains and victims in different circumstances. However, there is more focus on the external environment influencing teenagers' behaviour. In effect, school children are products of a culture where under-age consumption is normal and positive. The Scottish government concedes that young people may "*by their very nature, experiment with smoking, drug misuse and alcohol*" but remain committed to reducing their impacts (Godman, p.13).

Villains

Several MSPs recount complaints from constituents "*about gangs of young people hanging about and drinking in play parks, smashing bottles and causing a disturbance*" (Robison, p.15). Some insight into the prevalence of consumption is given by Campbell (p.21) who, referring to a statement made by Mulligan, states "*23% of 13-year-olds and 46% of 15-year-olds reported that they had drunk alcohol*

in the previous week". This infers by the age of 15 nearly half of all under-age

persons are drinking alcohol on a weekly basis. Boyack (p.21) claims her Edinburgh

city centre constituency suffers from a "*very visible*" problem. Some believe

boredom the real problem, however, Lamont (p.23-24) does not agree: "*in my*

constituency young people gather to drink behind the swimming pool that provides

them with free swimming lessons and free swimming time. They do not engage in

such activities. This is not a simple issue of resources. Youngsters need to value

themselves, so that they would rather go swimming than stand outside the

swimming pool causing bother to those who are going in".

The villains of this narrative are, allegedly visible, gangs of 13-17-year olds drinking,

possibly drunk, causing 'disturbances' in residential communities and not engaging

in the activities expected of them, possibly due to boredom.

Victims

Under-age drinking costs an estimated £1 billion per annum (Raffan, p.18) and more

problematic than ever before: "*In my younger days, the chances of seeing young*

people under the influence and very much the worse for wear were rare indeed,

whereas now it is almost a daily occurrence" (McIntosh, p.20). Although new

products, i.e. alcopops, are often blamed for enticing youth to drink more the

attraction is judged to be the cultural prevalence of alcohol in social events, e.g.

Christenings, Weddings, Birthdays, and even funerals.

Godman (p.13-14) insists the way to prevent teenagers making poor choices must

be instructions of "*Do not indulge*" but prohibitive messaging is not a simple

solution as a consultation by Save the Children revealed 14-17 year olds associated alcohol with having a good time and viewed the activity as "*an active, pleasant and informed choice of behaviour*" and others characterise it as submission to peer pressure.

Lamont (p.16) points out the danger to teenagers is not only temptation to experimentation but actual damage caused by the normalised consumption in the family home. This is not a statement that children brought up with alcohol in the home will become problem drinkers, some may choose to never drink after enduring some of the worst side-effects. Children and teenagers (those still under parental stewardship) are victims either way.

"*Why do 57 per cent of young people think that they must drink alcohol to escape stressful lives and why do a similar proportion of young people think that local communities do not have enough facilities as an alternative to drinking alcohol and taking drugs?*" (Lochhead, p.27-28). This explores a feature of the villain in the narrative, namely, boredom; or due to a breakdown in the family home when parents are alcoholics or take no issue with their teenager drinking. Mulligan's (p.30) example of parents who, upon having police march their child back to the family home after a public drinking infraction, display no ire and just thankful no drugs are involved.

Concern over normalisation before entering teenage years is raised: "*a Scottish health study was undertaken among eight-year-olds in 1998. The study found that 12 per cent of boys and 6 per cent of girls of that age said that they had had alcohol.*

Even allowing for the bravado of children when answering such questions, those are alarming figures. At the age of 15, the figures rise to 67 per cent of boys and 68 per cent of girls" (Campbell, p.20). However, any weight this statement carries is undermined by Campbell's concession that children will likely tell tall tales, exaggerate or outright lie when it comes to this information. He just wants to err on the side of caution and assume a small margin of error.

There is particular concern given to the vulnerability of female under-age drinkers, Lamont (p.17) describes them as "*particularly vulnerable*", with a reported drinking increase "*from 9.7 units in 1995 to 16.4 in 2001*" (Lochhead,p.27). Under-age drinkers are described as drinking "*themselves into oblivion*" – fatuous statements aside – Godman (p. 13) leads into an example from Dublin where a "*number of young girls… were going into health clinics admitting that they had been so drunk the night before that they did not know whether they had been date raped or even whether they had had sexual intercourse*". There is a sexual component to concern for female underage drinkers that does not occur for males. This is evidenced by Fitzpatrick's (p.26) example of common-sense policing where, whilst in the company of police officers, "*we discovered two 14-year-old girls in a park in my constituency with a group of men aged between 17 and 25*". Unprotected sex is listed alongside crimes caused by alcohol misuse, and not always explicitly regarding under-age drinkers, however, the concern is the prevention of unwanted teenage pregnancies.

Underage drinkers serve as a both victim and villain. There is a desire to protect them from themselves but also from their parents. Teenagers who have alcoholic parents, see alcohol consumed regularly, or even have alcohol in the home are at risk of judging alcohol normal. Underage girls are deemed especially at risk due to a preoccupation with their sexual habits, some of whom are of age to have sex but not drink.

<u>Vexes</u>

Alcopops are suggested to be marketed at teenagers, with the implicit function of recruiting drinkers before being of legal age.

4.1.3 Coercive isomorphism

The only option tabled to tackle under-age drinking is the institution of a national proof of age scheme to replace the current myriad options, e.g. driver's licence, passport, "*Young Scot card*", student cards, "*the Portman card*", "*the Citizen card*", and others (Davidson, p.25). This would prevent abuse and minimise ease of counterfeit. Paired with effective education programs a national card scheme would reduce the supply of alcohol to under-age persons (Mulligan, .p31).

4.2 Licensing Laws

4.2.1 Legitimacy Challenges

Responsibility

The responsibility rhetoric considers three agents: individuals, retailers, and manufacturers. This debate focusses on the responsibility of individuals and retailers[23] but in a non-specific way. "*As many members have said, we need a much more responsible attitude to drinking. In that respect, we can learn much from some of our European neighbours, who have a more relaxed and liberal approach to licensing but a far healthier attitude to drinking. That is why I have no problem with Sheriff Nicholson's stated aim of a simple, streamlined licensing system that accepts that the law-abiding majority of Scots drink sensibly and therefore 'should be as free from restriction as possible.' The way of achieving the Nicholson objectives in through a policy of liberalisation, through trusting people and through acting on the presumption in law that, whether as providers or consumers, people will behave responsibly*" (McLetchie, p.17). This infers most Scots have responsible attitudes and a minority who do not need to become more responsible. This does not state what more responsible behaviour is while supporting the view of the harm caused, by this minority, is considerable enough for a new licensing system.

There is increasing focus on retailer responsibility for overprovision: "*We want to work with responsible licensees—who are in the vast majority—to provide a better*

---

[23] The omission is understandable given the context of the debate but also previous decades' shift from brewer-owned public houses to pubco business models.

and more civilised experience in Scotland's pubs and hotels. At the same time, we need to be clear about what is not acceptable and ensure that effective action is quickly taken when the law is broken" (Jamieson, C., p.2). It is suggested publicans carry responsibility for any harm befalling or perpetrated by patrons upon their community after overprovision: "*Licensees cannot absolve themselves of the responsibility to be aware of the dangers of overindulgence both for their customer and for the local community. I am sure that there are some very responsible licensees out there who refuse to serve those who are in danger of overindulging*" (Jamieson, M., p.21). The concern of public houses' impact on immediate communities is extended by Harvie (p.28): "*One factor that can distinguish between a responsible and orderly establishment and other establishments is the extent to which the establishment's roots are in the community that it serves*".

Individual responsibility is considered but de-emphasised. This requires qualification. Responsibility as a concept is increasingly emphasised but as a shared notion - individuals cannot be relied upon to decide for themselves and a predetermined notion of what 'responsible' means is required. "*I was puzzled, and somewhat worried, by the fact that some Conservative members seemed to want to move not just towards liberalisation, but towards a free-for-all in which people could drink as much as they wanted anywhere and at any time. Their argument was that it was all down to personal responsibility. In Scotland, all too often we have seen the consequences of irresponsible behaviour by people who have been allowed to drink too much*" (Henry, p.41).

The on-trade is most problematized. There is support to ban happy hours[24], deep discounting, and consequent advertising for both. Alcohol is judged different from other consumer goods as lowering prices to increase sales is not linked to social problems. This attracted the term "irresponsible promotions". A ban is proposed supports a ban on such promotions due to concerns over health impacts: "*Given the horrible death rate that is now associated with alcohol, is the Executive receptive to calls for the banning of alcohol advertising, particularly the irresponsible advertising of promotions and so forth?*" (Sheridan, p.4).

Local off-licences are isolated as the most problematic amongst off-trade businesses, often providing alcohol to underage drinkers. This provision is an outcome of harassment or coercion: "*Small grocers who also sell alcohol are increasingly becoming the focus for under-age drinking. Shopkeepers are being severely harassed to sell to teenagers, and local residents are suffering as a result*" (Pringle, p.24): or complicit adults supplying alcohol; "*We need to examine and decide how to deal with the problem of adults who clearly know that they are buying alcohol for under-age young people*" (Jamieson, C., p.6)*.* Lamont's (p.29) extends the earlier portrayal of off-licenses as sites "*for young people to gather for chaotic, underage drinking*". These provisions could be critiqued as a lack of either retailer responsibility for authorising a sale without appropriate identification or individual responsibility for soliciting alcohol to minors. These hypothetical acts are

---

[24] An exclusive on-trade practice.

better described as illegal as opposed to irresponsible. However, there is reluctance to "*damn off-licence premises out of hand. In fragile communities in particular, off-licences are often the only shop; the drinks licence gives them an opportunity to trade viably. We must also consider the good practice of the Co-operative Group. I should declare an interest as I am a member of the Co-op, which has led the industry in putting sensible drinking on the agenda by referring to it on their labels. We must try to set a standard for some of the rogue off-licences in fragile communities*" (Lamont, p30).

Criticisms of on-trade retailing are consistent with off-trade but with greater severity, particularly on binge drinking and a need for culture change. Pubs and clubs are attributed particular blame for binge drinking: "*The plan clearly states that binge drinking is the most damaging aspect of Scotland's approach to alcohol. In recent years, concern has risen about some special promotions that are run by pubs and clubs, which quite clearly encourage binge drinking, particularly by the young. The Nicholson committee received a considerable amount of evidence about such activity, including the example of customers being invited to pay a £10 entry fee to drink all they can in a set period. I would argue that, in those circumstances, the implied invitation to drink to excess is clear enough*". The advertising of reduced prices in pubs and clubs to boost sales "*encourages people to excess*" (Jamieson, C., p.4 & 5). White (p.32) asserts on-trade over-provision is a problem for Glasgow city centre, "*I have seen out of my window—and stepped over—comatose young boys and girls lying on the pavement, in the gutter or on the road. They can barely lift their heads, never mind themselves, off the ground. Questions must be asked why*

kids are served alcohol in pubs and clubs and allowed to get into such a state before leaving". Despite conflicting opinions between Cathy Jamieson and Margaret Jamieson on whether most licensees are responsible, the problem is deemed severe enough to require help from ServeWise[25].

A particular problem is provisioning underage persons and enabling illegal, underage drinking: it "*is not young people buying alcohol for themselves, but people aged 18 and 19 buying alcohol and giving it to young people*" (Warwick, p.5). Although Warwick identifies 18 and 19-year olds specifically, the problem extends to adults, or any persons of age. This led to the following commentary: "*Two weeks ago, the First Minister announced that a short-life working group would urgently examine the issues surrounding the perceived role of off-licences in some housing areas. We need to examine and decide how to deal with the problem of adults who clearly know that they are buying alcohol for under-age young people. The working group has been set up as a direct response to comments that were made in the Nicholson committee and in response to concerns expressed to us when visiting communities all over Scotland*" (Jamieson, C., p.6). These occurrences are blamed on failures to implement existing law.

---

[25] An organisation which "*trains managers, licensees, the staff of pubs, clubs, restaurants, hotels, bars and off-licences, and doormen about the mature and responsible sale of alcohol*". This would help staff prevent "*careless or reckless drinking*" (Christine Graham, p.22).

Claims of Deviance

Scotland is described as "*too familiar with the catalogue of chaos, violence and ill health that the misuse of alcohol visits upon families— particularly women and children—and… communities as a whole: alcohol is a factor in 40 per cent of recorded domestic violence incidents*" (Sturgeon, p.9). The extent of violent or criminal conduct is described as "*ranging from loutish disorderly behaviour to serious assault and even, on occasions, murder*" and an outcome "*at least in part the product of the binge-drinking culture*" best countered by a law enforcement "*crack down*" (McLetchie, p.17). Police are praised for their closing-time crowd control in city centres by Cathy Jamieson but Conservative speakers encourage increasing numbers of officers to help reduce incidences of violence. Henry (p.39) calls for industry, police, communities, and individuals to collaborate and make "*public houses and hotels… safe, welcoming places to drink in and… encourage people to behave responsibly*". Graham (p.23) claims Lothian and Borders police have an increased number of stops, testing, and catching more drunk drivers during the day, "*including professional people*", as well as those the following morning "*who had obviously been on a heavy binge the night before and were still able to light the red light on the breathalyser on their way to work*".

Jamieson claims balancing the rights of individuals and communities are at the heart of the NR and collaborating licensing boards and communities are an essential part of it. Licensees are integral to minimising the impact of alcohol on communities and *some* licensees already do this. However, Lamont (p.30), after endorsing "*the aims*

of the freedom from fear campaign[26]", claims the threat of young people and alcohol in communities is not to be dismissed as stigmatising youth but instead community fears should be respected as they "*feel they are under siege*".

Binge drinking is a pervasive phenomenon needing curbed and controlled. Cathy Jamieson (p.4) refers to the Plan for Action on alcohol problems: "*binge drinking is the most damaging aspect of Scotland's approach to alcohol*". The British are speculated as the worst binge drinkers in Europe. Binge drinking among young people is deemed, at least partly responsible, for two problems: disorderly behaviour and increased drunk driving offences[27]; and, the mistake of extending licensing hours would lead to more binge drinking. Alcopops are identified as problematic for underage persons and linked to irresponsible promotions: "*we cannot let the issue of irresponsible promotional activities pass without remarking on alcopops… I saw many intoxicated youngsters coming out of clubs at 2 or 3 in the morning and clutching not only their friends to help them to stand up, but alcopops. The illusion is that it is dead cool to have such drinks in one's hand. Indeed, children have said that it is cool to drink alcopops, which are fruity and have snazzy names. However, not only are they the gateway to serious drinking, some experts think that drinking alcopops seriously at such an age is the gateway to hard drugs rather than to marijuana. We cannot consider the issue outside the context of youth drinking culture*" (Grahame, p.23). Linking underage drinking and the eventual use of harder

---

[26] The Freedom from Fear campaign by the Usdaw trade union seeks to prevent violence, threats and abuse against shop workers.
[27] Where binge drinkers fail breathalyser tests the morning after while driving to work.

illegal drugs also made by Lamont (p.30). Aitken (p.35) states, "*I would be much less concerned… about a father buying his 17-year-old son a half pint of lager in a public house than I would be by the situation that we have heard of, time and again, of people going into licensed grocers on behalf of youngsters, buying alcopops and giving them to the kids outside*". The issue not of legality but lack of supervision (either parental surveillance or fastidious public house), as without supervision underage drinkers pursue excess, and this is accelerated by alcopops. NR recommendations to normalise children in pubs receives small support, viewed as a means to "*lead future generations of children to enjoy sensible drinking without bingeing*" (McGrigor, p.26).

Condemning underage drinking is universal. The NR shows "*many children well below 18 have been regular drinkers for some time. The local corner shop with a liquor licence is the most common source of alcohol*" (Jamieson, C., p.5). Parallel discussions on the NR's recommendation to liberalise licensing hours are viewed by John Swinburne[28] as counter intuitive to combatting both underage drinking and binge drinking by underage persons. However, Aitken (p.35) opines "*I would be much less concerned… about a father buying his 17-year-old son a half pint of lager in a public house than… the situation… we have heard of, time and again, of people going into licensed grocers on behalf of youngsters, buying alcopops and giving them to the kids outside*". Despite explicit concern for vulnerable underage drinkers, Henry (p.39) insists: "*We are all part of the problem, individually and collectively,*

---

[28] Find quote

through the way in which we joke about drink and refer to it casually, and… that we think that it is sometimes acceptable to behave in the ways… mentioned. Those attitudes would not be acceptable if we were talking about other areas of life, such as drug abuse". This perspective frames alcohol concerns as not only a social issue but a cultural one, reinforcing support for instigating and cultural shift in drinking attitudes.

White (p.32) characterizes antisocial behaviours when she speaks of living in Glasgow city centre: "*Although it is great to be at the hub and among the buzz, I assure members that during the weekend, the situation can be horrendous when I look out of my window or come home at night. That applies to people walking on Queen Street or Sauchiehall Street, or even George Square or Argyle Street. I have seen out of my window—and stepped over—comatose young boys and girls lying on the pavement, in the gutter or on the road. They can barely lift their heads, never mind themselves, off the ground.*" She further comments on the common occurrence of young men urinating on resident's doorsteps and implies that if the dweller comes out to protest they will face assault.

Health

The public health problem is highlighted in the opening address in reference to the NR's fourth licensing objective, "*the promotion of public health*" (Jamieson, C., p.2)[29], indicating legislation can be used to improve population health. Monteith (p.10) endorses a "*move away from the culture of high-speed drinking towards the*

---

[29] 'Protecting and improving public health' is what the recommendation became in the Licensing (Scotland) Act 2005

more relaxed southern European attitude, where groups drink with a meal and allow their drinks to last. People there see drinking as a pleasurable social activity and a joy in itself rather than as a means to an end". However, before making this endorsement he used another international example in Sweden where "*high taxes… a monopoly of supply and restrictions on opening hours*" has led to death rates from alcohol dependence "*four times higher than that in the UK*", indicating a support for liberalisation paired with a culture shift. Purvis (p.21) draws attention to an increase in the number of hospital admission in his constituency of Tweeddale, Ettrick and Lauderdale "*some of whom* [he points out] *are very young – to Borders general hospital because of overindulgence in alcohol*".

Culture Change

There is consensus on culture change, it is deemed necessary and desirable, requiring a reduction in population consumption, discouraging excess. Southern European attitudes towards drinking are deemed worthy of emulation: "*if we wish to create a café-bar culture… we could not create such a culture everywhere, because not every premises would be suitable for that, nor indeed would we want every licensed premises to reflect or replicate what exists on the continent. However, we must try to encourage that culture in many areas, not just in relation to having a family- friendly environment and access for children, but in terms of a general change away from the forbidden-fruit culture that we have had in Scotland. That would have an effect on professionalisation and it would improve the quality of*

service" (MacAskill, p.17). Emulating southern European countries café-bar culture is seen as a means of reducing current problems with underage drinking.

4.2.2 <u>V's</u>

<u>Villains</u>

Claims-making as to the perpetrators of social ills resides with young people and underage drinkers; and extends to off-licences that provision and those individuals who supply alcohol to underage drinkers.

Young people are portrayed as binge drinking on cheap alcohol offered by pubs and night clubs during happy hours. They are prone to violence, hooliganism, public indecency, endangering themselves and those around them. White (p.32) best encapsulates this while speaking of her experience of Glasgow city centre: "*Although it is great to be at the hub and among the buzz, I assure members that during the weekend, the situation can be horrendous when I look out of my window or come home at night. That applies to people walking on Queen Street or Sauchiehall Street, or even George Square or Argyle Street. I have seen out of my window—and stepped over—comatose young boys and girls lying on the pavement, in the gutter or on the road. They can barely lift their heads, never mind themselves, off the ground.*" She further comments on the common occurrence of young men urinating on resident's doorsteps and implies that if the dweller comes out to protest they face assault. The threat posed by drunk young people to community residents is echoed by Lamont (p.30), insisting it is not taken seriously enough and pre-empts criticism; "*Some people dismiss this discussion as being about*

stigmatising young people. I challenge them to respect communities that feel that they are under siege". However, it invites response: "*When I first became a councillor, in the 1980s, I was approached on the Sabbath day by an indignant retired colonel, who came to tell me that, the night before, in his house in Tain, he had been plagued by youngsters coming out of a dance and hurling abuse at him and shouting through his letterbox. I was horrified—green and inexperienced as I was—and wrote to the chief constable, saying, in true councillorese, "This is a disgrace. What are you going to do about it? Where were the special constables? Where were the bobbies?" I heard nothing for weeks, until Sergeant Magnus Mackay summoned me to Tain police station to show me the charge book. What emerged was that the story was very different to the one that I had been told. Apparently, the colonel had come out of his house at 1 in the morning, drunk, and had shouted abuse at the children. He had been arrested and put in the clink for the night*" (Stone, p.34).

The term 'young people' is used universally by contributors and can refer to both underage and of-age drinking. It is worth, once again, drawing the distinction that this thesis considers 'young people' within the 18-25 age range, 14-17 are 'youths', and 0-13 are 'children'. The quotes do not reflect these distinctions, but the best effort has been made to ensure their meaning is understood. Youths and children inhabit both the villain and victim typology, whichever is most expedient to the speaker in question. The best way to highlight the way children and youths become villains is through the problematization of small community off-licences, enablers of underage drinking, and pubs and nightclubs.

The NR indicates "*many children well below 18 have been regular drinkers for some time. The local corner shop with a liquor licence is the most common source of alcohol*" (Jamieson, C., p.5). The earlier concern, by Bill Aitken, of supervision as the fundamental problem as opposed to ethical or legal opposition to the act of underage drinking. Supervision is preferable to "*the situation that we have heard of, time and again, of people going into licensed grocers on behalf of youngsters, buying alcopops and giving them to the kids outside*" (Aitken, p.35). The notion of necessary supervision and guidance is reinforced by the assertion that it is those recently of age, "*18 and 19 year olds specifically*" (Warwick, p.5), who are supplying this alcohol. Off-licences become a soft target, retailers are not guilty of provision since the sale is to a legal persons who then supply the alcohol. The implicit message being old enough to drink does not grant the necessary judgement to decide whether those underage should be allowed to partake. Others cite off-licences as sites "*for young people to gather for chaotic, underage drinking that can lead to chaotic drug abuse*" (Lamont, p.29), placed alongside the insistence shopkeepers and local residents are harassed, de-emphasises the role played by shopkeepers and further incriminates young people, youth, and, potentially children.[30]

Pubs and clubs are judged the worst facilitators of binge drinking, almost exclusively by young people. 'Irresponsible promotions' are viewed as an integral part of the

---

[30] When the rhetoric above is framed as a conversation about individual and licensee responsibility, both operating within the rules of the law at the point of sale. However, an adult buying alcohol with the intent of supplying someone underage is illegal.

problem and alcopops considered an especially vexing component: "*we cannot let the issue of irresponsible promotional activities pass without remarking on alcopops… I saw many intoxicated youngsters coming out of clubs at 2 or 3 in the morning and clutching not only their friends to help them to stand up, but alcopops. The illusion is that it is dead cool to have such drinks in one's hand. Indeed, children have said that it is cool to drink alcopops, which are fruity and have snazzy names. However, not only are they the gateway to serious drinking, some experts think that drinking alcopops seriously at such an age is the gateway to hard drugs rather than to marijuana*" (Grahame, p.23). On-trade retailers are condemned for over-provision, selling products appealing, and, potentially compromising young peoples' future by exposing them to, not a gateway drug, but a 'gateway product'. "*One in five of all violent crimes takes place in or around public houses, clubs or licensed premises*" (Matheson, p.37).

Victims

Nearly "*two thirds of victims of violent crime who could tell anything about their assailant reported that they were under the influence of alcohol*" (Sturgeon, p.9), highlights the general threat to the population. There is the threat of domestic violence (occurring at a rate of 40% of recorded incidents). The individuals threatened outside off-licences to buy booze by groups of youths, the threatened off-licensees, the communities who "*feel… under siege*" (Lamont, p.30) by youths and young people.

<u>Vexes</u>

The greatest vexes, well- covered in the passages above, are binge drinking and alcopops. Despite no consensus on the meaning of the term, the Plan for Action of alcohol problems claims binge drinking is the most damaging aspect of Scotland's approach to alcohol. With the UK residents suspected as being the worst binge drinkers in the world. Alcopops are suggested to lead to hard drugs and one of the worst catalysts for young people and youths binge drinking.

4.2.3 <u>Coercive Isomorphism</u>

The legitimacy challenges and V typologies stimulates debate on a new proof of age scheme to minimise occurrences of underage sales, increased enforceability for new laws, banning special promotions ('happy hours'), and liberalising licensing hours.

The opening address advocates urgency in tackling the "*negative aspects of Scotland's drinking culture"* counselling *"licensing law cannot by itself solve Scotland's problems with alcohol. However, the right legal framework can help to set out clearly what society as a whole finds acceptable and unacceptable. It can be a trigger for changing the culture"* (Jamieson, p.2). The need for a new licensing system is due to the current law's perceived inability to regulate and minimize the harmful outcomes discussed above.

The report recommends licensing both individuals and premises - described by Sturgeon (p.7) as "*basic common sense"* – to improve levels of training, awareness, and responsibility among servers at point of sale. The introduction of these training

and certification schemes extends to locally elected licensing board members (accountable to constituents) and is endorsed as necessary to streamline the licensing system whilst allowing regionally specific policy within a larger legal framework. These measures support notions of retailer responsibility and help minimise problems.

The NR assumes most individuals drink within sensible limits and alcohol-related social problems are caused by a minority. Any new licensing system should adopt a "*light touch*", and "pla*ce the minimum amount of regulation on the conduct of the licensed trade*" (Aitken, p.35). The availability of alcohol at football and rugby games is raised in this context, petitions are made to remove the ban at Murrayfield and all football grounds. McLetchie (p.18) petitions the chamber to "*trust Scottish fans and give them the same freedoms that English and Welsh rugby and football fans enjoy in their grounds with no adverse effect on public order*". He further insists that Northumbrian police have stated alcohol assists in crowd management as fans do not drink in pubs until the last minute before arriving; and fellow Conservative McGrigor (p.27) describes current restrictions as "*too much nanny state*" and "*patronizing in the extreme*".

There is support "*in principal*" (Sturgeon, p.7) from the SNP for a new national identity card scheme to help minimize instances of underage persons acquiring alcohol from retail outlets. However, whether the continuance of support is dependent on the details of said scheme.

There is desire for the new licensing system to punish law breakers with "*effective action*" (Jamieson, C., p.2), however, Aitken (p.35) insists "*we are not enforcing the existing law rigorously enough*". An important development for enforcement is the creation of licensing standards officers (LSOs) whose purpose is described by Jamieson (p.4) as: "*to ensure that licensees understand licensing board policy and to achieve compliance with licence conditions through education and discussion. If there were persistent breaches of licence conditions, the standards officers would be able to report that to the board so that prompt action could be taken*".

Special promotions, or 'happy hours' as they were known, are highlighted as an area of particular concern within the NR, advocating their prohibition. The concern is that they encourage excessive drinking by young people and Cathy Jamieson illustrates the extent of this problem via a questionable example: "*In recent years, concern has arisen about… special promotions… run by pubs and clubs, which quite clearly encourage binge drinking, particularly by the young. The Nicholson committee received a considerable amount of evidence about such activity, including the example of customers being invited to pay a £10 entry fee to drink all they can in a set period. I would argue that, in those circumstances, the implied invitation to drink to excess is clear enough*"[31]. The banning of special promotions is justified on the grounds that alcohol is different from other consumer goods that

---

[31] The example used is not indicative of a 'happy hour'. A happy hour involved a set period within licensing hours (often no more than a few hours in length), where specific products could be bought for a discounted rate. The illustration of a nominal fee and then an all-night free-for-all was not common practice. It, in fact, is a sure-fire way for a profit seeking entity to go out of business.

offer discount rates or "*advertise a lower introductory price for a new product, are perfectly legitimate. I do not want to prevent normal commercial activity. However, there are instances in which the type of advertising that is used by pubs, clubs and other licensed premises encourages people to drink to excess*" (Cathy Jamieson, p.5). Jamieson further describes such promotions as endangering the safety of the young people who frequent city centres to indulge in them.

Despite enthusiasm for the NR's outcomes, the recommendation to extend licensing hours is viewed as "*controversial*" (Sturgeon, p.8) for fear 24hr licensing will increase binge drinking. However, proponents insist liberalising licensing hours will reduce binge drinking as restriction is reduced. Listed benefits include: fewer incidences of drunkenness; more relaxed drinking culture; reduced incidence of street violence (fewer patrons converging on the streets due to staggered closing times); and removing the 8pm ban on children's attendance makes our pubs more tourist friendly. Monteith (p.10) is sceptical of liberalisation and notes its replacement with "*modernisation*". There is concern that Conservative liberalisation advocates are inclined to a "*free for all*" rationalised by belief in personal responsibility (Henry, p.41).

Aitken (p.35), a self- described "*veteran of the implementation of the Licensing (Scotland) Act 1976*", speaks of how debate of liberalisation prior to implementation then is very similar to the current discussion: "*We were told that, if we extended the licensing hours, the streets of the city would be awash with drunks and the Dickensian era, which John Swinburne depicted, would be with us again. In*

fact, the reverse was the case: Glasgow saw a significant reduction in drunkenness;

a massive reduction in the number of those charged with being drunk and incapable;

and a much more relaxed drinking culture, which was greatly of benefit to the city".

4.3 Antisocial Behaviour Act

The debates on antisocial behaviour occurred thirty days after the Licensing Laws debate. The opening address describes antisocial behaviour as "*one of the biggest blights*" faced by communities. Curran (p.2) insists her position should not be judged as an overreaction "*to the normal antics of young people or grossly exaggerating a minor problem*" and any who deem so do not realise the severity of "*violence, intimidation and harassment'* making "*the lives of people throughout Scotland a misery*". She insists statistical evidence "*indicate the serious and persistent problems of disorder, vandalism, graffiti, and other forms of antisocial behaviour*" is enhanced by information heard first-hand in the communities most affected. "*Our concern emerged as a direct result of the experience of constituents who came to us in despair. I make no apology for responding to their plight, because that is what we were elected to do. As a group of residents not far from here in south Edinburgh put it to me, 'The Parliament needs to listen and take on board the views of local people in communities. Those are the people who are affected and who have to suffer the heartache.' As one resident from Clydebank said, 'Ordinary decent people need to be supported, not overlooked.' If that is what people think, we must listen. A group of tenants from Dundee said, 'We just want to be able to live a normal life, but that seems to be impossible'".* Curran refers to a '*dossier*' provided by The Daily Record newspaper of their readers' experiences of antisocial behaviour: '*The readers' response to the issue was immediate and overwhelming. They did not exaggerate their concerns and they were not being unduly populist;*

they simply highlighted their experiences and concerns, to which we should be

prepared to listen'.

4.3.1 <u>Legitimacy Challenges</u>

<u>Claims of Deviance</u>

Curran (p.2 & 3) states in her opening address that '*antisocial behaviour is not just a*

problem perpetuated by young people; it covers many other sections of the

community. The Executive has always said that, and will continue to do so'. This

assertion is followed by problematizing off-licences selling alcohol to underage

persons or adults buying on behalf of those underage as "*a major contributory*

factor to the problems that communities face every weekend and with which they

are fed up".

Goldie (p.13) describes antisocial behaviour as an outcome of living in the "*real*

world", "*a real world inhabited by vandalism, graffiti, deliberate damage, the*

dumping of rubbish and litter, drunken and abusive behaviour, drug abuse,

intimidation, harassment, nuisance from vehicles and sporadic acts of fire-raising.

The question that has to be asked and which the Executive really needs to answer is,

where has the Executive been? Antisocial behaviour did not just happen in the past

few months. There has been an escalating situation." The link between alcohol and

antisocial behaviour is not a new problem but the situation is deemed to be

worsening. This escalation is reflected in Brocklebank's (p.43) 'Annabel' anecdote,

describing the plight of a homeowner on a council housing estate in his

constituency: "*When she went there, she felt that it was a reasonably decent*

community. However, for the past five years, she has had to cope with a particular family—a mother with a succession of different partners and with a 16-year-old son who is apparently totally out of control. There is drug and alcohol abuse in the street. She has applied for and has obtained antisocial behaviour orders. They have been breached. Recently, she managed to achieve the eviction of the family from the house from which the problem emanated. She actually left her own house more than a year ago to go to live with her mother because she simply could not tolerate the noise levels, the drunkenness and the arguments. A CCTV camera was put up outside her home; it lasted one day and was then ripped down. That is the kind of life that this girl has had to endure".

Barrie (p.35) describes the positive effect of a community project in Dunfermline called '*booze busters… set up due to the increasing incidence of under-age drinking, vandalism and the rise of a general antisocial behaviour culture. We all know of the causal link between excess alcohol consumption and antisocial behaviour*'. Attention is drawn to the potential impact of other community projects where, schools and police working together issue "*issued pupils from secondary 3 up to secondary 6 and their parents with a letter and photographs that show some of the graffiti, vandalism and problems that exist in the local area*" (Jamieson, p.2352). While this is a means to prevent problems, it may also reduce incidences of underage drinking. The intent behind these projects is to improve communities and prevent 'Annabel' experiences from becoming commonplace.

Matheson (p.2381), while commenting on the words of Gorrie and Fox, acknowledges when alcohol is a factor in antisocial behaviour it is "*often symptomatic of more deep-rooted problems in a community*". However, "*Poverty, alcohol abuse, drug abuse and other factors are not excuses for antisocial behaviour*" and government has a duty to prevent them, "*as with all illnesses in a society*". It is inferred, via anecdotal evidence, that parents do not fulfil their duty to their children by stewarding them away from antisocial behaviours: "*I was out with the police one night when they picked up a young, under-age lad who had been drinking too much. When they got him to the police station, they telephoned his father, who was told that his son was at the police station, had been causing problems in the community and was in no fit state to make his way home. His father's response was: "Just keep him there, he's out of control*" (Matheson, p.2382).

Stevenson (p.27) mentions the residents of Lossiemouth[32] that the people of this small town "*think that the major cause of antisocial behaviour is drink*". His contribution insists definitions of what constitutes antisocial behaviour are not always a black and white. Perceptions of what constitute alcohol-related antisocial behaviour is highly subjective: "*Four young lads, who had their arms round one another's shoulders, passed noisily by in the other direction. There were snatches of songs and loud conversation, but they made no attempt to engage or harm anyone outside their group. Was I alarmed or disturbed? I was certainly not alarmed, but I*

---

[32] A town on the north-east coast, near Elgin

was perhaps mildly disturbed. On the other hand, if I lived on Linlithgow High Street and such a noise occurred every night just after I had fallen into a well-deserved sleep, I would probably think that that was antisocial behaviour. There is a grey zone, where the context as well as the behaviour is important". However, subjectivity becomes irrelevant when behaviours trespass on the limits of the law, "*an assault—verbal or physical—on a private citizen or public servant is clearly the dark side of society and alcohol is a key factor in that. When that is established as a regular pattern of behaviour it becomes a clear case of antisocial behaviour. Could antisocial behaviour really be fully defined in law, as is perhaps being considered by the Executive, or is that a surrogate for creating criminals when there is not criminal evidence? If so, it would drive a coach and horses through civil liberties*".

Underage drinking is clearly linked to antisocial behaviour in communities. However, blame is not reserved for deviant youth, the irresponsible actions of off-licence retailers and complicit adults are also included: "*what about the people who do not? What about the people who regularly sell drink to people under the age of 18? What about the people who regularly sell drink to people in their 50s who buy it for younger folk round the corner? The livelihood of those licence holders will be put at risk but, I ask again, what about the people in my community, in the streets of Cumbernauld and Kilsyth, whose lives are put at risk and made a misery by the irresponsible actions of those licence holders?*" (Craigie, p.41). It is worth observing Craigie's implied threat to human life due to the alleged severity of problems. This resulted in a call for greater penalties for convicted offenders and an advertising campaign to help prevent and reduce the problems of adult collusion. These

sentiments are echoed by Adam (p.2351) who is dismayed at a lack of suggestions in how improving law enforcement can be achieved.

Retail

Small, local off-licences believed especially problematic and requiring specific attention with regard to reducing antisocial behaviour: "*there is clear evidence that off-licences sell alcohol to young people and that adults collude in buying alcohol for young people. That is a major contributory factor to the problems that communities face every weekend and with which they are fed up*" (Curran, p.3). The discord reported by communities resulted in Jack McConnell (then First Minister) announcing the need for "*urgent review of the regulation of off-licences*" (Curran, p.4). This may include suggestions made by speakers about restricting the numbers of off-licences in residential areas (Hughes, p.30) and the appropriateness of their locations, e.g. situated next to a "*children's play park*" (Marwick, p.37). Although the normalising of provisioning underage persons, both by retailers and regular citizens, is considered problematic Lamont (p.3) is quick to point out that some shop workers and shoppers are bullied or, at least, pressured to sell to underage persons or buy for them. Whitefield (p.2374) contradicts his alleged sympathy for individuals who are intimidated into provisioning underage persons advocating "*stronger action… against the small minority of retailers who continue to sell alcohol to under-18s and… disregard the communities from which they take money daily*".

The antisocial outcomes of underage consumption is reported as consistent over every weekend. Problems with on-trade retailers are not mentioned specifically at

any point during the debate other than indirectly via collective references to 'licensees' or 'licence holders', e.g. proposals to give police greater powers that they may shut down any premises found guilty of provisioning underage drinkers. The extent of the harm caused by underage provision is reported as much more harmful by Craigie (p.41): "*What about the people who regularly sell drink to people under the age of 18? What about the people who regularly sell drink to people in their 50s who buy it for younger folk round the corner? The livelihood of those licence holders will be put at risk but, I ask again, what about the people in my community, in the streets of Cumbernauld and Kilsyth, whose lives are put at risk and made a misery by the irresponsible actions of those licence holders?*"

4.3.2 <u>V's</u>

<u>Villains</u>

The wilful provision of alcohol to underage persons is seen as not only encouraging and facilitating underage drinking but also antisocial behaviour. In order to reduce this, Hughes (p.30) proposes off-licence numbers in residential areas be restricted – this is later supported by Marwick (p.37) who mentions she has also raised similar concerns and wished them incorporated into developments in licensing law. Lamont (p.3) warns those guilty of buying for or selling to underage persons may be bullied into doing so but this does little to diminish condemnation.

Youth again inhabit the space of villain and victim, and casts some light on the effectiveness of prevent strategies, i.e. by raising awareness of particular concerns youth will be prevented from engaging in deviant behaviours. However, this

approach requires deviants to serve as counterpoints to recommendations on appropriate behaviour. It could be argued that young people extend the number of these problem individuals as prevent strategies require youth be caught before reaching an age where they would engage in problem behaviours, e.g. the previously mentioned community program in Doon Valley (Jamieson, p.52).

Congregating groups of youth and young people are viewed as problematic and threatening to local residents: "*in my constituency there is a gathering point to which 30 or 40 youngsters come. If the police do not come in until a serious incident has taken place, the youngsters may have fled. Good community policing might identify that spot as a place where there are likely to be problems and youngsters are likely to be drawn into antisocial activity*" (Lamont, p.58). Granting police the power to disperse groups could be a useful preventative measure and alleviate threat faced by local residents. Such groups are viewed as particularly threatening by the elderly (Barrie, p.35).

Despite a persistent multitude of concerns over the antisocial behaviour of young people Curran insists (p.2) the Scottish Executive does not believe them solely responsible for it. It was not only elderly people who claimed that underage drinkers caused problems but in fact younger children. Barrie mentions (p.35) after speaking to one primary school class '*Older youths, who commandeer their play area, who drink, shout, swear and intimidate the younger kids and who, once they are finished, smash their bottles around the play areas, make it impossible for the youngsters to use the facilities properly*'.

<u>Victims</u>

Reduced class sizes and improved support services for school children will bolster future opportunity. These factors will allow children more time from staff in schools which will not only benefit their education but improve the chances for staff to uncover students who may suffer from alcohol abuse, drug abuse or domestic violence outside of school hours (Byrne, p.71). In circumstances of alcohol addiction/abuse, Byrne (p.72) calls for improved services like, counselling, rehab programs (of which there are none for drug addicts) as the damage done "*to them is unbelievable; it cannot be measured. We have to deal with such situations. The drug addict or the alcoholic can be put into a deprived housing estate but, unless there are facilities in place to support that person through decent rehab, counselling and housing support workers, we can forget about it. I know that there has been some progress, but I do not see it*".

4.3.3 <u>Coercive Isomorphism</u>

There is consensus that alcohol sold by off-licences contributes to problems of antisocial behaviour: "*much antisocial behaviour in our communities is fuelled by alcohol, and anecdotal evidence suggests that much of that alcohol is purchased illegally either by, or on behalf of, people who are under 18. There should be extremely tough penalties for off-licences that sell alcohol to under-age drinkers and there should be much greater focus on those who purchase it for under-18s. That could perhaps be done through targeted advertising aimed at preventing the problems, and through much tougher penalties for those who are convicted*'

(Hughes, p.29). Existing penalties are deemed insufficient in deterring illegal sales for both retailers and individuals purchasing on behalf of underage persons. Early in the debate, Goldie (p.4) asked of Curran, '*Does the minister accept that we already have rigorous laws on the sale of liquor from licenced premises, which cover the retail of alcohol to under-age people and which mean that the licence holder risks the loss of the their licence? Why are those laws not implemented more rigorously?* Ms Curran's response insists the existing arrangements do not work. The potential to grant police additional powers to shut down offending premises is highlighted by Goldie but she insists that family experience of running licensed premises needed required no more than the fear of losing their livelihood by violating the original licencing agreement was sufficient for compliance. Changes to licensing law aiming to reduce antisocial outcomes of alcohol consumption will target local off-licences. Support for such change accepts that local off-licences are especially problematic in underage persons accessing alcohol and seeks to ensure that those who are found guilty of breaching these laws are not just stripped of their licence but face further, as yet undetermined, penalties.

The main outcomes encompass support for full-enforcement of existing laws and improving the means by which they can be enforced; ensure provisioners (even when doing so due to threat of violence) are punished; and support for improving support facilities for school children to prevent victim and villain creation.

4.4 <u>Licensing (Scotland) Bill</u>[33]

This is the final stage of debate before the Licensing (Scotland) Bill is passed and contains the final discussion prior to the formulation of the Act.

4.4.1 <u>Legitimacy Challenges</u>

<u>Claims of Deviance</u>

The primary legitimacy challenges are the behaviours of drinkers and support for new legislation is propelled by the belief that current legislation is no longer fit for purpose, supported by the findings of the NR (Nicholson Report).

"*The new licensing system that we are proposing will contribute to a safer and stronger Scotland for all of us, by helping to break the link between excessive drinking and crime, and will lay a foundation for and support our wider agenda of tackling the problems that are associated with underage and binge drinking*" (Lyon, p.41). Emphasising crime and antisocial behaviour is consistent with traditional policing approaches and supports those who insist "*the majority of disorder and violent crime in Scotland is related to the excessive consumption of alcohol*" (Ewing, p.53). The purpose of the Bill, according to Maxwell (p.48), "*should be a balancing act between the right of the law-abiding majority to enjoy a peaceful, quiet drink and the right of the same law-abiding majority to be protected from the minority who abuse alcohol and behave in an antisocial manner*". The SNP regard any

---

[33] The page numbers for the debate are abbreviated, e.g. (Gorrie, p.20747) becomes Gorrie (p.47). This abbreviation pertains only to the Licensing (Scotland) Bill debate and is included to assist those referring to the original document.

extension to licensing hours, a topic covered in a later section, as only leading to more crime and as such must be avoided (Ewing, p.53).

Under-age drinking is considered a major problem in Scotland, this is supported by a previous debate and several speakers. Davidson (p.44) does not judge the licensing bill capable of tackling these concerns as it "*does not sufficiently address the problems of underage drinking and the youth overindulgence that leads to antisocial behaviour*". However, there are those who disagree, and begins to address both underage drinking and binge drinking via eventual bans on 'irresponsible promotions' and tighter controls at point of sale (Muldoon, p.46).

There is support for underage persons' introduction to alcohol to be carried out by parents. A notion held by a minority in the underage drinking debate. "*Most of us understand that it is preferable for young people to be introduced to alcohol by their parents in a responsible and gradual way, but the availability of alcohol to children and the growing amount of evidence that children who are sometimes as young as 12 or 13 are drinking regularly and often to excess is a concern*" (Lyon, p.42).

Concern is for children having access too young and lack of supervision: "*I know from experience and observation that the issue is not about a 17-year old going into a pub for half a pint, or even a pint of lager. The real problem arises in off-sales, where a small minority of irresponsible shopkeepers are prepared to sell drink to youngsters well below the age of 18, and we see the consequences that befall some of those kids in the streets*" (Aitken, p.52).

Binge drinking, a topical political concern, is associated with underage persons and irresponsible promotions. Efforts to prevent underage sales and irresponsible promotions are deemed to directly help reduce binge drinking by proxy: "*The bill sets out important new powers to tackle binge drinking and irresponsible promotions. All of us have seen and recognise the problems that result from binge drinking in our constituencies and the potentially harmful effects of such irresponsible behaviour on the health of individuals are well documented*" (Lyon, p.42).

Retail

The "*bill should be a balancing act between the right of the law-abiding majority to enjoy a peaceful, quiet drink and the right of the same law-abiding majority to be protected from the minority who abuse alcohol and behave in an antisocial manner… However, I am equally disappointed by the decision that the Executive and others took to vote down restrictions on on-sales. Effectively, it will be possible for pubs and other places to open for 24 hours*" (Maxwell, p.48). The concern over '24hr licensing' is not limited to Maxwell, as it is mentioned some licensing boards desire fixed hours (Martin, p.48). Arbuckle (p.51) accuses other ministers of trying "*to get headlines out of the possibility of 24-hour licensed drinking hot spots and the accompanying problems of people drinking too much alcohol. I say to those members that they should read the legislation and not try to write headlines. The bill says: 'The Licensing Board must refuse the application unless… there are exceptional circumstances'*". However, this position is not without criticism: "*How do we define an exceptional circumstance? Is it the world cup final, a local festival or George*

Lyon's birthday? There is nothing in the bill that enables licensing boards to make a proper, reasoned interpretation. We recognise that we have a problem with the general attitude to drink in Scotland, but the prospect of 24-hour opening will fill many people living in Glasgow with some degree of horror" (Aitken, p.53).

Davidson (p.45) asserts too much concern is attributed the on-trade: "*The bill does not address the problems of the trade. It presumes that the on-sales trade is where all the problems must be solved, but does nothing much about off-sales, although the police and social workers tell us that that is where the bulk of the problem lies*". The SNP voice concern regarding off-licences and supports further restriction in their operation (Crawford, p.43). Aitken (p.52) relates problems with under-age drinking to off-sales and placing blame onto on-trade licensees is misrepresentative: "*the issue is not about a 17-year old going into a pub for half a pint, or even a pint of lager. The real problem arises in off-sales, where a small minority of irresponsible shopkeepers are prepared to sell drink to youngsters well below the age of 18, and we see the consequences that befall some of those kids in the streets*".

Health

Several speakers raise concern over health impacts, with Muldoon (p.46) pointing out the role alcohol plays in "*Scotland's overall poor health record*" and "*drains the resources of our health service and our justice system*" (Maxwell, p.48-49), problem which have been existent for centuries (Arbuckle, p.51). For Maxwell (p.48), further liberalisation will create more health and social problems: "*In 1980, there were 358 deaths in which an alcohol-related condition was recorded as the underlying cause*

of death. In 2003, there were 1,353 such deaths. That represents a 278 per cent

increase in a generation. That is what happens when we liberalise licensing laws"

(Maxwell, p.49). There is desire for new legislation to contribute towards improving

Scotland's health (Arbuckle, p.51).

Culture Change

The Licensing (Scotland) Bill is judged a necessary step in making positive changes in

Scotland's relationship with alcohol: "*We must change the culture. A bill cannot do*

that, but it may contribute" (Gorrie, p.47). There is a general feeling that action

must be taken, even overdue: "*We must draw a line in the sand and say that*

enough is enough", however, the Bill as it stands is deemed insufficient to some

failing to "*deal with the fundamental issue of how young people in our society get*

their hands on alcohol" (Davidson, p.45).

Responsibility

Responsibility is discussed in three terms, personal, corporate, and retail. Muldoon

(p.46) mentions the importance of individuals exercising responsibility in

consumption due to the negative impact on Scotland's health and crime profile.

Harvie (p.50) places responsibility directly in the corporate domain, it is unclear

whether he acknowledges individual's ability to use alcohol irresponsibly but it is

strongly implied that responsibility is diminished due to corporate marketing tactics:

"*People use the term —responsible drinking, but I prefer to place responsibility*

firmly and squarely with the corporate sphere. When our drinking culture began its

transition towards chain pubs and mega-pubs, global companies gained a huge

amount of power… The popularity of lager is a direct result of heavy marketing. Lager is quicker and easier to drink and the corporate giants decided that promoting lager would enable them to sell more alcohol" (Harvie, p.50). Harvie advocates support for what he describes as "*responsible selling*", an apparent tautology pertaining to the off-trade.

4.4.2 V's

Villains

Primary considerations are to prevent under-age drinking and minimise young peoples' drinking. A critical concern is lack of supervision. "*We all know that underage drinking is a major issue in Scotland. I know from experience and observation that the issue is not about a 17-year old going into a pub for half a pint, or even a pint of lager. The real problem arises in off-sales, where a small minority of irresponsible shopkeepers are prepared to sell drink to youngsters well below the age of 18, and we see the consequences that befall some of those kids in the streets*" (Aitken, p.52). The first scenario implies a solitary individual conforming to the rules under the watchful gaze of those who would see those rules enforced. The second implies a group purchasing alcohol from those who do not care about rules, drinking a non-specific volume of alcohol (tacitly accepted as more than a pint) in an unsupervised location to the point of intoxication, with the harmful effects and possible public danger occurring on public streets. The importance of supervision is also emphasised by Lyon (p.42) who thinks the best way for "*young people to be introduced to alcohol by their parents in a responsible and gradual way*". The role of

off-sales disregarding the law is not over-looked, Davidson (p.45) is concerned too much attention is paid to restricting on-trade activities when the 'real' problems lie off-trade. This leads to criticism the bill fails to address how under-age persons acquire alcohol, blame for which Davidson feels lies with the off-trade, and renders the bill as an unseized opportunity by not addressing under-age drinking and unnecessarily penalising responsible drinkers.

4.4.3 Coercive Isomorphism

"*The mark of any new legislation is whether it improves our society, and I am confident that the Licensing (Scotland) Bill will achieve that aim*" (Arbuckle, p.51). Several speakers support the notion of modern legislation which improves society .Lyon (p.41) describes the new licensing system as contributing "*to a safer and stronger Scotland for all of us, by helping to break the link between excessive drinking and crime, and will lay a foundation for and support our wider agenda of tackling the problems that are associated with underage and binge drinking*". Achieving a "*balance between people's ability and right to consume a legal product and the industry's right to pursue its business*" is deemed central to the bill (Muldoon, p.46).

Liberalising licensing hours is not supported by MSPs and many speak out against the idea. Maxwell (p.48) insists liberalisation need go no further, asserting international evidence states increasing availability causes abuse to increase as well as "*the suffering that individuals, families, communities and society have to endure*". He attributes a "*278 per cent increase in a generation*" of alcohol related death to

liberalising licensing laws and refuses to vote in favour of changes which, to his conscience, can only cause harm. Ewing and Crawford share concern over increasing availability leading to increased problems. In lieu of the recent smoking ban legislation, the SNP find the Scottish governments position inconsistent: "*there is total conflict, paradox and contradiction in, on the one hand, the Executive's apparent concern for health, which has meant that smoking in public places has been subject to a total ban, and, on the other hand, its passing of legislation that will permit the extension of drinking hours*" (Ewing, p.54). Acknowledging many speakers argue against 24hr licensing in principal (Davidson, p.44-45; Aitken, p.53; Ewing, p.54; Crawford, p.44), a practical opposition is presented by Martin (p.48) who advocates fixed hours after informal consultation with licensing boards who detail how fixed hours is beneficial in legal cases. Arbuckle (p.51) accuses denigrators of liberalisation of trying "*to get headlines out of the possibility of 24-hour licensed drinking hot spots and the accompanying problems of people drinking too much alcohol*". 24hr licensing is a red-herring with "*exceptional circumstances*" cited as the rationale for all-day provision. However, there is little clarity on what constitutes exceptional circumstances. McCabe extends this point in the latter stages: "*a number of things have been said as part of an attempt to scaremonger... I repeat that the bill will mean that under no circumstances will 24hour opening be routinely accepted in Scotland. Under no circumstances would I as an individual or on behalf of the Scottish Executive promote a bill that would result in 24-hour opening in Scotland... The bill will mean that we are able to point out to people that there is a statute that prevents 24-hour opening in Scotland... If members want to*

express a view that one-off events such as the world cup should be outwith the

exceptional circumstances, as the minister, I am prepared to listen to that view.

However, I want to put it firmly on the record that I will not advance through

regulation any possibility that 24-hour opening will become the norm in our society

in Scotland" (McCabe, p.55).

The bill seeks more enforceable licensing laws with individual licensing boards receiving increased powers in order to see this through. Lyon describes the new system as one "*that will support and protect responsible traders and their communities. Licensing boards and the police will be empowered to deal with those who abuse the system. That will provide strong protection for those who are affected by the problems that are associated with alcohol misuse, whether local residents, police or the licensed trade*" (Lyon, p.41). Part of empowering licensing boards is providing powers which enable "*swift and effective action against anyone who breaches their licence conditions or fails to act in accordance with the five overarching licence objectives that are set out in the bill*" (Lyon, p.41).

Licensing Standards Officers (LSOs) will be "*involved in mediation and enforcement*" (Crawford,p.43) however Crawford and Davidson (p.45) raise concern over the cost to industry and the specifics of the role, a lack of clarity which as it described as "*policy being made on the hoof*". A part of new regulations to be enforced are new mandatory sentences of up to 3 months in prison for those retailers caught provisioning under-18s; an act described as "*the most appalling act that people can carry out against communities*" (Martin, p.48).

The bill sets out important new powers to tackle binge drinking and irresponsible promotions. All of us have seen and recognise the problems that result from binge drinking in our constituencies and the potentially harmful effects of such irresponsible behaviour on the health of individuals are well documented (Lyon, p.42)

The bill seeks to address binge drinking through new controls on irresponsible promotions and will introduce a considerable number of tighter measures to tackle underage sales. I was particularly disappointed that David Davidson criticised that aspect of the bill, but came up with no alternative ideas (Muldoon, p.46)

In his speech, David Davidson questioned whether the bill would promote a change in culture. I question how he could possibly ask that, given that he advocated a move away from differential pricing but also advocated the irresponsible promotions that lead to intoxicated people—young and not so young—in our streets, engaging in unacceptable behaviour. How can he say that the bill does not promote a change in culture when, at the same time, he says that he wants such behaviour to continue? Those positions are entirely contradictory (McCabe, p.56)

4.5 <u>Alcohol Misuse 07</u>

4.5.1 <u>Legitimacy Challenges</u>

<u>Retail & Claims of Deviance</u>

The prominent topic of the debate is off-trade prices. Loss-leading practices and advertising are of more concern to MSPs compared to restrictions placed on the on-trade: "*Supermarkets, of course, use alcohol as a loss leader and heavily advertise how cheap their drinks are. This must be controlled. For example, in late 2006, one advert from a well-known supermarket featured two men who were unable to get any more drink into the back of their hatchback car because it was so stuffed full of alcohol. Also, in late 2006, another supermarket advertised the fact that its alcohol was extremely cheap by showing a man with crates of alcohol next to him and a large white van, which he was about to stuff full of alcohol… those are examples of irresponsible advertising… and in no way reflect the kind of television advertising that we want to see*". Concern is raised about normalising alcohol to children: "*Do we want to allow alcohol to be advertised on television and radio before the watershed? Alcohol is a product for adults, so why should it be advertised in the middle of the afternoon? What about removing logos and brand names associated with alcohol from children's clothing, particularly sports shirts? I am glad that we are making progress in that respect*". Swinburne (p.17) asks Lyon if he '*agrees that a total ban on advertising alcohol would be a gigantic step in the right direction*?' Lyon is unconvinced.

The motion "*calls for the powers contained within the Licensing (Scotland) Act 2005 to be extended to off-sales premises, thus stopping irresponsible drinks promotions in off-sales premises and the practice of deep discounting of alcohol by supermarkets*" (MacAskill, p.3). The rationale for this is, "*significant shift in the sale and consumption of alcohol away from on-sales and towards off-sales – that is, a shift away from people accessing drink in pubs and clubs and towards people buying drink from supermarkets and off-sales. Almost 50 per cent of the alcohol that is sold in Scotland is sold by the off-sales trade*" (MacAskill, p.2). MacAskill (p.3) describes off-sales promotions as "*irresponsible*", asserting it "*perverse… a person in Scotland can buy a bottle of cider that is cheaper than a bottle of water*"[34] and the off-trade must be on par with pubs, which in his own words, "*is being tackled*". He insists "*if it is wrong to encourage someone to buy two pints of lager for the price of one, it is equally wrong to promote the sale of two cases of lager for the price of one*". Loss leader practices and advertising cheap alcohol "*must be controlled*" (Maxwell, p.9). Barrie (p.15) distinguishes between the on-trade and off-trade regarding the relationship between irresponsible promotions and excessive consumption: "*MacAskill makes a fair point regarding off-sales promotions. He said that two-for-one promotions were wrong in on-sales premises and suggested that the same was true of off-sales premises. Nevertheless, I think that there is a slight difference. If someone buys alcohol in on-sales premises, they need to drink it at some point; they cannot take it with them. Those who buy cheap alcohol from supermarkets may not*

---

[34] Why, in a country with some of the cleanest water in the world, are people paying for bottled mineral water in the first place?

drink it straight away, therefore the two situations are not exactly the same. We should bear that in mind". Lack of a distinction de-emphasises individual responsibility, as alcohol bought for consumption in an unsupervised environment relies entirely on the individual's judgement on where to drink, who to drink with, and how much should be drunk.

MacAskill's urgency in tackling the off-trade is due to '*people – youngsters, in particular – who are causing problems are obtaining their alcohol through the off-sales trade. They are not stumbling out of pubs and clubs after buying pints of lager or whatever; they are obtaining bottles of cheap cider and other drinks from supermarkets and off-sales premises. They are causing mayhem and carnage in our communities and are a danger to themselves*'. Davidson (p.16) gives support targeting '*rogue traders selling alcohol to underage people*' but highlights a further problem with adults complicit in providing alcohol to those underage. Davidson refers to a project supported by police in England where '*closed circuit television… [is used] to check whether alcohol that was purchased by an adult was passed on to young people in the locality*'. MacAskill insists the problem "*is growing. We must tackle not just the on-sales trade but the off-sales trade. We must address the irresponsible sale and promotion of alcohol and provision of cheap drink, in particular in supermarkets. We must stop the sale of alcohol to minors, for their benefit and for the benefit of communities*" (MacAskill, p.3). Robison (p.19 and 20) supports MacAksill's insistence on necessary change to the off-trade and highlights it as a specific area of interest to the SNP. Milne (p.7) has reservations about the extension of the law to off-trade retailers '*because I am assured that there is no*

hard evidence to date that deep discounting actually leads to an increase in alcohol consumption. Research is under way into the relationship between off-sales and problem drinking in Scotland, and I think that we should await its findings before considering and further changes to the law'.

Concern over lower prices increasing consumption and causing antisocial behaviour (by young people), crime, health problems, and perceived changes to cultural norms is urgent. "*There are… clear correlations between alcohol misuse and violent crime, and between youth disorder, including antisocial behaviour, and the availability of cheap alcohol throughout the land. We need to address those correlations*". The negative consequences are believed pervasive with sincere implications for young peoples' and child health: '*Problems do not occur only on Friday and Saturday nights. Sadly, many communities are blighted by misbehaviour throughout the week. It is clear that we need to tackle the availability of cheap drink to youngsters – and, sadly, children – who are a danger to others and to themselves as they drink themselves towards oblivion*". Concern is not exclusive to the off-trade, but there is certainly a ratcheting of anxiety levels to garner impetus for action: "*They are not stumbling out of pubs and clubs after buying pints of lager or whatever; they are obtaining bottles of cheap cider and other drinks from supermarkets and off-sales premises. They are causing mayhem and carnage in our communities and are a danger to themselves*" (MacAskill, p.2). This refocus to the off-trade stems from the recent ban on happy hours being viewed as a potent coercive force in legitimising (or restricting) publican activity, there is a tacit acceptance amongst contributors that "*The price of alcohol is pubs is being tackled*" (MacAskill, p.3).

Examples of off-trade practices include: "*selling packs of 18 440ml cans of Strongbow cider on a two-for-£16... a mere 44p…* [per] *can, or 19p for a unit of alcohol*" (Robison, p.19); "*a recent ASDA promotion* [where] *two litres of cider cost 69p*"; and, claims recent AFS research finds "*some cans of beer cost less than cans of cola*" (Maxwell, p.9).

Off-trade retailers selling cheap alcohol to young people are deemed the source of the problem: Robison (p.19) agrees with MacAskill's desire to address low price off-trade products by extending new laws to those premises, '*As Kenny MacAskill said, we have to tackle the off-sales trade. A total of 50 per cent of all alcohol sold is now sold in the off-sales trade, with happy hours being curtailed. That applies in the pubs, but why are measures not being applied in the supermarkets where the same sort of two-for-one offers are rife?*' he indicates AFS research detailing that "*cans of beer cost less than cans of cola*" in many supermarkets. Davidson (p.16) proposes the use of CCTV to identify those who purchase alcohol on behalf of those underage. Provisions against sales to those underage is included in the motion as a call for already existing laws to be properly enforced '*for their benefit and for the benefit of communities*' (MacAskill, p.3). MacAskill points out '*The sale of alcohol to minors is not always deliberate – people can be leaned on and threatened – but it is unacceptable*' and elaborates on the need for a new proof of age card to help minimise accidental sales and help catch out those who deliberate break the law so that it may be fully enforced. Davidson (p.16) says that simply selling alcohol to those underage is not the only problem with underage persons accessing alcohol, '*we also have an issue with adults purchasing alcohol and passing it to young*

163

people'. There appears to be unanimous support for test-purchasing as a means to reduce underage persons accessing alcohol. Baker (p.2) asks MacAskill whether he acknowledges an *'issue to do with young peoples' access to drink at home and that there is a job to be done to educate parents?'* MacAskill (p.3) agrees *'education for parents and children brings us back to the culture change that is required, so I have no hesitation in agreeing whole-heartedly with him'*.

The idea that lower prices causing consumption to increase is contested by Lyon (p.9) who draws upon international comparisons: "*alcohol is even cheaper in many southern European countries than it is here, but they do not have the cultural problems with alcohol that Scotland has. They do not have binge drinking problems and do not experience the after-effects of such drinking that we see in our communities*". The use of the Mediterranean example is illustrative as the liberal hours and attitudes necessary to emulate Italy, Spain and Portugal were rejected in earlier debates despite a vocal desire to duplicate their culture. Maxwell (p.9) responds: "*There are as many levels to the problem as… to the solution. However, it is clear from all the research – I am sure that the minister is not trying to contradict the research – ... the cheaper the alcohol, the more of it is consumed and the greater the problem is, certainly in northern European countries*". Barrie (p.15) drawing on his experience states: '*Simply increasing the price is not the answer, as the experience in Scandinavia has shown… Sweden and Denmark also have substantial problems with alcohol misuse*". This suggests countries with similar drinking cultures to Scotland manipulating price and availability to reduce harmful outcomes have not experienced the outcomes the Scottish Government strives for.

Antisocial behaviour is a frequently cited outcome of alcohol misuse and included in the motion by MacAskill (p.2-3), he further stipulates '*There are… clear correlations between alcohol misuse and violent crime, and between youth disorder, including antisocial behaviour, and the availability of cheap alcohol throughout the land*'. Milne (p.6) shares this view and believes young peoples' interactions with alcohol have greatly changed since she was young:

"*Alcohol misuse is one of the most serious public health problems facing Scotland. Long gone are the days of my youth, when alcohol was available at home only during the festive season. Friday and Saturday evenings saw the occasional drunk, usually middle-aged and male, staggering out of the pub at the 9.30 closing time. Pubs, with their sawdust- strewn floors, were not where respectable women would be seen, of whatever age.*

Contrast that with any city centre today, with hordes of young men and women spilling out of nightclubs as late as 3 or 4 o'clock in the morning in a sorry state of inebriation. Girls as young as 15 boast of having no recollection of what took place on a night out, and many young people of both sexes end up in accident and emergency departments, which struggle to cope with the influx of drunk patients, particularly at weekends. It is small wonder that there is an increase in antisocial and violent behaviour, in road accidents, in sexually transmitted disease, in unwanted pregnancies and, ultimately, in the onset of alcohol-related liver disease at an alarmingly early age".

Stevenson (p.12) refers to a conversation he had with fellow SNP member Christine Graham where she '*told me she first highlighted alcohol as a greater problem than drugs back in 1999*'. Stevenson (p.12) goes on to mention some of his own recent experiences of inner city drinking: '*Last weekend, I was out with the police van between 11 o'clock on Saturday night and 4.30 on Sunday morning. No issue that we met in those five and a half hours was other than related to drink – none at all. No shout that the van dealt with and no incident that we encountered ad hoc was other than alcohol related*'. This comment goes some way to stress the point made that alcohol misuse is a greater problem than drug abuse. The situation is deemed so bad by Lyon (p.5) that an additional 1,500 police officers have been recruited since 1999 to deal with escalating problems in communities. Three out of four instances of overlapping codes between antisocial behaviour with crime and violence are identified as immediate problems in need of address. However, Harvie (p.13) thinks that the problem should be addressed as a health issue and not one of crime and disorder: '*The Conservative amendment deals with the issue through the very narrow filter of crime and disorder. Clearly there are connections between alcohol and such matters, but is first and foremost a public health issue that cannot be dealt with by simply putting police officers on the streets*'.

Issues of underage drinking overlap with earlier sections on the success of the Fife test-pilot scheme. Outcomes of these discussions encouraged support for a nationwide approach to help minimise illegal sales of alcohol to underage persons.

Baker (p.7), commenting on events whilst '*joining Grampian police on a tour of Aberdeen city centre one Friday night into Saturday morning*', believes '*the people who were detained by the police that night – through what I must say were rapid police responses – were clearly driven to their offending because of binge drinking. Once apprehended, they were understandably contrite. They were asked what jobs they did, and they were often in good employment. When I viewed the process, it seemed clear to me that binge drinking had turned reasonable people into people who were capable of offending*.' He seems to suggest that binge drinking causes otherwise law-abiding people to break the law.

Products like cider, alcopops, and tonic wine are commonly associated with binge drinking and often attributed a portion of the responsibility for these aforementioned disreputable actions. MacAskill (p.2) insists the majority of problems are caused by '*youngsters, in particular*' via alcohol bought from off-trade vendors: '*They are not stumbling out of pubs and clubs after buying pints of lager or whatever; they are obtaining bottles of cheap cider and other drinks from supermarkets and off-sales premises. They are causing mayhem and carnage in our communities and are a danger to themselves*'. Finding a bottle of cider to be cheaper than a bottle of water is described as '*perverse*' (MacAskill, p.3) and the culprits are supermarkets: '*One large supermarket was recently selling packs of 18 440ml cans of Strongbow cider on a two-for-£16 deal. That works out at a mere 44p for a can, or 19p for a unit of alcohol. Unfortunately, such offers are within the reach of too many young people*' (Robison, p.19). Buckfast, a tonic wine, specifically is mentioned as a source of harm but Robison (p.20) describes focusing on one

particular product as a '*cul-de-sac debate*'. However, Robson (p.11) believes

alcopops are a designed to recruit the next '*generation of drinkers*'. He believes

Westminster should restrict '*the sugar content of alcoholic drinks… not only because*

high sugar content is unhealthy, but because it might contribute to deferring

recruitment to alcohol consumption'.

Health

Debate emphasises the detrimental effects of overconsumption. '*Alcohol misuse is*

one of the most serious public health problems facing Scotland' (Milne, p.6), a claim

reflected in MacAskill's motion where Scots are deemed twice as susceptible to an

alcohol related death as counterparts in England, Wales, or Northern Ireland and

the strain subsequently placed on health services. Milne (p.6) notes the pressure

placed upon '*accident and emergency departments, which struggle to cope with the*

influx of drunk patients, particularly at weekends… [increased instances of] *sexually*

transmitted disease, in unwanted pregnancies and, ultimately, in the onset of

alcohol-related liver disease at an alarmingly early age'. The extent of alcohol's

impact on Scotland, according to Milne, is best summarised captured in the

assertion that '*Every six hours someone in Scotland dies from alcohol abuse – a stark*

statistic that masks the misery, pain and suffering of lives destroyed, relationships

ruined and the devastation of grieving families. I am glad that the SNP has brought

the debate to Parliament today because we must find some way of changing today's

binge-drinking culture into one in which alcohol is enjoyed by the majority of people

at a level that is safe and, indeed, can be beneficial to our health.' Alcopops are

problematised not just as a tool for recruitment, facilitating underage consumption,

and enabling youth disorder, but also as having detrimental health effects due to '*high sugar content*' (Robson, p.10). Robson (p.11) also makes note of '*work that is being done to improve the recording and reporting of information on drug and alcohol use during pregnancy, which is important*'. Harvie (p.13), whilst commenting on a proposed amendment, warns of viewing alcohol misuse '*through the very narrow filter of crime and disorder. Clearly there are connections between alcohol and such matters, but this is first and foremost a public health issue that cannot be dealt with simply by putting police officers on the streets*'.

<u>Responsibility</u>

Discussion of responsibility includes individuals, manufacturers and retailers. Milne (p.7) offers support for the alcohol industry who '*is taking very seriously the need to promote responsible drinking, and I welcome the recent partnership set up among the Executive, the Scotch Whisky Association and eight other trade associations to tackle alcohol abuse*'. Lyon (p.14) echoing points made by other speakers draws attention back to individuals taking personal responsibility for their own interactions with alcohol: '*this debate is about changing culture and behaviours over the coming decade, pursuing a collaborative approach with the alcohol industry and creating a society where alcohol misuse is no longer acceptable. Of course, Government has a role to play, but personal responsibility is also crucial. We must examine critically our own behaviour and think about the long term consequences of drinking too much and the problems that it stores up for us, for our children and for society in general. It is time for us to take responsibility for our own drinking habits and to set an example for our young people to ensure that they are well educated*

about responsible moderate consumption and are empowered to make the right

decisions'. However, Martin (p.14) refers to hypocrisy practiced by government and

retailers in alcohol taxation and sales: '*If legislation is to be effective, we must work*

hand in hand with the drinks industry and with bar managers. I have spoken about

hypocrisy and although I do not mean that in a terribly bad way it is true that it

exists. According to figures for 2005-06, the Government raked in around £14 billion

in tax from the drinks industry in that year alone. I do not know how much money is

being allocated to campaigns to prevent people from drinking too much or to

helping people with drink problems, but I venture to suggest that the figure is not

£14 billion. There is also a degree of hypocrisy among bar managers and staff,

whose representative organisations regularly tell us that they endorse responsible

drinking, but who are happy to line up the shots and rack up the profits. There needs

to be less hypocrisy'. The 'hypocrisy' of retailers stems from attempting to maximise

sales, not limited by the amount of stock available, but by maintaining levels of

output unthreatening to government imposed blanket standards of responsibility[35].

---

[35] RDA for alcohol consumption. One pint of export lager exceeds male allowance, one 250ml glass of wine exceeds female allowance.

4.5.2 <u>Vs</u>

The potential for creating folk devils lies with young people, youth, and women.
Communities, both rural and inner city, are described as plagued on all nights of the
week by youth and young people who binge drink on cheap supermarket bought
ciders, tonic wines and alcopops causing 'mayhem' and 'carnage' wherever they go.
Particular intolerance is singled out for women on account of gender alone.
Underage drinkers are painted as either victim or perpetrator, where they bully
shopkeepers to sell alcohol to them or as victims of recruitment by manufacturers
targeting them with sugary alcoholic drinks. There is mention that young people
may be negatively influenced by 'so-called personalities' and the introduction of
legislation removing cheap products is not just to protect society from these
deviants but also to protect them from themselves.

<u>Villains</u>

The motion notes an increased likelihood of an alcohol related death by Scots
compared to their neighbours, includes alcohol's links with crime and antisocial
behaviour, and asserts that "*youth disorder and violence… fuelled by cheap and
easily available alcohol*" (MacAskill, p.3) is a problem in many communities and the
best means to prevent this group from continuing their actions is to extend recently
implemented laws to supermarkets and off-sales retailers. Communities are
reported to suffer, not just at the weekends but throughout the week as well.
MacAskill (p.2) insists on urgent action: "*We must now tackle the off-sales trade,
because in many instances the people – youngsters, in particular- who are causing*

problems are obtaining their alcohol through the off-sales trade. They are not

stumbling out of pubs and clubs after buying pints of lager or whatever; they are

obtaining bottles of cheap cider and other drinks from supermarkets and off-sales

premises. They are causing mayhem and carnage in our communities and are a

danger to themselves".

Milne (p.6) mentions problems in inner cities and compares this to remembered, more tranquil days of her youth, "*when alcohol was only available during the festive season. Friday and Saturday evening saw the occasional drunk, usually middle-aged and male, staggering out of the pub at the 9.30 closing time. Pubs with their sawdust-strewn floors were not where respectable women would be seen, of whatever age*". This nostalgia is contrasted with Milne's depiction of "*any city centre today, with hordes of young men and women spilling out of nightclubs as late as 3 or 4 o'clock in the morning in a sorry state of inebriation. Girls as young as 15 boast of having no recollection of what took place on a night out, and many young people of both sexes end up in accident and emergency departments, which struggle to cope with the influx of drunk patients, particularly at weekends. It is small wonder that there is an increase in antisocial and violent behaviour, in road accidents, in sexually transmitted disease, in unwanted pregnancies and, ultimately, in the onset of alcohol-related liver disease at an alarmingly early age*". This representation is quite revealing, especially regarding the differentiating between acceptable behaviours for males and females. Few would disagree with criticism over unnecessary allocation of NHS and police resources, however, the reference to a morally superior time, when citizens adhered to higher standards of social etiquette

where "*respectable women*" would not frequent a pub much less reach inebriation in a public place indicates an additional layer of moral outrage reserved for young female drinkers not applied to their male counterparts. The addendum of unwanted pregnancies and venereal disease, amongst girls beneath the legal age, is deemed symbolic of the moral degradation from Milne's rose-tinted recollections. This view is shared by Maxwell (p.9), who shows distaste at both sexes but emphasizes female drunkenness as more concerning: "*Formerly, it was socially unacceptable for a man to be drunk in public, but that has changed. More recently, drunkenness among women has become more socially acceptable among some sections of society, in particular among younger people. That cultural shift… encouraged and promoted by many so-called personalities… many people now go out with the specific intention of getting drunk as quickly as possible*". The notion of young peoples' behaviour influenced by celebrities taps into notions of responsibility whereby they are not thinking for themselves but are merely emulating poor role models without appropriate consideration to their actions.

Victims

Several speakers refer collectively to communities and a general threat posed by public drunkenness but provide no specific examples. The characters in Nanette Milne's representations of young people can be understood as victims, according to the narrative, but they are victims of their own poor decision making and influence of popular culture. This sentiment is echoed by MacAskill (p.2) who insists the availability of cheap alcohol is a threat to children and "*youngsters*", a non-specific

term, "*who are a danger to others and to themselves as they drink themselves towards oblivion*". The perspective of those under the age of 25 (18-25 as a rough categorisation for young people) posing a risk to themselves, not just to fall foul of STDs and unwanted pregnancies but ultimately death is an escalation in threat which can only demand the intervention of the state.

Euan Robson (p.10) contributes to this concern via statistics '*show*[ing]*… there has been a 72 per cent increase in alcohol-related deaths since 1995 and, since 1990, a 54 per cent increase in reported drinking by 15-year-olds and a 100 per cent rise in drinking by 13-year-olds*'. Children and young people are used as a focus for changing the existing drinking culture for a more '*responsible*' and '*moderate*' one: '*We must examine critically our own behaviour and think about the long-term consequences of drinking too much and the problems that it stores up for us, for our children and for society in general*' (George Lyon, p.18). Kenny MacAskill (p.3) endorses Richard Baker's comments on problems caused by underage persons accessing alcohol in the family home and further suggest that education for parents and, extending the problem further, children is an important part of, in his view, a necessary culture change.

Vexes

The problem aspects are cheap alcohol and binge drinking by young people. Whilst commenting on a supermarket promotion selling cider for '*19p for a unit of alcohol*' Shona Robison (p.19) insists '*such offers are within the reach of too many young people*'. These are the same "*youngsters… obtaining bottles of cheap cider and*

other drinks from supermarkets and off-sales premises… causing mayhem and carnage in our communities and are a danger to themselves' (MacAskill, p.2).

4.5.3 <u>Coercive Isomorphism</u>

MacAskill (p.3) focusses on the availability of cheap alcohol from early on and asserting '*the price of alcohol in pubs is being tackled*'. This is accomplished by '*outlawing two-for-one offers and irresponsible promotions that encourage people to consume as much drink as they can as cheaply as possible*'. The 'happy hour' problem has been circumvented by imposing a minimum 72 hours price fix on all products (ensuring that nothing can be offered at a large discount for a very short period of time) and deals where unlimited alcohol is offered for a fixed price are banned, tap water be available, and '*reasonably priced soft drinks*' (George Lyon, p.4) be on offer. MacAskill (p.3) insists comparable measures must be applied to the off-trade as '*if it is wrong to encourage someone to buy two pints of lager for the price of one, it is equally wrong to promote the sale of two cases of lager for the price of one*'. These 'irresponsible promotions' include those that encourage individuals to drink more than they had otherwise planned, promotions based on the ABV content of products, any judged to reward quick consumption, and anything offering alcohol as a prize (George Lyon, p.4). The new promotional restrictions are framed as potentially insufficient by John Swinburne who questions whether a complete ban on alcohol advertising is more appropriate. George Lyon (p.17) responds that he is unconvinced of the benefits from such a move but the possibility of such a ban is not off the table. Euan Robson (p.10) agrees with Kenny MacAskill that Scotland needs a culture change and supports the role legislation can

play in changing behaviours: '*I believe that we can change behaviour in society. That is what happened when the wearing of seatbelts was made compulsory some years ago and when the recent ban on smoking was introduced*'.

Following the successful test-purchasing scheme piloted in Fife (mentioned in previous debates), George Lyon (p.4) supports national deployment as an effective way to catch retailers supplying underage persons. The scheme is due to roll out on May 1st 2007 but will first require parliamentary approval. Despite Lyon's lack of certainty over national deployment there is over-whelming support for the scheme. Barrie (p.15) shares some results from the pilot: '*Up to the middle of last month, 810 on and off-sales premises in Fife had been tested, with 17 per cent failing. Those that failed were split equally between on and off-sales, giving the lie to the belief that only off-sales are the problem with underage sales, as Kenny MacAskill seemed to suggest. The Fife pilot showed that, if licensees are found to be flouting the law and selling alcohol to kids, licensing boards must use their powers to take away their licences*'. Milne (p.7) offers Conservative support for the roll-out but questions the link between discounted alcohol and increased consumption, insisting '*Research is under way into the relationship between off-sales and problem drinking in Scotland, and… we should await its findings before considering any further changes to the law*'. The Liberal Democrats '*wish to see the progressive roll-out of bottle tracing schemes such as the one that was successfully piloted in the Tweeddale, Ettrick, and Lauderdale constituency*' and view it as another important tactic in tackling underage drinking (Robson, p.11). Robson believes coupling a more rigorous enforcement of existing laws with bottle tracing schemes as an effective new

direction. d Baker (p.2) believes, despite the success of test-purchasing, that more needs to be done to educate parents about young peoples' access to alcohol in the home. MacAskill has '*no hesitation in agreeing whole-heartedly*' and states it as a reason for why 'culture change' is required.

MacAskill and Maxwell highlight the need to minimize sales to those underage, off-sales premises are of specific concern, and the introduction of a new proof of age scheme is deemed necessary. MacAskill (p.3) insists, irrespective of whether instances of underage sales are intentional, they are unacceptable and illegal. '*We need a proof-of-age card, because there is clear evidence from Canada and the United States of America, for example, that such an approach works and supports licensees who want to abide by the law. We must ensure that people who sell or supply alcohol to minors are prosecuted and have their licences revoked*'. The introduction of such a scheme is intended to make the law more enforceable. Stewart Maxwell supports the introduction of a new proof of age scheme to help combat a reported '*23 per cent*' increase in alcohol consumption, '*binge drinking and increased long-term problems*' across the whole of the UK, in the previous decade. He describes '*health statistics… published in the past week*' as '*very frightening*' and reminds listeners that alcohol is also related to crime and '*costs us as society more than £1 billion a year*'. When prompted to close by the Deputy Presiding Officer, Maxwell states: '*We must face up to those problems by enforcing the current laws and extending them to off-sales*' (p.9).

Irresponsible promotions are mentioned but only as problematic for off-trade retailers. MacAskill (p.3) states '*The price of alcohol in pubs is being tackled*' and redirects concern to off-trade premises. He describes offering '*a bottle of cider… cheaper than a bottle of water*' as '*perverse*', and insists if on-trade premises are banned from 2 for 1 offers then so too should supermarkets and off-sales: '*If it is wrong to encourage someone to buy two pints of lager for the price of one, it is equally wrong to promote the sales of two cases of lager for the price of one*'. MacAskill emphasizes irresponsible promotions as a growing problem in both the on and off-trade, however, he singles out supermarkets as particularly troublesome.

4.6 <u>Health Improvement</u>

The health improvement debate[36] discussed the "*Better Health, Better Care*" government paper, providing an "*opportunity to debate health and health improvement*" (Sturgeon, p.1). The paper *"sets out this Government's plans for a mutual and truly national health service that is used, paid for and owned by the Scottish people… There is absolutely no doubt that this Government has put the NHS on the right track. However, as we —and, I hope, all members—know, simply treating ill health is no longer enough to meet our nation's needs. We must do much more to prevent ill health and promote well-being*". The paper is described as "*a comprehensive programme of action to improve health and tackle inequalities*" (Sturgeon, p.1).

4.6.1 <u>Legitimacy Challenges</u>

Sturgeon (p.2) supports the contents of the paper and indicates funding will be directed, especially towards strengthening "*primary care in our most deprived communities… new investment will support new approaches to tackling drug misuse, alcohol problems and smoking*". There is over-lapping concern regarding alcohol and drug use in impoverished areas among young people. As Grant (p.17) intones, "*it is not right in a modern society that people's life chances and life expectancy still depend on where they were born. Many of the challenges are obvious – poor diet, poverty, unemployment, cigarettes and alcohol – but knowing the problems is not the same comprehensive programme of action to improve*

---

[36] Ten- and one-half months (322 days) after the tackling alcohol misuse debate

health and tackle inequalities". It is suggested that previous governments had not done enough to improve individuals' diets: "*diet includes both food and drink, and it is increasingly clear that alcoholic drink poses a threat to the health and well-being of Scotland's young people… We need to tackle the cultural and societal trends that encourage and glamorise alcohol intake, such as the manufacture and marketing of sweet alcoholic drinks that are targeted specifically at young people*" (Campbell, p.13).

There is concern for both the physical and mental health problems linked to alcohol and drug abuse, particularly in areas of social and economic inequality[37]: "*There will be much work to do as we come up with practical ideas on how to build up the resilience and capacity among individuals, families and communities so that we can improve their health and reduce factors in the physical and social environments that would otherwise perpetuate inequalities*" (Robison, p.27). Within the wider scope of health considerations, alcohol and drugs are linked, however, it is unclear whether references to drugs includes harms caused by prescription drugs, but also it deemed potentially problematic: "*A Government response to drug and alcohol problems in recent years has been spending millions of pounds of funding area drug and alcohol teams on the ground that people with a drug problem usually also have an alcohol problem. The Health and Sport Committee was told that. However, when I wrote to Lothian NHS Board recently to ask it for the percentage of those who are being treated by the community drug-problem service who are also being treated for an*

---

[37] These problems are recognised outside of deprived areas but are deemed especially troubling by comparison (Ian McKee, p.).

alcohol problem, I was refused the information… on the grounds that it could not be extracted without undue work. Therefore, we do not know how many people have both drug and alcohol habits. Linking the two conditions in such a way inhibits tackling either condition appropriately, as they are very different in many ways".

The impact of binge drinking on young peoples' physical and mental health is noted. This is judged best addressed by tackling *"the cultural and societal trends that encourage and glamorise alcohol intake, such as the manufacture and marketing of sweet alcoholic drinks that are specifically targeted at young people"* (Campbell, p.13).

4.6.2 <u>Vs</u>

<u>Victims</u>

Concern is for the population but constituents living in economically and socially deprived areas most affected by the socio-environmental problems of alcohol misuse are emphasised (Campbell, p.13; McKee, p.18; Simpson, p.26). The main thrust of the discussion centres on alleviating inequalities deteriorating individual's quality of life based upon where they live. Like the discussion as a whole, these actions are framed as best for the population as a whole but the importance of improving the future for young people, youth, and especially children is emphasised. Part of this concern suggests educational programs for young people, youth and children to *"promote better understanding of the risks… involved in binge drinking"* (Campbell, p.13).

McKee (p.18) asserts problems of drugs and alcohol affect communities across Scotland but are especially problematic in '*areas of deprivation*'.

There is concern insufficient support is provided to ancillary school services: "*Progress must be made on determining whether children will be adequately supported in schools by school nurses – as Mary Scanlon said- and on increasing physical activity and doing more than we are currently doing on smoking, alcohol and drugs. All of those issues are critical. Liberal Democrats see health inequalities as the issue that we need to tackle*" (Finnie, p.8).

McKee and Scanlon (p.18) both assert those who suffer from alcohol and drug problems can "*suffer from underlying mental health problems, such as depression*". Whilst referring to the 'Better Health, Better Care' document, Dr Richard Simpson (p.26) asks Shona Robison to address, among others, the following question in her summing up speech: *What will it* (in reference to 'Better Health, Better Care') *do to address health inequalities and the significant problems of mental health, drugs and alcohol in deprived communities?*' No answer is provided.

<u>Vexes</u>

The issue of recruitment via "*the manufacture and marketing of sweet alcoholic drinks that are targeted specifically at young people*" (Campbell, p.13). The intertwining of alcohol and drugs as a concern for physical and mental health is worthy of inclusion despite little to no impact on licensing law and alcohol policy. Alcohol abuse and illicit drug use are identified as means of self-medication for individuals suffering from mental illness. This, when aligned with the tendency for

the most deprived areas to be worst affected, indicates a social trend where those

in poverty are susceptible mental illness and medicate, potentially unknowingly,

with drugs and alcohol. This, in turn, will impact individuals' physical well-being.

4.6.3 Coercive Isomorphism

There is little with regulatory implications within the debate, this is likely due to the

broad scope of the debate (more concerned with improving the national health

profile). However, there is concern over the marketing of alcohol drinks posing "*a*

threat to the health and well-being of Scotland's young people" (Campbell, p.13).

4.7 Alcohol Misuse 08

The alcohol misuse debate provides discussion on the recent Government paper "Changing Scotland's relationship with alcohol: a discussion paper on our strategic approach". Robison (p.1), describes the paper as *"[outlining] a comprehensive package of measures for tackling alcohol misuse in Scotland. The Government is not anti-alcohol, but we are anti-alcohol misuse. The stark truth is that our relationship with alcohol is holding us back, as individuals, families and communities and as a nation"*. Robison (p.1) underlines the importance of implementing change and reducing alcohol misuse, *"Alcohol misuse does not affect only the misuser; it costs us all dearly… We have to dispel the myth that alcohol related harm affects only people with chronic alcohol dependency or so-called binge drinkers. Anyone who is regularly drinking too much can be putting their health at risk and affecting the lives of people around them. This is not a marginal problem. The uncomfortable truth is that many of us – and probably many in this chamber – fall into that category… We believe that something has to change. We want to put an end to the daily deluge of reports telling us about the negative impact of alcohol misuse on Scots and Scotland. We want to foster a self-confident Scotland where alcohol can be enjoyed sensibly as a pleasurable part of life, and we want to stimulate discussion and debate across the chamber and across Scotland about how we can best achieve that… the evidence is clear: if we are to fulfil our ambitions as a country, we must rebalance our relationship with alcohol. It is clear that no single simple solution exists"*.

4.7.1 <u>Legitimacy Challenges</u>

<u>Claims of Deviance</u>

Robison (p.2 & 4) observes "*Many of us experience the effects of alcohol-related violence and antisocial behaviour in our communities*" and praises retailers taking additional voluntary steps to minimise sales to underage persons. McKee (p.23) remarks binge drinkers are "*often young or very young people*" but, by his own admission, cannot provide a definition of a binge drinker or a justification for the label, provides examples of behaviours he would wish to see minimised: "*I refer to the people we see staggering around our streets, getting into fights, vomiting in shop doorways and walking in front of passing cars. They are a public nuisance; they are at risk of accidents, injury, rape, unprotected casual sex, sexually transmitted diseases and other hazards*". The opinion that young people are the primary offenders for binge drinking is not unanimous, "*American evidence from Wechsler seems to indicate that binge drinking is not predictable on the basis of access to alcohol at a certain age. We need to interrogate the evidence base rigorously*" if the most problematic areas are to be effectively addressed. "*Interestingly, recently published statistics from Dumfries and Galloway show that people who leave hospitals with alcohol-related problems are mostly over the age of 21*" (McAveety, p.12). This observation repositions 'binge drinking' as a problem affecting a broader population than young people.

"*Alcopops*", "*Buckfast*", "*Mad Dog*", "*super-strength cider and beers*" are highlighted by several speakers as products of particular concern. Robison (p.4)

points out "*cut-price selling means that strong cider can cost 16p per unit and vodka can cost as little as 24p per unit*"; Carlaw (p.17) advocates Westminster proposed changes to duty "*which would see increased duty on alcopops and super-strength ciders and beers, with reductions on lower-strength varieties*"; McNeill (p.6) is concerned proposed measures wont tackle the "*significant role*" played by "*Alcopops and Buckfast*" since "*they are the drink of choice for many young people*".

Alcohol is linked by several speakers to more severe crime. Robison (p.2) states "*almost half of prisoners report being drunk at the time of their offence*". Relying on Government statistics, Gibson (p.20) claims alcohol is a key factor in nearly one quarter of all crime, including rape, attempted rape, fire starting, homicide, and assault. MacAskill (p.30) specifically emphasises the link between alcohol and murder: "*50 per cent of those who commit a murder or are murdered are under the influence of alcohol at the time. The true figure is probably greater than that as many assailants are not apprehended and bodies are not discovered until the alcohol is out of their system. More than 40 per cent of those in our prison system admit that they were under the influence of alcohol when they committed their offence. We do not need to bang people up for three days, three weeks or three months; we need to stop the availability of cheap alcohol… we must address the root problems*". The severity of this message, is amplified by a subtext where we, society, will never really know how bad the problem is because information regarding the extent of key concerns is essentially unknowable but these problems can be averted by reducing the availability of alcohol to everyone. Gibson (p.20)

recommends emulating American approaches[38] to tackling drink-driving, "*Since 1982, the number of 16 to 20-year olds in the US who are killed in drink-driving accidents has decreased by a whopping 63 per cent. Even just reducing the permitted blood alcohol limit from 80mg to 50mg, as my SNP colleague Dave Thompson proposes, would prevent an estimated 65 deaths a year*".

Underage drinking is mentioned by several speakers as an issue of concern. "*It is unfortunate that in our culture the younger a drinker is, the more likely they are to drink with the intention of getting drunk, which is evidenced by the fact that a fifth of 15-year-olds attempted to get drunk during the past week. Such indulgence leads to dependence and other alcohol-related problems later in life. As is the case with smoking, the earlier that a person starts to drink, the earlier they become addicted*" (Gibson, p.19). Whitton (p.21) shares concern over alcohol's impact on underage persons: "*I had the opportunity… to accompany the police on a Friday night patrol. Time and again, we came across the effects of alcohol misuse by young people. Groups of youngsters, many of them 16 to 18 and even younger, were caught drinking. In many cases, it was difficult to tell the ages of the young girls who were involved in the drinking, so I have sympathy with shopkeepers on that. The police told me that, on one prior occasion, they had stopped 90 youngsters and taken 30 litres of alcohol from them*". Whitton (p.21), addressing MacAskill, states problems with underage drinking have worsened since 2005 and that instead of pervious concerns of 17 year olds drinking it now extends to 13, 14 and 15 year olds.

---

[38]Advocates increasing the minimum drinking age to 21.

However, Scanlon (p.8) is concerned the discussion unfairly targets 18-21 when statistical evidence shows concern should lie with older persons and "*In communities in the Highlands where there is a problem with drink, it tends to affect 12 to 15-year-olds and not 18 to 21-year-olds*".

<u>Health</u>

There is unanimous consent over the detrimental effects of alcohol on Scottish society. Robison (p.2) insists Ministers' must "*dispel the myth that alcohol-related harm affects only people with chronic alcohol dependency or so-called binge drinkers. Anyone who is regularly drinking too much can be putting their health and wellbeing at risk and affecting the lives of people around them. This is not a marginal problem*". Raising the minimum age of sale for off-trade premises to 21 draws criticism for specifically targeting the 18-21 age group for what is viewed as a population wide problem: "*If the public health message is that Scots of all ages misuse alcohol, targeting only the 18 to 21 age group sends out the wrong message. There is no evidence that that age group presents the most significant problem. Most of the references in the consultation document concern 15-year-olds.*" The potential misdirection is noted by Scanlon (p.8) who claims the "*discussion paper seems to be about targeting young people... but the statistics show that six times as many 40-year-olds visit their general practitioner compared with under-40s, and that nine times as many women in their early 40s visit their GP compared with younger women. In communities in the Highlands where there is a problem with drink, it tends to affect 12 to 15-year-olds and not 18 to 21-year-olds*". There is

concern over the number of people under 18 years of age who are hospitalised daily for alcohol misuse and that this misuse will lead to dependence and other problems in later life (Gibson, p.19). McAveety (p.11) points out that increasing the age to 21 would install the situation where society entrusts those under the age of 21 to vote for health board candidates, drawing upon all the necessary information required to make that decision, whilst still not trusting them to make decisions about what is in their own self-interest regarding alcohol.

McKee (p.23) seeks to contribute to the debate by steering the discussion away from treating the topic "*as a law and disorder problem*". He describes binge drinkers as "*young or very young people*", alcohol dependants ("*Often a single drink will set them drinking non- stop for days. Getting the next drink becomes a major obsession. Perhaps with fate genetically determined, the individual risks job loss, marital breakdown, poverty, homelessness and death. We have not talked much about those people today*), and "*regular heavy drinkers*". Regular heavy drinkers "*seem perfectly normal to the outsider, with only a few tell-tale signs being apparent to the trained observer. They can hold down jobs and lead normal family lives, and they can be the pillars of their local communities or even members of the Parliament, yet they regularly drink more than is healthy for their bodies. The sort of people I am talking about are those I used to see when I was canvassing in the evenings in middle-class housing estates—people slumped in front of television sets with a takeaway and a bottle of chardonnay within easy reach. Such people use alcohol to relieve stress or to gain social confidence, or simply out of habit.*" McKee (p.24) later extends his description: "*The regular heavy drinkers are the least*

*obvious, but paradoxically they pose the greatest public health risk… In Scotland,
cirrhosis mortality has increased by more than 100 per cent in the past 10 years—
the steepest increase in western Europe—and our mortality rates are now among
the highest in western Europe. Unless action is taken, those figures will deteriorate
still further*". This position, underpinned by reframing the approach as a health
problem, emphasises the need for action.

Retail

The chief issue regarding retail is appropriate age of purchase: "*Raising the age in
relation to off-sales should reduce the amount of alcohol being purchased by young
people and should act as a particular deterrent for those under 18 who are more
likely to purchase their alcohol from off-sales*". Local retailers in Armadale, West
Lothian, are praised for trialling an over 21 sales policy to help reduce antisocial
behaviour (Robison, p.4). Matheson (p.13) approves and tells of constituents who
operate a minimum age of 25.

Finnie (p.9) urges ministers "*take more seriously the idea of trying to bring the
supermarkets onside*" as "*supermarkets are enormous organisations that by and
large make great efforts to act responsibly… but I find it disappointing that those big
organisations, which claim to have corporate social responsibility, appear to ignore
the fact that they sell alcohol*". He elaborates that after looking at supermarkets CSR
reports over the previous 12 months found only one, of an unknown overall
number, '"*even acknowledged that it sold alcohol. That supermarket said: "Our
approach to healthy living also encompasses the responsible retailing of alcohol".*

However, on reading a Daily Mail article with the headline, "When £20 buys you 60 bottles of strong lager, how can we take a crackdown on drinking seriously?", I found that the same supermarket was selling another brand of beer at 60p per pint and its own brand at 30p per pint. If any supermarket believes that that is corporate social responsibility, it is not good enough. However, we must bring the supermarkets onside—we should not simply castigate them or paint them into a corner. I urge ministers to try to bring them on board as they could play a significant role if they took their corporate social responsibility more seriously"'. Stone (p.25), a fellow Liberal Democrat, supports these ideas. The implicit message is that an organisation selling alcohol deserves its CSR scrutinised, as the mere act of selling alcohol calls legitimacy into question.

Whitton provides an anecdote to justify 'tougher action' on retailers who knowingly sell to underage persons: *"A shopkeeper in Bearsden in my area persistently sold cheap alcohol to underage drinkers. No matter how many complaints residents made to the police, he maintained his licence, until action was eventually taken against him last year and his licence was taken away. The situation was so bad that he was even selling pre-mixed vodka in 2 litre cola bottles—after closing time, he would drive to where kids were hanging out to sell the bottles from his van. Eventually, he was shut down, but that took time. Not all alcohol retailers are like that. The new owner of that shop regained the licence for the premises, with the blessing of the community. Cheap alcopops have been removed and there is no more Buckfast, Mad Dog or whatever the latest fashionable drink is. The owner imposed a*

minimum purchase age of 21, which made a difference to the selling of alcohol in the area".

Despite debate on age of sale for off-trade retailers, their on-trade counterparts are not without scrutiny. McAveety (p.12) is concerned about the availability of cheap booze in pubs and clubs in inner cities: "*Let us also talk about another issue, which I know affects Glasgow—city-centre drinking. That is not about off-sales or alcohol that is bought from the supermarkets on Saturday evenings; it is about licensees, pubs and clubs engaging with young people and making alcohol available to them through promotional offers. I welcome the debate about how we can tackle such promotions, but I regret that that is being conflated with arguments against the legitimate choices that should be available to individuals in an open and pluralist society.*" However Matheson (p.13), a supporter of increasing the age to 21, see public houses as proving grounds for young drinkers, "*We must ensure that where people are consuming alcohol, they have that experience in a supervised setting in a pub, as they can do at the age of 18, before they can do so outwith the pub*". Mulligan (p.16) supports getting "*getting tougher with public houses that sell alcohol to people who are obviously drunk. I accept that that can sometimes be difficult for bar staff, but proper support and training would help*".

The availability of off-trade alcohol is problematized on the grounds it "*is much cheaper and more widely accessible*" and increasing the age to 21 "*should reduce the amount of alcohol being purchased by young people and should act as a particular deterrent for those under 18 who are more likely to purchase their alcohol*

from off-sales". The continued availability of low cost products is considered a

health risk: "*The evidence base tells us that levels of alcohol consumption are closely

linked to the retail price of alcoholic drinks. As alcohol becomes more affordable,

consumption increases, and as it becomes less affordable, consumption decreases.

When Finland cut tax on alcohol by a third, in one year alcohol consumption

increased by 10 per cent, and liver cirrhosis deaths were found to have risen by 30

per cent. Alcohol is 62 per cent more affordable today than it was in 1980, which is

why we have included further proposals to take action to end three-for-the-price-of-

two type promotions, which encourage impulse buying of extra alcohol that

consumers were not intending to buy. If we buy more drink, the consequences are

there for all to see*" (Shona Robison, p.4). While questioning Robison, Aitken is

asked whether he "*accept[s] the link between price and consumption*", to which he

replies "*That is worthy of further inquiry. Clearly, if drink is cheap, people will buy

more. I suggest, however, that there is no evidence at all that the price impinges

upon the habits of people who drink moderately. For those people who are prepared

to drink irresponsibly, perhaps it does. The evidence is fairly mixed*".

Carlaw (p.17) accepts "*the increase in consumption has been matched by an

increase in the relative affordability of alcohol as a product*" and supports the

Westminster Conservative proposals to restructure duty tax targeting products like

"*alcopops*" and "*super-strength ciders and beers*" across all of the UK and not just

Scotland. He infers that price alone is not the only issue as Scotland and England

share price points on alcohol products but Scotland "*has a bigger alcohol abuse

problem than anywhere else in the UK*". McNeill (p.6) believes alcopops and

Buckfast deserve to be singled out due to the "*significant role*" they play. Whitton (p.22) includes "*Mad Dog*" along with alcopops and Buckfast in his tale of the law-breaking, child-provisioning, Bearsden retailer. MacAskill (p.30) asserts tackling availability is a life and death issue, not just on health grounds but on the rationale that alcohol drinking alcohol can drive people to murder: "*Let me restate for Mr Aitken's benefit that 50 per cent of those who commit a murder or are murdered are under the influence of alcohol at the time. The true figure is probably greater than that as many assailants are not apprehended and bodies are not discovered until the alcohol is out of their system. More than 40 per cent of those in our prison system admit that they were under the influence of alcohol when they committed their offence. We do not need to bang people up for three days, three weeks or three months; we need to stop the availability of cheap alcohol. That will address many of the underlying problems. As well as ensuring that those who commit crimes are suitably punished, we must address the root problems*".

Responsibility

Discussions of responsibility have debates about appropriate drinking age at its centre. Most prominent is a definitive age of civic responsibility, where individuals are become eligible for certain civic duties at 16, 18 or 21 years of age. Fraser (p.3) refers to "*the illogicality of increasing to 21 the age at which young people can buy alcohol*" in light of their current policy "*to reduce the voting age in Scotland to 16*". Finnie (p.10) comments how young people feel previous attempts to curb problems with antisocial behaviour only "*castigated them and did not address the problem. I*

and other Liberal Democrats appeal to 18 to 21-year-olds to improve the campaign

for responsible drinking and to bring onside their peers and under-18s. The

Government should not introduce legislation to raise the purchasing age". Drawing

comparison with Greek counterparts, Aitken (p.26) wonders why he, whilst on

holiday, "*can frequently see families – the youngest members are 16 and the oldest*

are in their 80s out having a drink and nobody seems to want to fight. Perhaps there

is something different in the Scottish psyche, but it is disappointing that so many of

our people are unable to use alcohol responsibly and moderately". Retailer

responsibility also features, be it Armadale's off-licences increasing the age to 21 or

Finnie's (p.10) insistence retailers take responsibility for outcomes of selling cheap

booze as "*there is no question but that deep discounting and offers are important*".

Reference to CSR is restricted to supermarkets with Finnie and Stone lamenting a

lack of commitment to CSR.

Culture Change

Changing culture is viewed as essential to successful legislative reform. "*The*

Government is ambitious for Scotland, which is why, we launched "Changing

Scotland's relationship with alcohol: a discussion paper on our strategic approach".

The document outlines a comprehensive package of measures for tackling alcohol

misuse in Scotland. The Government is not anti-alcohol, but we are anti-alcohol

misuse. The stark truth is that our relationship with alcohol is holding us back, as

individuals, families and communities and as a nation" (Robison, p.2). Despite this

comprehensive national perspective on the detrimental influence of alcohol misuse

Smith (p.18) points out "*alcohol is a legal substance that the majority of people partake of without getting into any trouble. However, it is also true that the damaging effects of alcohol are wide ranging and affect people across all age ranges and social groups. We need to change Scotland's drinking culture to encourage people to think more about alcohol and to educate them to make better choices about their health and lifestyles. We need to increase awareness of the content of, and potential harm caused by, alcoholic products*".

It is suggested that changing "Scotland's cultural associations with alcohol" could take a generation (Matheson, p.13). Jamie Stone speaks of Scottish, Italian and Faroe Islands drinking cultures: "*The word whisky comes from the Gaelic uisge-beatha, which means the water of life. That illustrates how much drink is part of our culture… Italy and France have already been mentioned and there is no doubt that a liberal regime prevails in Italy. Although alcoholism is a problem there, it is on nothing like the scale that we face in Scotland. In the Faroes, there may be a connection between drinking and the amount of daylight—that issue has been mentioned—which in turn is a result of the latitude. When I lived there, one of the most draconian regimes I have ever known was in place. One could not buy alcohol under the age of 21, and even then one could buy it only quarterly, when one paid one's taxes. When the booze came in from Copenhagen—the Carlsberg Elephant and the aquavit—I saw people I worked with get not just drunk, but deadly blind drunk for days on end, until the booze was finished. I have seen people walking, yet nearer to death than I thought was possible. The draconian regime did not work and a different regime prevails today. My plea to ministers is to consider closely what*

happens in the Faroes and in Sweden, Norway and Finland, because it is relevant to our discussion in Scotland".

Simpson (p.29) advocates any changes be based on evidence and "*based in our culture, not that of other countries*". McNeill (p.5) shares Dr Simpson's concern: "*We ask that the Government get down to the serious business of convincing the country on its proposals for changing attitudes to alcohol misuse and demonstrating why they will make a difference. The tone of the debate matters; we want to be part of a debate that has the proper tone, not a crusade against alcohol. Some of the Government's proposals are in danger of being seen as extreme and not evidence based; one or two of them are considered a bit of a gimmick. We want to hear what the Government thinks of its suggestions. Will it defend them? Is its strategy to throw out every available idea simply to get a reaction? We hope not*".

4.7.2 V's

Villains

Young people are problematized. In the instance of Armadale it is the 18-20 age bracket by increasing the age of sale off-trade but young people as a group are vilified with regard to drinking in the inner cities, capitalising on discounted alcohol is also problematized. Those who feel the criticism is misplaced are judged to have a false perception of legitimate decisions available to individuals in a free society, and those who choose to act in this way exist beyond respectable societies boundaries: "*I welcome the debate about how we can tackle such promotions, but I regret that that is being conflated with arguments against the legitimate choices that should be available to individuals in an open and pluralist society*" (McAveety, p.12). These decisions are not legitimate and those who choose to make them do so outwith the boundaries of acceptable society despite being legal. The illegitimacy of these actions is illustrated by McKee (p.23) who attempts to describe binge drinkers in non-specific language, "*often young or very young people. Those are the people we have mainly been talking about. I do not want to get into the technicalities of defining a binge drinker; I refer to the people we see staggering around our streets, getting into fights, vomiting in shop doorways and walking in front of passing cars. They are a public nuisance; they are at risk of accidents, injury, rape, unprotected casual sex, sexually transmitted diseases and other hazards*".

There is debate over the merits of increasing the minimum age to 21. Disagreement stems from recognition that problems from alcohol are population-wide. "*There is*

no evidence that that age group presents the most significant problem. Most of the references in the consultation document concern 15-year-olds. It strikes me that, although there are problems with younger people drinking to excess, that is not confined to the 18 to 21 age group. There is a danger that, if we bring in new laws to control the drinking environment for people aged 18 to 21, that might send the wrong public health message, given that we are trying to promote such a message to people of all ages" (McNeill, p.6). Finnie (p.9 & 10) fears 18-20 years olds may be alienated on little evidence and more should be done to incorporate the group into prospective change: "*To react to a problem in a progressive society by saying that we do not want to transform young people who might be part of the problem into part of the solution is misguided. The evidence on 18 to 21-year- olds is flimsy at best. The Liberal Democrat approach is to appeal to that age group to be part of the solution rather than to castigate it as being part of the problem*". He later extends this point, "*I and other Liberal Democrats appeal to 18 to 21-year-olds to improve the campaign for responsible drinking and to bring onside their peers and under-18s. The Government should not introduce legislation to raise the purchasing age*".

McAveety (p.11) is concerned young peoples' rights will be compromised, indicating a convoluted scenario: "*Lowering the age at which people can participate in direct elections to health boards has been recommended. If young people are informed, articulate and able enough to choose who should sit on a health board, I would like to think they are informed, articulate and able enough to make choices that relate to their health*". The changes are similarly questioned by Smith (p.18): "*it cannot be right that a 20-year-old can get married, vote, serve and die in the armed forces but*

cannot buy a bottle of wine at the off-licence to take to their mother's for dinner". McAveety (p.12) goes on to say that *"binge drinking is not predictable on the basis of access to alcohol at a certain age… recently published statistics from Dumfries and Galloway show that people who leave hospitals with alcohol related problems are mostly over the age of 21… the evidence suggests that it is people under the age of 18 and adults over 21 who engage in excessive and persistent daily misuse of alcohol"*. There is fear increasing the age will only make any existing problems worse, *"Not only will it penalise and demonise a whole group of young people, worsening their relationship with government and the police, but it could lead to increased alcohol misuse among some young people"* (Smith, p.18). There are concerns changes may put young people out of work they were previously eligible for as the necessary age to sell alcohol would also increase to 21.

Whitton (p.21) raises concern over underage drinkers, a topic covered in the legitimacy challenges section, via a story describing his experience with local police. The 'attitudes' of young people could be 'matured' by sincere religious practice, *"Compare the attitudinal differences to drink of the young generally with young Moslems, for example, or with a more church-attending continental or American youth. All of that points to the deep-seated nature of the historical Scottish cultural relationship with drink"* (Carlaw, p.17).

It is lamented *"the younger a drinker is, the more likely they are to drink with the intention of getting drunk, which is evidenced by the fact that a fifth of 15-year-olds attempted to get drunk in the past week. Such indulgence leads to dependence and*

other alcohol-related problems later in life. As is the case with smoking, the earlier that a person starts to drink, the earlier they become addicted" (Gibson, p.19). The age increase is deemed to be in the interest of 13-15 year olds despite their admitted lack of popularity: "*It must be admitted that the Government's proposals are hardly a vote winner, and the Government must be commended for having the courage and determination to make progress on the issue. That is necessary if we are able to take a stand for Scotland's youth and to build and sustain the future of our country*" (Gibson, p.20). Students from Armadale academy are claimed to support the pilot test increasing age of sale at weekends, Mulligan (p.16) asserts this demonstrates that high schoolers "*clearly feel pressured to drink on some occasions*". It is proposed that "*teachers and schools*" have an important role to play as "l*ow self-esteem… low confidence and a low feeling of self-worth*" ranks high as a motivator for alcohol misuse, "*One lad described how she had been told at her grandson's school that he was hopeless and would not go far in life and that teachers could see no future for him*".

Whitton (p.22) recants the tale of "*A shopkeeper in Bearsden…* [who] *persistently sold cheap alcohol to underage drinkers*" despite protestations of local persons to the police. "*Eventually he was shut down, but that took time… The new owner of that shop regained the licence for the premises, with the blessing of the community. Cheap alcopops have been removed and there is no Buckfast, Mad Dog or whatever the latest fashionable drink is. The owner imposed a minimum purchase age of 21, which made a difference to the selling of alcohol in the area*". Whitton questions why "*we have so many*" licensed premises in urban areas. Why do so many chip

shops and even garages sell alcohol? There is simply no need for anyone to be able

to buy a bottle of Buckfast with a haggis pudding supper and there is certainly no

need to be able to buy 2 litres of cider with 20 litres. Mr MacAskill may be interested

to know that a garage close to the former Low Moss prison had a licence and that

that was the first place prisoners headed to when they were released". This is a rich

example of superficial addendum legitimacy concerns. The shopkeeper breaks the

law by provisioning via his shop and after hours to make extra money – this is

criminal and tardiness clamping down on a known offender highlights the

ineffectiveness of law enforcement. A new retailer moves in and immediately gains

local support by removing abstaining from alcopops and other 'problem products'.

A symbolic gesture with no guarantees for legal sales practice. The appropriateness

of petrol stations selling alcohol is questioned on the implicit grounds that

introducing a car to the equation courts incidents of drink driving[39]. The prison and

the petrol station. This offering seems to have no clear purpose other than to

delegitimise by association and galvanise support for re-examining off-trade

practices.

30% of women regularly exceed recommended drinking limits compared to 50% of

men (Robison, p.2); and women over 40 are nine times more likely to visit their GP

with an alcohol related problem than those under 40 (Scanlon, p.8), indicating

concern about drinking during pregnancy. Several speakers (Scanlon, Grahame and

Gibson) support colleagues' inclusion of foetal alcohol syndrome (FAS): Scanlon

---

[39] The bulk of alcohol is bought from a supermarket. Most people drive to a supermarket for groceries. Stats for number of shoppers using cars?

(p.7) warns '"*we have to be clear about the matter. Some will think, "If people are saying one or two units once or twice a week for nine months, well, that's probably the minimum. I can probably take a bit more*". This asserts little room for error and implies a shift towards zero-tolerance for during pregnancy.

"*The chief medical officer has made it plain that we must start with the state of our children in the womb*", placing FAS as a central issue in formulating an alcohol strategy. It is highlighted that while FAS is the worst problem emerging from misuse during pregnancy, "*foetal alcohol spectrum disorder can also be debilitating for the child*" (Grahame, p.10). As such, Mulligan (p.15) urges the Scottish Government to collect accurate data on the incidences of both problems to help gather perspective, "*co-ordinate a strong message and ensure that training is available so that health professionals and others can identify problems*". MacAskill (p.30) supports abstention, "*Mary Scanlon was correct to say that we must be clear about the problem of alcohol and pregnancy. The chief medical officer's advice is that alcohol should be avoided by women who are pregnant or who are trying to conceive and the advice is the same throughout the UK*". McAveety (p.11), who in his own words, "*represent[s] an area that is well up there in statistical terms with respect to foetal alcohol syndrome problems, underage teenagers consuming alcohol and violent incidents resulting from that consumption*" quotes Grahame in a recent publication as saying '"*Sometimes you have to take actions that do impact upon people who have not done anything untoward*"'. Despite McAveety's position as MSP for a constituency suffering from these ails he does not believe others outwith the problem should be affected by government action. Smith (p.18) raises again an age

of civic responsibility and the right by which the government can impose limits on the actions of individuals: "*It has been said before, but it is worth saying again that it cannot be right that a 20-year-old can get married, vote, serve and die in the armed forces but cannot buy a bottle of wine at the off-licence to take to their mother's for dinner. Where will it end? If the Government is motivated by a belief that the end justifies the means, is the next step to prevent all pregnant women from buying alcohol?*"

Victims

Reported victims within this debate are few beyond health debates, especially in the instance of underage drinkers whom the Government is acting to protect from developing detrimental habits early on.

Regarding children, several speakers mention that targeting the 18-21 age bracket is misplaced and drew attention to the 12-15 year olds age bracket (Scanlon, p.8; Whitton, p.21), a bottle marking scheme is proposed to "*identify and punish retailers who sell alcohol to children*" (Smith, p.19). Children are also considered at risk from parental alcohol misuse (Robison, p.2)[40], this is expanded upon by Mulligan (p.15): "*A key issue that is not suitably covered by the strategy on alcohol is the effect of alcohol abuse on children who grow up in households where it is an issue—children's charities are concerned at their lack of involvement in drafting the*

---

[40] "One of the most shocking statistics that I have heard recently is that, of 9,000 calls that ChildLine received, 31 per cent raised concerns about alcohol misuse. By comparison, 10 per cent of callers raise concerns about domestic abuse and 7 per cent mention drugs. Clearly, alcohol misuse is a huge issue for many of our children. There are also clear indications that alcohol misuse contributes to physical abuse" (Mulligan, p.15)

strategy. Government reports estimate that about 65,000 children are in that position, but many children's organisations put the number between 80,000 and 100,000. Whatever the number, such figures are shocking, given that the effect on each young life can be devastating. When children and young people live in households in which alcohol is misused, their education can be affected, their social and emotional development may be hindered and their life chances and experiences can be seriously diminished". Mulligan (p.16) urges "*the Scottish Government to resource solutions properly when problems are identified, to use the powers that are available to enforce laws and regulations, to take seriously the effect of alcohol abuse on children and young people who are living with it*".

<u>Vexes</u>

Alcopops, Buckfast and Mad Dog 20/20 are noted as playing "*a significant role*" (McNeill, p.6) in alcohol misuse as "*the drink of choice for many young people*" and should, as well as the age increase, be subject to new pricing policies.

4.7.3 Coercive Isomorphism

Increasing the minimum drinking age for off-trade purchase was the most consistent proposal for regulatory change. "*Our consultation paper seeks views on whether the minimum legal age for off-sales purchases should be raised to 21. We accept that, for many people, that is a controversial issue, but we are asking an open question and we will listen to all views. In Scotland, the short-term harms associated with alcohol misuse are higher among young people and the impact of their drinking in public is felt by the communities in which they live. International evidence shows that raising the minimum age can reduce alcohol sales and problems among young drinkers. Alcohol is much cheaper and more widely accessible in off-sales. Raising the age in relation to off-sales should reduce the amount of alcohol being purchased by young people and should act as a particular deterrent for those under 18 who are more likely to their alcohol from off-sales*" (Robison, p.4).

Gibson (p.20) provides the American example, "*since the age at which alcohol can be consumed was raised to 21, consumption has decreased in every age group. It is interesting that the US introduced such legislation not to tackle antisocial behaviour, but to reduce the number of deaths on the road*". Praise is given to retailers in Armadale and West Lothian operating an over-21's policy on weekends (Robison, p.4). However, those lobbying for the increase face opposition.

Increasing the minimum age is not simple measure and requires deeper questioning regarding civic responsibility across society: "*I ask what principle is in operation,*

because law should be based on principle. We propose a voting age of16… the age for marriage is 16, which is a historic point. People must be 16 to join the armed forces, but 18 to serve in combat. We have just raised to 18 the age at which cigarettes can be purchased, and a proposal has been made to raise the age at which alcohol can be purchased to 21, but what principle is in operation? What is the age of civic responsibility? I would like members to think more widely in this debate – which should be open – than about alcohol misuse only, and to consider the age of civic responsibility" (Graham, p.10-11). Smith (p.18) opposes increasing the sales age based on the content of the Government paper on the grounds of unfairness to young people : "*'Excessive consumption is not limited to particular sections of society but is common across different age and socioeconomic groups.' In fact, the paper goes on to say that consumption is greatest among middle-aged men. However, we are confronted with plans not to stop middle-aged men buying beer to raise the minimum age for purchasing alcohol in off-sales, which discriminates against young people between 18 and 21 as a whole. Not only will it penalise and demonise a whole group of young people, worsening their relationship with government and the police, but it could lead to increased alcohol misuse among some young people*". Smith (p.18) reiterates concern voiced by the Wine and Spirit Trade Association that increasing the age of sale to 21 would need to address the minimum age required of checkout staff to sell alcohol, as if that too were to rise many young people would become unemployed.

MUP is mentioned, "*We believe that it is unacceptable that alcohol is often sold more cheaply than water. I ask members to consider whether they believe that the*

price at which some alcohol is sold is acceptable" (Robison, p.4). Finnie (p.9) accredits the idea with "merit", specifically with regard to low-cost high alcohol content products, a sentiment supported by Grahame (p.10): "*Measures such as reducing consumption through tackling loss-leading prices and introducing a minimum retail price are certainly worthy of consideration… if people go home with crates of beer or many bottles of wine, many of them—but not all—will be more likely to reach for the corkscrew and take that extra drink because it happens to be to hand*". MUP as referred to affects off-trade products, however, McAveety insists problems with inner city drinkers in on-trade premises trespassing beyond the limits of legitimate and acceptable behaviour.

Scanlon (p.7) insists capitalising on cheap off-trade deals does not mean irresponsible consumption: "*The majority of people in Scotland drink responsibly. It should not be assumed that, if three bottles of wine are sold for the price of two, people will drink three times as much. The truth is that, for most people, the wine purchase will simply last three times longer*".

Bottle marking schemes are proposed "*to identify and punish retailers who sell alcohol to children and…help… reduce antisocial behaviour*" believing it complimentary the new national test purchasing scheme (Smith, p.19). Carlaw (p.17) refers to a recent UK wide '*restructuring of duty*' proposed by Conservatives at Westminster '*which would see increased duty on alcopops and super-strength ciders and beers, with reductions on lower-strength varieties*'. Carlaw suggests that changes should be made nationwide and not just in the case of Scotland as it does

not account for '*cross-border shopping sprees, or internet or telephone sales by companies based in England*'.

The most prominent potential change to regulation is increasing the minimum purchase age for off-sales retailers from 18 to 21. This change, whilst the necessary age for on-trade sales remains at 18, is based on the rationale that on-trade premises are monitored spaces whereas the outcomes of off-trade sales are determined by the consumer. This problematizes the drinking habits of the 18-21 age group and, coupled with proposals on how MUP may be implemented to tackle irresponsible off-trade retail practices, seeks to minimize alcohol misuse.

4.8 <u>Drink Driving</u>[41]

The debate occurred on 18/12/08 discussing additional restrictions on the current

drink driving limit (measured in blood alcohol concentration) of 0.80mg per 100mg.

There is broad consensus extending the law is beneficial and MSPs are confident

any changes will receive public support. The substance of debate is over the extent

of change, namely reducing the limit to 0.50mg or to 0mg. The outcome is a

recommendation to Westminster (as the drink driving limit is not a devolved power)

to decrease the limit for all of the UK to 0.50mg, aligning the UK with the rest of

Europe, to reduce the limit further is deemed unnecessarily problematic.

4.8.1 <u>Legitimacy Challenges</u>

One in nine road deaths in Scotland are attributed to drink driving (MacAskill, p.17)

but hope for constructive change resides in "*The majority of Scotland's citizens*

[recognising] *that drink driving is dangerous and deplorable… The current drink-*

driving limit has been in place for more than 40 years, but Scotland, along with the

rest of the United Kingdom, is now a very different place. Our laws have rightly

evolved and adapted to reflect the changing society in which we live. Although the

number of deaths and injuries on our roads has declined since the limit was set, that

limit is now outdated and unfit for purpose" (MacAskill, p.17-18).

A problematic element of legislation resides in confusion over BAC and what exactly

80mg per 100mg is equal to in alcoholic beverages. This issue is exacerbated further

---

[41] The page numbers for the debate are abbreviated, e.g. MacAskill (p.13517) becomes MacAskill
(p.17). This abbreviation pertains only to the Drink Driving debate and is included to assist those
referring to the original document.

by confusion over alcohol units and what individuals can safely consume, this is why "research recommends a reduction in the drink-driving limit to a less ambiguous level, as there is still confusion about how drinks and units of alcohol relate to the legal limit… Glasses of wine may now contain substantial volumes, and beer that is sold in public houses and elsewhere often has a higher alcohol content than it did in the past" (MacAskill, p.18). MacAskill (p.18) describes writing a letter to the "Secretary of State for Transport" indicating Holyrood's support for a reduction the BAC limit and also requesting powers be granted to police to "*random breath tests at the side of the road*". The BMA, Association of Chief Police Officers, and the AA all support the BAC reduction to prevent problems with drink driving

In relation to confusion over alcohol units and what amount can be safely consumed, Adam (p.19) points out that any measure, be it 80mg or 50mg, is "*arbitrary*" and that in all practicality the desired volume is zero. This concession is accepted and the 50mg minimum is considered enough not only to prevent instances of injury and death from drink driving but also (considering mandatory sentencing for those who are convicted) to prevent people from living with the consequences of their actions[42]. This is elaborated upon, where MacAskill develops the statement that 50mg functions as more of a deterrent as "*it triggers a message*

---

[42] MacAskill (p.20) states "*I accept that there are good reasons why we have mandatory sentences for drink driving. It is appropriate that people who are caught drink driving lose their licences—unless there is a medical reason for alcohol being present in their blood—and that if the person is caught drink driving again within the following 10 years, the sentence should be a minimum of three years, as is the current position, I think*"

that people cannot have two pints or two glasses of wine", it is less ambiguous than 80mg.

If evidence emerges suggesting a zero tolerance approach is better and other nations begin implementing it then that too may be considered. However, a zero-tolerance policy is advocated by several unnamed health organisations for 17-25 year old drivers. This is not something the SNP government is prepared to rule out and suggest it could be a future step but, in order to make that change, the interim change of reducing BAC to 50mg must occur.

Health concerns emerge from the debate but not in a substantive way. A health oriented agenda correlates with the approach to drink-driving legislation, i.e. less consumption = less harm. Drink driving relates to everyone and MacAskill (22-23) insists "*We have to dispel the myth that alcohol related harm affects only people with chronic alcohol dependency, or so-called binge drinkers… Up to 50 per cent of men and 30 per cent of women regularly drink more than the amount that is specified in guidelines on sensible drinking. Those people place themselves at increased risk of being involved in accidents, becoming the victims or, tragically, the perpetrators of crime, contributing to family breakups, and developing cancer or liver disease*".

Notions of individual responsibility by individuals is mentioned, couch within the broader context of on-going conversations about alcohol misuse and it reveals much about the lack of precision with the term 'responsibility'. "*Over the festive period, people across Scotland will enjoy a drink at a host of celebrations. It does not*

benefit our approach to come across as being solely puritanical, so we should acknowledge that social drinking is part of this time of year, as people enjoy a well-earned break. However, we must also acknowledge—not only during the festive season but throughout the year—that too often it becomes evident that in Scottish society we have not got the balance right between sociable drinking and drinking irresponsibly to excess. It is a huge challenge to change what has become a real cultural problem in Scotland. Drink driving is an area in which that problem can have its most devastating impact" (Baker, p.24). What Baker has described is drink-driving and it is a crime. There is an enormous difference between exceeding the recommended weekly consumption limits and increasing your risk of health problems compared with someone who drinks and drive risking the lives of other drivers and pedestrians. To do so obfuscates any nuance.

4.8.2 V's

Proposed changes to BAC limit is a population policy and does not target any specific groups of interest. There is support to restrict 17-25 year olds to a 0mg BAC limit and it is something government is willing to consider "*but as a first and interim step we need to reduce the limit to 50mg*" (MacAskill, p.23).

4.8.3 Coercive Isomorphism

There is broad consensus among MPs lowering the blood alcohol concentration limit (BAC) from 80mg to 50mg (in alignment with the rest of Europe) will reduce road deaths, however, there are others who believe the reduction should be to

0mg. Adam (p.19) describes the current figure as "*arbitrary… that level must be nil, or as close to nil as can be legitimately measured*". 0mg is preferred but to do so could incur "*unwanted consequences because of the length of time for which alcohol stays in the bloodstream*" (MacAskill, .p22). Constituents support the change as the "*majority of Scotland's citizens recognise that drink driving is dangerous and deplorable*" and "*the Association of Chief Police Officers in Scotland and the British Medical Association*" also support lowering the limit (MacAskill, p.17 & 21). Introducing a zero tolerance policy for those aged 17-25 is not ruled out and may be entertained in future but the proposed change is considered a "*first and interim step*" (MacAskill, p.23).

4.9 <u>Alcohol etc (Scotland)</u>

Despite the title, the debate is dominated by minimum unit pricing as Labour,
Conservative and Liberal Democrat MSPs oppose the proposal. Other subjects are
debated, such as the merits of banning supermarket discounts on alcohol products
(due to a pre-existing favourable consensus), but receive little critique except as a
tool to criticize proponents of MUP.

Those contents which become the Alcohol etc (Scotland) Act 2010, i.e. bans on
quantity discounts from supermarkets, have cross-party consensus. The measures
are judged necessary to address misuse of supermarket alcohol. Sturgeon (p.47)
observes, "*Over the past year or so, all of us inside and outside Parliament have
moved a long way in our understanding of the sheer scale of the alcohol challenge
that we face. There is now a much greater understanding that overconsumption of
alcohol affects every age group, every socioeconomic group and every community...
There is much common ground on the way forward. We all accept that a
comprehensive approach is needed, and we have set that out in the alcohol
framework*". MUP is the line in the sand for most members of the other parties.
Fraser (p.7) remarks "*we have been unable to agree on the Scottish National Party
Government's plans for minimum pricing and I am truly sorry that the SNP's
obsession with this one element has allowed it to dominate the debate and has
prevented us from moving on to discuss other areas where there might be consensus
on what can be done*". However, there are those who would underline the

importance of MUP in relation to other policies as "*the glue that holds the mix of policies together*" (Chisholm, p.24).

4.9.1 Legitimacy Challenges

Claims of Deviance

Many speakers emphasise the role alcohol plays in different types of crime, including murder (Sturgeon, p.5; Baker, p.14-15), assault (including those with knives and bottles (Baker, p.15)), drink driving (Grant, p.17; Robison, p.29) drug abuse (Scanlon, p.18), public drunkenness (Henry, p.22), rape and domestic abuse (Brown, p.24). MUP, as a blanket policy, looks to reduce overall consumption and subsequently reduce crime, an impact suggested by the fact "*Half of all prisoners in Scotland's jails were drunk when they committed their offence*" (Watt, p.78). However, there is concern MUP will encourage "*the criminal fraternity… to sell cheap alcohol along with tobacco and drugs out of white vans*" (Henry, p.22). While Scotland's predilection to excess has consequences for health and untimely death it also results in "*life-destroying criminal activities and family-destroying abuse*" (Brown, p.24). Best practice for avoiding underage drinking offences is not to increase the legal age to 21 but to make Challenge 25 mandatory (Baker, p.15). This leaves no excuse for intentional and unintentional provisioning.

MUP is predicted to reduce antisocial behaviour across the population: "*As the total amount of alcohol that is consumed by a population determines the level of problems that it suffers, we need to reduce consumption. If we focus only on young people or on antisocial behaviour, we will miss the harm that is caused – often to*

themselves – by people regularly exceeding weekly limits in their homes. If we focus

only on the most harmful drinkers, we will miss those who are on the verge of

becoming harmful drinkers. This bill is not going to stop people drinking – that is not

its aim – but it will help to reduce consumption and the harm that goes with it"

(Sturgeon, p.51). However, there is doubt MUP can minimise the impact of binge

drinking by young people. Scotland's "*alcohol problem… not only makes a night out*

in our town and city centres a frightening experience, create no-go areas for decent

folk who want a good night out, but denies people access to health services that

they require" (Watt, p.20). Watt poses the question of whether it is right that

others, potentially elderly people with more serious conditions receive delayed care

because drunks receive treatment consequent of misadventure. The Conservative's

predict MUP will not affect binge drinking and the Scottish government would be

better off targeting 'problem products' with tax increases: "*there is now another*

important and relevant factor, which is the signalled intent of the coalition

Government at Westminster to increase alcohol taxation and pricing to ensure that

it tackles binge drinking without unfairly penalising responsible drinkers and

important local industries" (Fraser, p.7-8). For the Conservatives' "*one of our biggest*

problems" is the Sheffield study's failure to factor binge drinking into their analysis

(Scanlon, p.18). Binge drinking, typified by young people drinking large amounts of

spirits in a short space of time, is a northern European phenomenon (Grant, p.17),

leading to "*mayhem in the night economy and alcohol-fuelled crime*" (Simpson,

p.11). Concern about levels of binge drinking leads to a recommendation for "*better*

education on the dangers of binge drinking" to improve Scotland's relationship with alcohol (Lamont, p.26).

McKee (p.16) "*strongly supports*" MUP insisting "*no-one will die if minimum unit pricing is introduced, but people may well die if it is not*", he refers to the early move introducing "*smoke free pubs*" as inspiration to find the courage to implement MUP to refuse to do so will lead to more death, crime and unemployment. Although opinion is divided on MUP as legitimate potential policy there is consensus that price and availability are core problems despite this Matheson (p.14) declares he finds it "*staggering that those who oppose minimum pricing as a serious attempt to tackle the problem in Scotland have not come up with one alternate measure*".

A criticism of MUP is a lack of effect on cider and Buckfast consumption, drinks described as "*a chronic problem*" (Henry, p.22) "*causing such havoc in our communities*" (Sturgeon, p.8). The Labour party "*seek[s] action on caffeinated alcohol… We believe the amount of caffeine in alcohol products should be limited*". The need for action is evidenced: "*Strathclyde Police told the BBC that between 2006 and 2009 Buckfast was mentioned in 5,638 crime reports in the region, equating to three a day on average*" (Baker, p.14-15). Baker insists the evidence supporting action on caffeinated alcohol is stronger than minimum pricing: "*One in 10 of the offences to which Strathclyde Police referred were violent. A bottle was used a weapon 114 times in that period. Bottles are now the second most common weapon of attack*" (Baker, p.15). The Conservatives endorse a similar approach for

"*targeted increase in duty on problem drinks*", however, whether these funds would fund ancillary services is unclear (Fraser, p.29).

<u>Culture Change</u>

There is consensus on a need for culture change and cheap alcohol is deemed the first necessary step: "*there is a mood swing in Scotland towards change. Our relationship with alcohol is no longer something that can be dismissed as being part of our culture, nor can it be tackled solely through education. Our culture is not somehow separate from cheap alcohol – we have become used to it and cheap alcohol is now part of the culture. It will be extremely difficult to change that culture without tackling low prices and irresponsible promotions*" (Sturgeon, p.7).

Some understand alcohol is a social lubricant but emphasise an inherent antisocial potential: "*We all know that alcohol is an intrinsic part of Scottish culture. From christenings to weddings to funerals, and at every point in between, drink forms not so much a social cement as a synovial fluid that is used by Scots to adopt bonhomie, sentimentality, joviality, aggression and faux self-confidence in equal measure. Indeed, it sometimes provides all those personality traits at the one time. The booze can bring people together to celebrate and commiserate and, just as easily, it can rip them apart in anger and recrimination*" (Kidd, p.22). However, addressing contemporary alcohol problems is described as "*a major national challenge*" and "*underlying cultural norms whereby binge drinking is regarded as a normal part of life; rolling-about drunkenness is accepted as routine, if not amusing; preloading at home is the preferred evening activity; and excess alcohol feeds into masks and*

excuses, unacceptable levels of violence, rape and domestic abuse, and a society

that is made more violent and disconnected by booze" (Brown, p.24). Grant (p.17)

insists Scotland has "*a problem with alcohol: we drink when we are happy, we drink*

when we are sad, we drink to celebrate and we drink to commiserate. Very little of

what we do socially does not involve alcohol. This is a cultural issue; one that is

catching on across the globe". Grant uses France as an example whilst claiming

"*people believed that they were moving away from a Mediterranean drinking*

culture to a more global drinking culture that had much more in common with the

drinking culture of northern Europe and involved young people binge drinking on

spirits".

Despite alcohol's social function the harm derived from excess are considered too

great for current consumption levels to continue. Only one speaker challenges the

role of alcohol itself other than the harmful outcomes of excess. For McKee (p.15),

introducing new legislation is not enough as it will not impact underlying attitudes

and practices inherent in a dysfunctional drinking culture. The purpose and use of

alcohol requires scrutiny: "*Beneficial change will not come about by legislation*

alone. What is required is a sea change in the way in which everyone considers

alcohol and the place that it has in society".

The extent of harms caused is attributed to "*7 per cent of harmful drinkers*"[43] and

Simpson (p.11 & 12) encourages the implementation of policies targeting this

minority without impacting disproportionately "*on the 70 per cent and would not*

---

[43] This claim is preceded by the assertion that "*70 per cent of the population use alcohol responsibly*"
(Richard Simpson, p.11)

tackle the underlying culture". This argues against MUP as too imprecise by not

isolating harmful consumers and failing "*to tackle the culture of drinking*". Examples

of where culture has effectively been changed are perceived acceptability of drink-

driving and smoking (Simpson, p.11; Robison, p.29), a success which speakers wish

repeated. Price is identified as "*the key part*", the lynchpin, in improving drinking

culture and changing this culture is not possible "*without dealing with the dirt-

cheap prices that are a roadblock to culture change*" (Chisholm, p.23).

Supporters of MUP believe it will help reverse "*the 30 years of rising general alcohol

consumption and increasing levels of hazardous drinking and harm*" (Simpson,

p.11). The connection between alcohol and harm has doubt cast on it by a "*2008

Scottish health survey*" (Scanlon, p.18), which "*confirms… weekly consumption for

men and women has fallen significantly, yet there have been no corresponding

reductions in health or justice harms, which the Sheffield study predicts for reduced

alcohol consumption*". Estonia and France are used to speculate on MUP's potential

impact, Estonia for cross-border sales and France for the impact of increasing price.

"*When Estonia joined the EU, the Finnish government recognised that Finland would

be subject to cross-border trade and lowered taxation on alcohol to mitigate the

effect. That led to a substantial increase in Finnish alcohol consumption, as a result

of which the Government again increased taxation on alcohol over a number of

years. It is clear that the falling price led to an increase in consumption. However,

the rise in price did not lead to a fall in consumption*" (Grant, p.17). This is supported

by Scanlon (p.18), who warns against the assumption that increasing price will

reduce demand, and instead "*as the price rises, people will find ways of continuing

to consume at the same level, at lower prices. The committee saw and heard that throughout its evidence". This is deemed evident by Finnish consumers' capacity to substitute products for cheaper alternatives (or even identical products) in Estonia. France is observed to have a historically very high consumption rate, attributable to a powerful wine lobby resisting tax increases helping to keep prices low. The wine lobby does not extend its protection to spirits and, subsequently, taxation has driven up prices. Grant (p.17) makes the claim, "*The overall rate of alcohol consumption in France has fallen, but that fall has masked a rise in spirit drinking – it is wine consumption that has fallen dramatically. Again, rising prices appear to have had little or no impact on consumption*". Since the "*main policy direction of the bill is minimum unit pricing",* it is pointed out, based on these examples, *"there is no empirical evidence that a price increase leads to a decrease in consumption. However, there is clear evidence that lowering price leads to increased consumption*" (Grant, p.17).

Health

Sturgeon (p.5) states, "*We believe that it would be a dereliction of our duty to ignore the clear evidence and expert opinion from the World Health Organisation, advisors to the European Commission, the British Medical Association and the National Institute for Health and Clinical Excellence, which tells us very clearly that price intervention is one of the most effective tools in tackling alcohol misuse*". Sturgeon (p.5), and other speakers (Matheson, p.13; Chisholm, p.24; Brown, p.25), observe that action on price is supported by "*doctors, nurses, the police, the*

churches, public health experts, all four chief medical officers and a host of children's charities". Evidence against MUP "*comes from the vested interests who produce or sell alcohol – those who would lose out if Scotland were to reduce its drinking habits*" whereas support comes from medical authorities, charitable organisations, the police, and several others (McKee, p.16). Simpson (p.11) refers to a WHO statement that alcohol should not be considered a regular consumer good, however, despite concern over the damage this may cause there is encouragement over increased engagement of young people in the alcohol debate and "*the wider politics of health, crime and social responsibility*" (Eadie, p.20).

Alcohol is used to self-medicate for those suffering from mental health issues with Audit Scotland's recent estimation of *"up to one in two people with alcohol problems may have a mental health problem*" (Scanlon, p.18). MUP might help reduce this (McKee, p.16) but so too would a greater emphasis on "*early diagnosis and intervention for people with mental health issues*" (Scanlon, p.19). This priority seems achievable given consensus that "*education, partnership working with industry and investment in alcohol treatment services are all components of an effective alcohol strategy*" (Sturgeon, p.5). It is proposed that monies accrued from discount bans could be invested "*in treatment, enforcement and education*" (Jackie Baillie, p.29).

MUP is criticised for affecting low-income heavy drinkers more than middle and higher income households which can substitute for alternate products. This does little to address the problem of middle and upper income households being held

223

responsible for the bulk of hazardous drinking (Chisholm, p.23). If MUP has the predicted effect of lowering consumption across the population there will be improved access to health services with reduced accident and emergency waiting time and reduce demand for ambulance call outs to deal with victims of drunkenness (Eadie, p.20). Both of these side-effects are beneficial to the elderly and the current allocation of health resources to those harmed consequent of alcohol misuse is deemed a waste of taxpayers' money during the current period of "*public spending austerity*" (Eadie, p.20).

Nicola Sturgeon points to Scotland's "*proud record of innovation in public health*", insisting "*We should not be afraid to try new approaches and we should not let claims about unintended consequences cloud our judgement*" as a means to overcome others opposition parties hesitance to support the policy. She dismisses taxation as "[in]*effective public health interventions because they do not always get passed on to consumers*", and the UK government move to ban below cost selling in England and Wales implies their agreement (Nicola Sturgeon, p.6-7). The smoking ban, of which Scotland was an early adopter, is used as an example of successful innovation via its health benefits and international emulation and MUP is proposed to follow the same route. However, inaction yields no results and only by testing MUP can any results be garnered, "W*e have to be bold, to try things out, and to gather the evidence from that*" (Robison, p.30).

Responsibility

MUP is criticised for penalising responsible drinkers. Sturgeon (p.5) insists "*minimum pricing is a targeted rather than a blanket policy. The University of Sheffield study is quite clear that financial cost of minimum pricing to responsible drinkers, because they drink relatively little, would be about £10 per year. Data show that 80 per cent of people in the lowest income group do not drink, or drink moderately, so they would not be affected at all or would be affected only marginally by minimum pricing. We also have research that shows that middle and higher-income groups, not low-income groups, are the main purchasers of alcohol that is priced between 30p and 50p per unit*". It is claimed that MUP will have little effect on responsible drinkers and would have the greatest effect on irresponsible, who it is claimed, are denizens of middle and upper income households.

Conservatives insist MUP "*is of dubious legality*" and will be very damaging to the Scottish Whiskey Industry. They prefer "*increasing taxation and pricing*" to tackle 'binge drinking' without harming industry (Fraser, p.7-8). This position is bolstered via the SNP's hesitation to specify what the minimum price shall be and "*ignores the real issue of tackling the underlying problems that cause people to drink in the first place. The minimum pricing proposals would punish rather than help those who decide to drink to drink heavily*".

Concern is raised about MUP's effectiveness in the Borders as the restrictions are circumvented by crossing the border: "*they would create a new cross-border booze cruise culture. Individuals would be encouraged to buy more alcohol than they had*

planned if it was at a reduced price across the border. That comes in to direct

conflict with the initial intention of the bill to reduce the quantity of alcohol that is

consumed irresponsibly" (Lamont, p.25-26). There is a desire to hold responsible

parties to account for their actions; and this is applied to individuals, public houses

and supermarkets: "*the mayhem on the streets is not necessarily caused by pubs*

and other smaller establishments. Many young people drink before they go out.

Why should the publicans pay for the problems that are caused by cheap alcohol

that is sold by supermarkets? Indeed, if we are talking about the polluter, surely the

polluter is the intelligent drunk person with money in their pocket or purse whose

drunkenness and loutish behaviour costs the rest of society dearly. They are the

people who need to be challenged and penalised for the pollution they cause. We

need more action against public drunkenness and bad behaviour" (Henry, p.22). To

contrast with this, Simpson (p.11) argues that "*70 per cent of the population use*

alcohol responsibly… there are health benefits from alcohol taken in moderation.

We should not support policies that, although they might – I stress might – tackle

the 7 per cent of harmful drinkers in our communities, would have a

disproportionate effect on the 70 per cent and would not tackle the underlying

culture". This view is mocked by Finnie (p.13) who infers that if 70 per cent of the

population use alcohol responsibly then the high rates of liver "*sclerosis*"[44] must be

due to some other cause.

---

[44] A likely mistake by either the speaker or parliament scribe intending "cirrhosis"

Grant (p.17) asserts advertising could help encourage more responsible behaviours by emulating the Finnish example of Alko "*which focussed on parents, encouraging them not to drink when their children were present and showing the impact of young people of their parents' drinking*". Current trends of advertising cheap alcohol directly to young people is deemed contributory to current levels of irresponsibility and anyone who thinks otherwise is not a "*sober-minded person*" (Kidd, p.22-23).

Retail

The primary concern is the potential financial benefit to supermarkets. The Westminster alternative of banning on below cost selling is "*not a realistic alternative*" as it "*would create for each product a minimum price*" with no corresponding reduction on consumption or harm. It also does little to address supermarkets' superior buying power (Sturgeon, p.6). The tactics of absorbing taxes imposed by the exchequer (Grahame, p.25) and loss-leading (Shona Robison, p.30) is mainstream for supermarkets and a tactic unavailable to smaller rivals, leading to the closure of small businesses (McKee, p.26) and even small chains, e.g. Thresher's (Chisholm, p.24). The SNP find an inherent contradiction with "*the allegation that minimum unit pricing puts money into the pockets of supermarkets*". The recent bans on promotional offers and buy-one-get-one-free deals has a comparable effect to MUP and supermarket opposition to MUP are both used to illustrate this point (McKee, p.16). The sense of 'outrage' echoed by several speakers through the debate is best encapsulated by Eadie's (p.19) insistence that she "*was not elected to contribute to the passing of legislation that will potentially line retailers' pockets*

with billions of pounds at the expense of low-income families". The inappropriateness of companies receiving financial reward as consequence of increasing regulation to improve said conduct galvanises support for the social responsibility levy in principal, as a means of "*recoup*[ing] *the largesse*" (Grant, p.17-18). However, some have reservations about SRL's implementation for unfairness towards local off-licences and small on-trade premises (Grant, p.17-18), could deter companies from "*the good work… in supporting local sports clubs, charities and other organisations*" – this is behaviour John Lamont (p.26), the speaker in question, deems 'responsible' – and that estimations of the windfall supermarkets will receive is over-estimated (Chisholm, p.24).

Supermarkets are criticised for failing to recognise the irony of their position selling alcohol to customers at low prices whilst informing "*us* [MPs] *with their views on how we should tackle alcohol excess*" (Chisholm, p.24). This criticism manifests in the rejection of applications from an unnamed supermarket for increased floor space for alcohol products[45]. Concern is raised over the extent of internet sales, the effect of their increase and their absence from the Sheffield model, which Asda– with reference to the official report submitted to the Health and Sport Committee – declares "*very high double-digit, year on year growth in internet sales*" (Scanlon, p.18). This is problematized, not just by supermarkets, but by online vendors like Laithwaite's, "*More and more people are buying their alcohol over the internet: that*

---

[45] Any deviation from details included in the operating plan, requisite as part of the Licensing (Scotland) Act 2005, requires application for permission from the appropriate licensing board, part of this includes the amount of space earmarked for alcohol sales

trend would be likely to accelerate if minimum pricing were introduced. If I buy my wine from Laithwaite's or Tesco and I can save money by having it delivered to my door from a base in Carlisle or Berwick, that is what I will do. There will be thousands like me" (Fraser, p.8). The SNP are disappointed parliament rejected empowering local licensing boards to determine whether the minimum age of sale within their jurisdiction should be increased to 21 for off-trade sales (Sturgeon, p.7) on the grounds that it would cause too much confusion for individuals on where exactly someone need be 18 or 21 to purchase alcohol (Henry, p.22).

Many factors pertaining to local off-licences are mentioned. Primarily, the smaller off-trade vendors are considerably disadvantaged when competing against supermarkets and concern persists over small business closures and subsequent job losses, i.e. Thresher's chain (Chisholm, p.24). Economies of scale allows "*supermarkets* [to] *use low-priced alcohol as a loss-leader to attract more customers who then buy their groceries from the same store*" (McKee, p.16). There is divided opinion on rejecting licensing boards the power to increase the drinking age and uncertainty remains whether off-licences will be required to pay the levy (Grant, p.17-18).

Pubs are considered to maybe cause less harm than supermarkets and consequently "*members fully support the proposal to bring the regime for off-sales alcohol discounts and promotions into line with those that currently exist for the on-sales trade*" (Grahame, p.10-11). The impact of cheap supermarket alcohol is not restricted to measurements of health problems and crime statistics but by the

threat they pose to "*the viability of small shops and pubs in Scotland, where alcohol can be as much as seven times as expensive as it is in supermarkets*" (McKee, p.16). Henry (p.22) questions why pubs should pay for the problems caused by supermarkets: "*I agree with the concept of the polluter paying and with social responsibility payments. However, the mayhem on the streets is not necessarily caused by pubs and other small establishments. Many young people drink before they go out. Why should the publicans pay problems that are caused by cheap alcohol that is sold by supermarkets?*" Concern is raised over cross-border sales in southern Scotland, as small independent pubs would no longer be undercut by pubcos and supermarkets but then further undercut by English supermarkets (Lamont, p.26).

4.9.2 Vs

Villains

Sturgeon characterises young people as the most harmful drinkers, however, she urges reduced population consumption "*As the total amount of alcohol that is consumed…determines the level of problems that it suffers*" and warns "*If we focus only on young people or on antisocial behaviour, we will miss the harm that is caused – often to themselves – by people regularly exceeding weekly limits in their homes. If we focus only on the most harmful drinkers, we will miss those who are on the verge of becoming harmful drinkers*". Others share her concern, Simpson (p.12) describes the 18-24 age group as "*the largest number of hazardous drinkers*" and criticises MUP's effectiveness as this priority group can substitute for alternate

products and, according to Grant (p.18), "*illegal drugs*". Simpson (p.11) refers to Stephen House[46], claiming he reaffirms this view of "*young binge drinkers causing mayhem in the night economy and alcohol-fuelled crime*". Young peoples' tendency to 'pre-load'[47] (Henry, p.22) will cause them to "*go out drinking on fewer days of the week… they will simply not be able to afford to do otherwise*" (Watt, p.21) since products can no longer be "*priced at pocket-money levels*" (Kidd, p.22-23).

Age verifications schemes of 21 and 25 are supported by Conservatives but allowing councils to increase the age of sale to 21 at their own discretion is described as a "*postcode lottery*" which "*might well lead to a displacement of drink-related problems among the 18-21 age group*" (Fraser, p.9). Restricting young peoples' access to alcohol is questioned by Lamont (p.26) pointing out the inconsistency between allowing an 18 year old to vote, fight in armed forces, be married but barred from buying alcohol from an off-licence.

Concern over women drinking is highlighted by several speakers (Scanlon, p.18; Hugh Henry, p.22; Jackie Baillie, p.27) as recent trends indicate "*Levels of consumption were highest among women in managerial and professional households, in the highest quintile and among those living in the least deprived areas*" (Scanlon, p.18). This observation, which highlights alcohol misuse in households across the economic spectrum, is most prevalent "*among professional*

---

[46]Then Chief Constable of Strathclyde Police
[47] The practice of drinking prior to an evening of drinking

middle-aged women" (Baillie, p.27). This is inconsistent with prevailing concern for those aged 18-25.

Victims

There is support to prohibit low-cost discounts and impose MUP on the basis of preventing harm to children and families. Children 1st[48] and Barnardo's Scotland both support the Alcohol etc (Scotland) Bill's proposals and the need to make improvements in this area is emphasised due to the "*immeasurable*" extent of harm caused (Grant, p.17). Grant (p.17) proposes Scotland emulates Alko's[49] example where "*there has been a drop in consumption in the 18-24 age group. No research has been carried out into the reasons for that; the only explanation that people could offer was Alko's advertising campaign, which focussed on parents, encouraging them not to drink when their children were present and showing the impact the impact on young people of their parents' drinking*".

MUP is proposed to create victims. Matheson (p.13-14) insists MUP will penalise poor people, labelling it a poor tax affecting the disposable incomes of financially disadvantaged households. This will impact existing concerns for children in these households.

---

[48] Scotland's National Alcohol charity
[49] The Government owned Finnish alcohol monopoly

4.9.3 Coercive Isomorphism

Alcohol misuse is so diffuse that prohibiting discount alcohol is a necessary first step in long-term change: "*What is not in question is that we have to change our country's damaging relationship with alcohol. I think that there is a determination across the chamber to find the most effective policies to do so. That is why we have come forward with our policy proposals not only to change laws but to take action on what works*" (Baker, p.15). Matheson (p.13) believes the proposals of the Alcohol etc (Scotland) Bill are the "*radical measures*" necessary to affect real change. There is doubt whether legislation alone is capable of initiating "*beneficial change*" and that, in fact, a culture change "*in the way in which everyone considers alcohol and the place that it has in society*" could be more important. However, legislation is capable of assisting and MUP has an influential role to play (McKee, p.15-16).

The purpose of The Alcohol etc (Scotland) Act 2010 is to reduce the availability of cheap supermarket alcohol by outlawing promotional offers deemed unacceptably cheap, i.e. by two get one free etc, and is seen by proponents as groundwork for future implementation of a minimum unit price. There is unanimous consent to outlaw practices of deep-discounting and promotional offers. This ban is hailed as a bold step in public health policy and compared, in terms of setting a global precedent, to the "*ban on smoking in enclosed public places*" (Robison, p.30). These changes are not only supported but viewed as necessary when considering parity between on-trade and off-trade retailers: "*The bill also contains other measures that I certainly support, such as the provisions on drinks promotions that will bring*

the off-trade into line with the requirements that were placed on the on-trade under the 2005 Act" (Chisholm, p.24).

Critics of MUP favour taxation. Fraser (p.7-8) points to his Westminster counterparts who have "*signalled intent... to increase alcohol taxation and pricing to ensure that it tackles binge drinking without unfairly penalising responsible drinkers and important local industries. Coupled with that is an intent to legislate to prohibit sales of alcohol below cost price*". Since MUP is untested the Conservative party is more inclined "*to go down the tried, tested and legal route of tackling the problem through taxation*" (Fraser, p.9). In response Nicola Sturgeon criticises the ban on below cost selling for having little effect on "*problem drinks*" i.e. cider.

Several contributors criticise MUP for lack of evidence (Fraser, p.8; Simpson, p.11; Grant, p.18). Fraser (p.8) claims the Sheffield study on which MUP is based is sufficiently discredited that it may be dismissed, adding "*That study did not amount to evidence; it was simply modelling using available data*". Simpson (p.11) poses the question: "*does the Parliament believe that a single, untried and untested econometric model provides a sound basis for the main instrument to solve Scotland's drinking problem?*" He goes on, "*Although the model was peer reviewed, it was described to the Health and Sport Committee by its main author as 'like the weather forecast'*". SNP proponents of MUP claiming "*overwhelming evidence*" supports the policy are deemed "*dishonest*", "*One piece of evidence of empirical evidence has been published on minimum unit pricing, and it is from an Aboriginal community that is not served by too many supermarkets. There is no other published*

evidence on it". Simpson (p.12) compares implementing MUP without prior testing to "*when the poll tax was introduced… It is an experiment*". These criticisms are answered with encouragement for Scotland to pioneer the policy: "*The reason that there is no harder evidence is that no country has tried minimum unit pricing and rigorously assessed it. Why should we not be the first? If everyone waited until someone else had done something, nothing would be ever be done. Given that we are world leaders in alcohol problems, why should we not be the country to lead the way on minimum unit pricing?*" (McKee, p.16).

MUP revenues are judged a waste (p.15), since it only generates additional profits for supermarkets and makes no more money available for health services or policing – a difference Labour favours. MUP is the dividing line between parties. The ban on "*price discounts for alcohol products*" is a "*mighty blow against the invidious practice of loss-leading*" (Robert Brown, p.25), however, MUP is branded illegal, a problem exacerbated by a refusal to disclose an approximate value – as this way the legality could be verified (Ross Finnie, p.13). However, "*As the Law Society of Scotland pointed out in its evidence, there may be justification for the policy in terms of European law*" (Baker, p.15), an insistence which Sturgeon assures depends on the agreed price. An SRL is welcomed due an inherent compatibility with the current contents of the bill, with particular interest shown in the "*suggestion that the levy apply across the board with incentives for reaching high standards of responsible retailing. We will take that forward with stakeholders later this month and are happy to reflect on the committee's recommendation with a view to setting out in the bill more detail on the levy's principles and purpose. It has also been*

pointed out that a social responsibility levy could be used to deal with the increased revenues to, for example, supermarkets that would result from minimum pricing". The SRL is not viewed by Sturgeon as an alternative but as a complimentary and additional measure.

There is concern a SRL will penalise already responsible retailers via "*another form of taxation and that is inappropriate, particularly at a time of recession*" (Fraser, p.9) - the polluter pays principal is more appropriate as it ensures those who offend are those who pay. "*The vast majority of retailers take a keen interest in preventing irresponsible behaviour by their customers; after all, they are often integral parts of the communities that they serve. Such a levy would also threaten to undermine much of the good work that many retailers do in supporting local clubs, charities and other organisations. That is another example of where legislation imposes a blanket penalty, even for those who have a responsible relationship with alcohol – in this instance, responsible retailers*" (Lamont, p26).

MUP "*fails to tackle the richer, who consume far more. It fails to tackle the 18-24 age group, who have the greatest number of hazardous drinkers among them. It fails to tackle the night-economy drunkenness. It fails to tackle the culture of drinking. It fails to protect the poorest third from what could be punitive tax increases*" (Simpson, p.12). Simpson believes introducing a minimum price will cause the price of "*high-volume drinks*" to sit either on or just above the newly set MUP which, to his mind, will have little to no effect. As MUP will generate additional profits for supermarkets there is speculation it will enable retailers to

reduce the price of otherwise more expensive products "*in order to sell a greater volume of alcohol while maintaining revenues and profits… minimum pricing could result in an increase in overall sales of alcohol, not a reduction*" (Scanlon, p.18).

A proposal enabling licensing boards to increase the age of sale for off-trade premises within their area from 18 to 21 was rejected by the Health and Sport Committee and excluded from the bill. This is described as a "*compromise*" on a blanket increase across the board (Baillie, p.27). Henry (p.22) felt the idea was not sensible, "*Even if the legal age for off-sales was allowed to be varied between different local authorities, would it be sensible that young people could buy alcohol in Penilee, which is in Glasgow, but not in Ralston, which is in Renfrewshire? What would be the effect in places that lie on the border between two local authority areas? Those sorts of inconsistencies would arise*".

There is unanimous support for Challenge 21 and Challenge 25 schemes to be introduced in lieu of rejecting an increase in age of sale, "*We… welcome… agreement to make age verification policies such as challenge 21 and challenge 25 mandatory*" (Sturgeon, p.6-7).

Discussion on SRL had three potential outcomes, according to Grant (p.17), "*a polluter-pays levy, a blanket levy and a levy with incentives for good practice*". With no clear resolution on the best course of action disagreement over the implications of SRL ensues. Proponents feel it would have an overall positive impact (Graham, p.10; Eadie, p.19; Robison, p.27) and help recoup some of the additional MUP revenue gained by supermarkets (Chisholm, p.24). Baillie (p.27) offers support "*in*

principal" but has reservations due to lack of clarity on how it will be implemented.

Sturgeon (p.7) sympathises with a blanket levy and "*incentives for reaching high standards of responsible retailing*", she also acknowledges potential for SRL to be used in tandem with MUP. While there is support for a blanket application of SRL in principal (Eadie, p.19) Grant (p.17-18) points out if the SRL is to be used in tandem with MUP to recoup supermarket profits then smaller off-trade retailers like local off-licences and on-trade pubs, "*which would not benefit from minimum pricing, might also have to pay*". Grant states that if the laws enshrined in the Licensing (Scotland) Act 2005 were "*properly implemented*" there would be no need for a SRL.

4.10 <u>Alcohol Misuse 11</u>

The Battling Scotland's Drinking Culture debate took place on 28/09/11. The motion is: "*That the Parliament welcomes the publication of the British Medical Association's survey on the impact of alcohol on patients who had visited GP practices in Glasgow and across Scotland on one day in April 2011; is alarmed that GPs and practice nurses reported that there were more than 5,500 consultations in which it was considered that alcohol was a contributing factor to the visit; understands that this equates to an estimated more than two 11 million consultations per year, costing the NHS in excess of £42 million; believes that further action must be taken to curb Scotland's drinking culture and raise awareness of the long-term damage to health that might arise from regular heavy alcohol consumption, and would welcome the urgent development of a package of measures to address this problem*" (Scott, p.1).

The debate emphasises the importance of minimum unit pricing as an essential piece of health regulation to tackle population wide problems will alcohol misuse. Dornan (p.1) insists "*There is no silver bullet to kill off the disease that is alcohol abuse. To defeat it, we need use all the weapons at our disposal, including education, early intervention and labelling of alcoholic products. However, we would be fighting with one hand tied behind our without the introduction of minimum unit pricing on; other measures just tinker around the edge of the problem. Without it, we will continue to have the fastest-growing liver cirrhosis rates in western Europe. In addition, conditions such as chronic pancreatitis – my mispronunciation of that*

shows that it affects language as well – diabetes and heart disease are made much worse by each sip of alcohol".

4.10.1 <u>Legitimacy Challenges</u>

Legitimacy challenges emerging from the debate include claims of deviance, culture change, health, responsibility and retail. Claims of deviance themes include crime, violence, and safety; problem products; and, drink driving. Culture change include consumption trends. Health include health impacts; alcoholism; and, mental ill-health. Retail include on-trade; off-trade; advertising; and, price.

<u>Health</u>

There is significant focus on the detrimental effect alcohol has on health, signifying a shift in debate where previous concerns about antisocial behaviour and public disorder take a back seat to health impact. There is little consensus over the suitability of MUP to improve Scotland's health profile ("*The World Health Organization suggests that Scotland has the eighth-highest alcohol consumption in the world*" (MacDonald, p.11)), many believe it is an essential policy and others believe it too simplistic.

Dornan (p.1-2) deploys a mixed-metaphor comparing alcohol abuse to a mythological affliction (lycanthropy or vampirism, he is not specific) without an appropriate remedy and therefore requiring an arsenal of weaponry to overcome it: "*There is no silver bullet to kill off the disease that is alcohol abuse. To defeat it, we need to use all the weapons at our disposal, including education, early intervention and labelling of alcoholic products. However, we would be fighting with one hand*

tied behind our back without the introduction of minimum pricing; other measures just tinker around the edge of the problem". He predicts that, without introducing a minimum price, "*we will continue to have the fastest-growing liver cirrhosis rates in western Europe. In addition, conditions such as chronic pancreatitis...diabetes and heart disease are made much worse by each sip of alcohol*" (Dornan, p.1-2). Despite the confused imagery, the emphasis on how severe a health problem Dornan believes alcohol to be and the necessary role MUP will play is combatting it is communicated.

MUP is intended as a blanket policy to help the entire population including those most affected, "*We do not need to be a raging drunk to suffer from the effects of alcohol. Regular imbibing can do it for us just as well. Sometimes we are so caught up in the headline killers associated with alcohol that we forget that there are other dangers out there, such as the mental effects of drinking too much. I am sure that I am not alone in the chamber in having lost friends I grew up with to liver failure, heart disease and many other of Scotland's killers that are all alcohol related. Many of those people were lost at a disturbingly young age. I have also seen childhood friends grow from being the life and soul of the party to being insecure loners because of their love affair with the bottle*". Dornan points to professor Stockwell's research in British Columbia as evidence of the population level impact of MUP, where "*a 10 per cent increase in the minimum price of alcohol resulted in a 3.4 per cent reduction in the consumption of alcohol*". He urges his peers to "*think of the gains that such a move could bring to Scotland: a drop in hospital admissions, a reduction in liver disease, a reduction in alcohol-related crime and huge social*

benefits for our hard-hit communities. Let us remember that, although alcohol abuse knows no boundaries and can affect anyone in any social class, most of its victims are from less well-off areas. We do them a huge disservice if we refuse to accept scientific evidence for some specious political reason" (Dornan, p.2). The emphasis on alcohol misuse as a health problem is supported by McLeod and McArthur, with McLeod (p.4) insisting her peers "*must admit that Scotland is drinking itself to death*". McArthur (p.5) is particularly interested in issues of mental ill-health, referencing his experiences with OACAS[50] and counselling services provided to "*schools in Orkney has demonstrated the extent of the problem that is faced by depression, bullying, stress and anger manifesting themselves in alcohol abuse*". This point is later expanded upon by McArthur (p.5) who predicts "*much of the debate over the next few months will inevitably focus on price issues, we should not lose sight of the fact that the interventions that we can make through early detection of depression, stress, bullying, anger, relationship breakdown and so on need to be the focus of our attention*". The SRL, when imposed, "*is expected to help raise between £30 million and £40 million per annum to help deal with the problems of alcoholism*" (MacDonald, p.11).

Retail

The comparative low-cost of the off-trade is a central problem. MacDonald (p.11), when referring to a statement made by Colin Valentine of CAMRA, addresses this directly: "*We need to level the playing field between pub prices and supermarket*

---

[50] Orkney Alcohol Counselling and Advice Services

prices, in order to encourage people to drink alcohol in the sociable and regulated environment of the pub, rather than at home". Valentine has partially blamed supermarkets for the fact that "*alcohol is nearly 70 per cent more affordable now than it was in 1980 and that, in the period since then, alcohol consumption in the United Kingdom as a whole has risen by 21 per cent, and has doubled since 1960*" by "*peddling cheap booze at insanely low prices*" (MacDonald, p.11). With consideration to on-trade premises, Harvie (p.7) draws attention to the marginalisation of smaller businesses in favour of pubcos and other larger organisations with the capacity to discount alcohol via economies of scale. The practice of discounting is viewed as prioritising volume sales over quality of service and an inability to observe the responsibility accompanying a licence to sell alcohol. The off-trade too is dominated by larger organisations pushing smaller organisations to the margins: "*Supermarkets have moved into the mass-alcohol sales market and made it their own. The supermarket chains have often used alcohol as a loss-leader, and they have driven many of the specialist off-sales and licensed grocers out of business through selling crates of booze so cheap that even bottled water fails to compete with them*" (Kidd, p.8). The problem of price is evidenced via "*a study by Dr Jonathan Chick and others at the Royal Edinburgh hospital that showed that the lower a price a patient who was a harmful drinker paid per unit, the more units they consumed*" the problem of low cost alcohol is believed to be, regarding the UK, uniquely Scottish (Chisholm, p.6 & 7). However, the price of alcohol throughout the UK is similar but Scottish consumption is "*25 per cent higher*" (Dugdale, p.9).

<u>Culture Change</u>

Need for change in drinking culture is emphasised throughout and included in the motion, "*The Parliament… believes that further action must be taken to curb Scotland's drinking culture and raise awareness of the long-term damage to health that might arise from regular heavy alcohol consumption, and would welcome the urgent development of a package of measures to address this problem*" (Scott, p.1). Dornan (p.2) asserts Scotland has a "*drink problem*" and the extent of the problem is such that Stockwell, who "*has been researching alcohol misuse problems for most of his academic career*", "*was surprised and shocked not just by the sheer volume of alcohol consumption but by the pattern of drinking that has become culturally acceptable here*". It is argued that "*Cheap alcohol affects the culture*" and that in order to "*change the culture, we must do something about price*" (Chisholm, p.7). There is doubt that MUP is enough to "*drive a major cultural change in Scotland's attitude to alcohol*" as it would do little to increase the price of wine (a potential problem product): "*Under the SNP's proposal, the minimum price for a bottle of wine would be around £4.50, which is still three times cheaper than a trip to the cinema, with popcorn included*" (Dugdale, p.10). Harvie (p.7) proposes that any changes should aspire "*not to curb our drinking culture but to change it – to try to achieve a better, healthier and more positive drinking culture that is safer, calmer and worth celebrating*".

There has been a "*noticeable and recorded shift from pub drinking to even cheaper private drinking at home. The domestic abuse figures shamefully mirror that*" (Kidd,

p.8) and this is driven by price. It has resulted in an increasing amount of drinking in an unsupervised and unregulated space. A problem which Colin Valentine of CAMRA[51] believes politicians must take steps to "*level the playing field between pub prices and supermarket prices, in order to encourage people to drink alcohol in the sociable and regulated environment of the pub, rather than at home*" (MacDonald, p.11). Simpson (p.4) insists the "argument is about culture" and the problem cannot be solved by increasing price, drawing upon international examples: "*We have not answered the question on why the clear and undisputed increase in consumption that followed reduction in price in Finland was not mirrored by a proportionate decrease in consumption when the price increased again. We do not know why there has been a decrease in consumption in France from a level that was equal to the current Scottish level to a level that is half the current Scottish level, although the price of alcohol in France has not gone up. There are issues to do with price that make the matter much more complicated than is suggested by the simplistic approach that has been adopted*".

Claims of Deviance

The daily cost of alcohol is estimated, in "*terms of health, and crime and violence*", at "*£97.5 million*". Twenty three people will "*commit a driving offence*" and 450 individuals will be "*victims of violent crime perceiving that their assailant is under the influence of alcohol*" (Dornan, p.2). Dornan (p.2) emphasises MUP could help lower rates of crime and liver disease: "*Just think of the gains such a move could*

---

[51] Campaign for Real Ale

bring to Scotland: a drop in hospital admissions, a reduction in liver disease, a reduction in alcohol-related crime and huge social benefits for our hard hit communities". Chisholm (p.6) relates an anecdote to '"*remember the association between violence and alcohol. I recently visited the Scottish violence reduction unit and asked the experts there, whom I greatly admire, what percentage of violent crimes were associated with alcohol. With a straight face, the wonderful Karyn McCluskey said, "All violent crimes." I feel that must be a slight exaggeration, but the point stands*". The upcoming Alcohol (Scotland) etc Act 2010 forbids retailers from a number of practices discounting alcohol, which problematizes any alcohol cheaply available it is both wine and cider which are singled out by Dugdale and Dornan respectively.

Responsibility

The debate refers to three types of responsibility, that of government, of individuals, and of businesses in small communities. Matheson (p.12) states "*We have a responsibility to take effective measures to address the problems that alcohol causes our society. I will touch on some of those that we have taken that are having an impact. We have made significant investment in alcohol brief interventions, which are about changing people's behaviour and improving individuals' health at grass roots level. They are a great example of a preventative approach that works effectively and has a robust evidence base*". The focus on improving individuals' health is echoed by Kidd (p.8), "*Patrick Harvie was quite right to say that it is not about excessive alcohol consumption alone; rather, it is about how we encourage*

responsible drinking. Drink will not disappear from our society, so we have to think about how to encourage responsible drinking". These two perspectives on responsibility are aligned via an acceptance that government must try to reduce harm from alcohol misuse whilst enabling and entrusting individuals' to make responsible decisions regarding their own intake. Harvie laments the decline and supplanting of local pubs with pubco pubs (e.g. Weatherspoons & Mitchell and Butlers etc) and feels government carries some responsibility: "*Something that was worth having and which we have destroyed are the links and the responsibility that local community pubs have to the people they serve. Locally owned, independent pubs have lower staff turnover and more connection with the people they serve. Some of the manufacturers that make their profits from quality instead of volume sales are struggling compared with the Diageos, the Wetherspoons and the vertical drinking establishments in our cities. Companies that should be worth celebrating are struggling – they have been marginalised*".

4.10.2 V's

Victims

There is no victim identification in a typical sense, i.e. 'vulnerable' groups/individuals like children, but due to viewing alcohol as a health problem there is little need to. Health concerns affect everyone and the traditional moral panic requirement of tragic victim to escalate concern is substituted for worry of 'it could be you or someone you love'. When the best strategy to avoid alcohol related illness is abstinence it is reasonable to advocate regulation which reduces

consumption. If consumption reduces so will cirrhosis, resistance hinges on the phenomenon being more complicated that simple laws of supply and demand.

Smaller businesses are portrayed as victims of larger companies, both on and off-trade. Supermarkets dominate the off-sales and large pub chains likewise the on-trade. This depiction is communicated in a mournful manner, where in fact these smaller businesses are better servants of the communities they reside in, they are in fact part of it; more authentic, innately more responsible, and more than just financially invested: "*Something that was worth having and which we have destroyed are the links and the responsibility that local community pubs have to the people they serve. Locally owned, independent pubs have lower staff turnover and more connection with the people they serve. Some of the manufacturers that make their profits from quality instead of volume sales are struggling compared with the Diageos, the Wetherspoons and the vertical drinking establishments in our cities. Companies that should be worth celebrating are struggling – they have been marginalised*". These are the very same companies who in earlier debates are judged guilty of many sins: willing provisioning; unwitting provisioning; running irresponsibly cheap promotions; and over-provisioning (over-provisioning is linked to violence, antisocial behaviour, public indecency and many other things). These on-trade premises were the first targeted by new licencing laws and Harvie's statement is made without a hint of irony.

Villains

The villains are typical for this debate. Young people, alongside what are referred to as "*high-risk drinkers*", are identified as "*most responsive to pricing strategies*", the individuals for whom MUP is intended (Fiona McLeod, p.4). It is pointed out by Michael Matheson, "*At least 50 per cent of men and almost 40 per cent of women are regularly exceeding the sensible drinking guidelines*". This offers a population wide perspective on adult drinking habits where male habits are more problematic.

The previous sections content regarding small businesses as victims places larger firms as villains. This is an outcome of loss-leader tactics via increased economies of scale and isomorphic processes demanding unfulfillable homogenisation pressures with respect to both off-trade and on-trade retailing practices and consumer expectation. The significant factor is the strategic opportunism and lack of institutional memory on the official rationales for previous legislative changes.

Vexes

Binge drinking features but is adequately covered in the legitimacy challenges section. It is a key issue as some MPs do not support MUP on the grounds of ineffectiveness to reduce binge drinking and the unnecessary impact on the majority of individuals who, according to earlier debates and the prevailing government narrative, who drink 'responsibly'.

Problem products feature but without real specificity. The problematic element is the alcohol content relevant to the price, i.e. low cost high alcohol products, wine and cider are mentioned by Dugdale and Dornan.

4.10.3 <u>Coercive Isomorphism</u>

MUP is the focus of the debate, with MSPs providing their arguments for and against what will be a radical change. Proponents infer the new Act will only be impactful if MUP is put into effect. The new legislation includes many measures covered in previous debates regarding the availability of cheap alcohol from off-trade retailers: "*Since the mid-1990s, the affordability of alcohol has increased in leaps and bounds to the ludicrous stage now where, in some circumstances, cheap, powerful cider can be bought for less than the price of water. How can that be right and how is that good for society? That is why I welcome the Government's Alcohol etc (Scotland) Act 2010, which comes into force this week. There are a lot of useful measures in it, such as banning quantity discounts on off-sales purchases and banning the supply of an alcoholic drink free or at a reduced price when purchasing another drink. The measures will help to make alcohol more acceptably priced. However, for us to have maximum impact, we need minimum pricin*g" (Dornan, p.2). For Dornan it voting for MUP is a moral obligation to improve Scottish peoples' health and combat what is viewed as a negative aspect of national culture.

MUP is not just viewed as a means of moral improvement – something desirable to most persons - but necessary to prevent harm caused by affordable alcohol: '"*Figures from the Office for National Statistics indicate that alcohol is nearly 70 per cent more affordable now than it was in 1980 and that, in the period since then, alcohol consumption in the United Kingdom as a whole has risen by 21 per cent, and has doubled since 1960… Colin Valentine, stated during last session's discussions on minimum pricing—that supermarkets are "peddling cheap booze at insanely low*

prices"…. The Scottish Government wants to tackle the problem of supermarkets

that sell alcohol purely as a loss leader in the hope that customers will purchase

other goods when they are in the store" (McDonald, p.11). The origin of the trend is

traced to "*the mid-1990s*" and Dornan (p.2) urges his fellows to "*seize the day and*

agree to support minimum pricing when it comes to the chamber, and let us make

our country proud".

McLeod (p.3) chides Simpson, a most vocal opponent of MUP, that "*he… missed a*

fantastic briefing last night…. hosted by Malcolm Chisholm and Willie Rennie, in

which Professor Tim Stockwell showed us the evidence on minimum pricing over 20

years in Canada", she urges her fellows "*to turn to the evidence that minimum*

pricing is the answer… it has had a phenomenal result. Meta-analysis shows that

those are the facts. A Gallup poll in 2007 found that if there was a 10 per cent rise in

the price of alcohol, there would be a 5 per cent drop in consumption an-d the harm

caused by alcohol". She draws attention to findings that "*young people and high-*

risk drinkers are most responsive to pricing strategies" (McLeod, p.4) as an

additional motivating factor for supporting MUP states: "*we should never doubt for*

a moment the scientific evidence that raising the price of alcohol leads to a fall in

consumption and harm. Let us stop the dialogue of death and the refusal to accept

the evidence and, when we next meet to vote on minimum pricing in the Parliament,

let us ensure that the vote is unanimous in order to tackle Scotland's health

problems". Kidd (p.8) offers support for MUP based on international evidence,

"*Many studies on the issue, from Sheffield to Canada, have referred to a formula*

that demonstrates that an increase in price equates to a decrease in alcohol

251

consumption". According to Dornan (p.2), Professor Stockwell's research on minimum pricing provides international which subverts the arguments of opponents who have contested the effectiveness on MUP based on a lack of such evidence: "*If we accept that world-renowned expert's findings, surely we can accept that his research shows that a similar action will result in a similar drop in consumption here in Scotland. Just think of the gains that such a move could bring to Scotland: a drop in hospital admissions, a reduction in liver disease, a reduction in alcohol-related crime and huge social benefits for our hard-hit communities. Let us remember that, although alcohol abuse knows no boundaries and can affect anyone in any social class, most of its victims are from less well-off areas. We do them a huge disservice if we refuse to accept scientific evidence for some specious political reason*". The extent of Scotland's "*serious problems with alcohol abuse*" is judged to require a "*jigsaw*" of measures but MUP "*is the necessary glue to hold the pieces of the jigsaw together*" (Chisholm, p. 6).

Simpson criticises the statistic used for the motion of the debate as they are not indicative of the entire population whilst the motion implies it is: "*When the BMA originally published the statistic, it acknowledged that it was based on 3 per cent of practices and should be treated with caution. I agree; a study that is based on 127 consultations across the whole country should be treated with considerable caution. However, the motion throws caution to the four winds. Nigel Hawkes, of Straight Statistics, who I think has e-mailed most members, accused the BMA of abusing statistics to create a moral panic to justify a minimum unit price. He went on to say that the trends are in the right direction, which confounds the Sheffield modelling*".

He then asserts that the system in place in Canada is not the same as is proposed in Scotland, "*The Health and Sport Committee in the previous session of the Parliament took evidence from a number of people in Canada, where there is an absolute Government monopoly. I do not think that even this Government is proposing that there should be a Government monopoly on sales. In addition, social responsibility pricing, which is what happens in Canada, is not identical to minimum unit pricing*" (Simpson, p.4).

Simpson insists that to reduce the problem to something that could be fixed by one policy is oversimplifying the problem and refusing to take account of specific national cultures. He does this by utilising France as an example: "*The argument is about culture—James Dornan's motion is correct in that regard. We have not answered the question on why the clear and undisputed increase in consumption that followed reduction in price in Finland was not mirrored by a proportionate decrease in consumption when the price increased again. We do not know why there has been a decrease in consumption in France from a level that was equal to the current Scottish level to a level that is half the current Scottish level, although the price of alcohol in France has not gone up. There are issues to do with price that make the matter much more complicated than is suggested by the simplistic approach that has been adopted*". Chisholm (p.6) accepts the distinction drawn by Richard Simpson that Canada and Scotland different, primarily via a government monopoly on alcohol sales, but feels policies such as a much larger minimum price increase on strong beers compared to light beers leading to "*an astonishing 52 per*

cent reduction in the consumption of strong beers in Saskatchewan" only "*reinforces*

the general point rather than weakening it".

Smith (p.8) draws attention to the potential effectiveness of the social responsibility

levy (SRL) which would enable government "*to take money back and use it for a*

positive purpose rather than simply giving extra money to big supermarkets

shareholders". He claims when applied to "*supermarkets with a rateable value*

higher than £300,000" it is "*expected to raise between £30 million and £40 million*

per annum to help deal with the problems of alcoholism".

4.11 <u>Alcohol (Minimum Pricing)</u>

The debate on minimum unit pricing took place on 24/05/12 ending with the passing of the bill. The purpose of the bill is to "*kick-start a change in our alcohol culture by addressing a fundamental part of that culture: the availability of high-strength, low cost alcohol. During the passage of this bill and the previous bill, the Parliament has come to accept that a pricing intervention is part of the solution; it is not the whole solution, but it is part of the solution. The Liberal Democrats and the Conservatives have reflected on their previous positions and they are now supportive of minimum pricing being that intervention and are, at the very least, prepared to give the policy a chance. I should mention the Greens, who have, of course, supported the policy not only in this session of Parliament but in the previous session*" (Sturgeon, p.2).

4.11.1 <u>Legitimacy Challenges</u>

<u>Retail</u>

Discussion on retailing alcohol pertains to the benefits of MUP, estimated at £125 million (Baillie, p.5), for supermarkets. Baillie (p.6) describes this as "*stuffing the supermarkets' pockets with gold when budgets across the public sector are being cut*". White (p.9) highlights that pubs and clubs may shoulder a disproportionate amount of blame for ills associated with alcohol misuse, which "*is mainly the result of so-called pre-loading of cheap alcohol… bought in supermarkets*". White references "*Paul Waterson of the Scottish Licensed Trade Association*" who states "*we need minimum pricing because there is no control over the drinking of people*

who buy alcohol from supermarkets at knock-down prices". To Waterson, pubs and clubs provide a "*controlled environment*" whereas drinking at home is uncontrolled. White alludes to problems caused by drunken individuals in pub as exacerbated by those "*who* [go] *out after getting tanked up on cheap supermarket booze*" and then "*pubs and clubs… have to deal with them*". Sandra White and Nicola Sturgeon refer to "*struggling*" pubs in lieu of supermarket economies of scale allowing them to undercut prices. White (p.9) sees MUP as "*restoring the balance*" which has "*shifted too far*", communities have suffered by the closure of "*Local pubs that were once social meeting places for many people*". Earlier in the debate, White (p.9) draws attention to her role as MP for Glasgow Kelvin, "*an area that has the greatest concentration in Glasgow – possibly in Scotland – of pubs, clubs, theatres and entertainment venues, which stretch from Byres Road in the west to Sauchiehall Street and the merchant city in the city centre. The area is the hub of Glasgow's night life, where thriving businesses attract thousands of visitors – tourists and locals alike – at the weekend. They are what makes Glasgow famous and so vibrant*".

Health

MUP is framed as an important health intervention: "*Tackling alcohol misuse is one of the most important public health challenges…we face in Scotland. The Parliament has the opportunity today to take a significant step towards reducing alcohol-related harm. I sincerely hope… members of all parties will support the bill and create an historic moment for the public health of Scotland's people*" (Sturgeon,

p.4). Several measures to tackle specific problems are discussed but reducing

consumption across the population is desirable, "*The more that people drink, the*

greater the risk of health and social problems" which in turn affects "*health care*

services… the criminal justice system and… our wider economy" (Gibson, p.11). Lyle

(p.13) insists "*Studies have shown that the best way of tackling the problem is by*

introducing a minimum price for alcohol. Alcohol is a serious national health

problem that must be tackled because it has a significant impact on the health of

our nation". Predicted outcomes of MUP are not limited to "*health and social*

benefits" but also "*significant savings for the health service*" (Lyle, p.13). The

benefits are estimated at "*60 fewer deaths in the first year, 1,200 fewer alcohol-*

related illnesses in the first year and 1,600 fewer hospital admissions in the first

year. It is also estimated that there will be around 3,500 fewer crimes per year. Over

10 years, we expect 300 fewer deaths per year and nearly 4,000 fewer illnesses and

6,500 fewer hospital admissions" (Sturgeon, p.4). Several of these statistics are

repeated by Doris (p.8), who goes on to state that young people will be less affected

compared to the rest of the population as "*it will not cut the frequency of binge*

drinking, but binge drinkers will drink significantly less during such episodes.

Therefore, minimum unit price will bring benefits across the board". Lyle (p.13)

emphasises the health concerns associated with current consumption levels:

"*Alcohol is connected with more than 60 types of disease as well as… disability and*

injury… Scotland has one of the highest cirrhosis mortality rates in western Europe

and is currently ranked eighth in the world for alcohol consumption per head of

population. Alcohol is a contributory factor in a wide range of health and social

problems, including accidental injury, violence and mental ill-health. Scotland has

one of the highest rates of liver disease in the world and the figure continues to rise

at an alarming rate". Despite the bleak tone regarding Scotland's health profile,

"*the latest figures on alcohol-related admissions to hospitals show a fall for the*

second year in a row" but this positivity is quickly stifled as "*we recognise that this is*

only one of many measurements of success in the future, and action still needs to be

taken to combat the problems that alcohol causes in our communities" (Pearson,

p.10). The £125 million generated by MUP, predicted by the Sheffield model, is

valuable funding, some believe better allocated to helping those suffering from

alcohol related illnesses than supermarket profit. Baillie (p.5) comments that an SNP

decision to reduce "*the alcohol treatment budget by 7 per cent – more than £3*

million – handing that money to supermarkets is, frankly, astonishing".

Gibson (p.11) describes the purpose of the bill as "*really about saving lives, saving*

people from illness, saving families from domestic breakup, and saving people from

losing their jobs". He believes once the bill has passed and taken effect none will

question its legitimacy and that "*Many years from now, it will be like the Smoking,*

Health and Social Care (Scotland) Act 2005"[52].

<u>Claims of Deviance</u>

There is fear MUP won't reduce incidents of street violence: "*On the issue of*

efficacy, there is little impact on young people or on binge drinking and there is no

impact on caffeinated alcohol products such as Buckfast, which we know causes

---

[52] Otherwise known as the Smoking Ban

wired, wide-awake drunks who engage in a disproportionate level of violence on our streets" (Baillie, p.5). It is predicted that young binge drinkers, an identified population of concern, will be the least affected by MUP, "*With a price of 45p, 18 to 24-year-olds will drink half a pint less a week on average*" (Simpson, p.18). However, Doris (p.8) is more positive about reduced sessional consumption, "*it has been said that minimum pricing will not cut the frequency of binge drinking, but binge drinkers will drink significantly less during such episodes… minimum pricing will bring health benefits across the board*". Despite shades of disagreement there is consensus over the need to reduce volume consumed during sessions yet Jackie Baillie (p.4) does not agree this is addressed by increasing price: "*North and south of the border, the price is the same, yet we drink 25 per cent more than people in England, so there is clearly an underlying problem, which is currently unaffected by price and is perhaps more to do with culture*".

There is concern MUP will not affect products associated with violence (i.e. caffeinated alcohol, e.g. Buckfast), additional methods including "*legislation to deal with caffeinated alcohol*" are deemed "*worthy of proper consideration*" with support for proposals including "*limiting… caffeinated alcoholic drinks*" (Alison Johnstone, p.14). Jackie Baillie (p.5) drawing upon anecdotal evidence, implies problematizing cider is misdirected and that the bulk of Scotland's problems stem from wine: "*I heard a telling comment from an Edinburgh wine merchant who told a middle-class audience that they should all support minimum unit pricing because it would not affect them – 'We drink wine, not cider', he said. However, the greatest growth in the number of people abusing alcohol involves middle-aged, middle-*

income women. Indeed, the rise in consumption in Scotland since 1994 is wholly explained by wine, while the consumption of beer and spirits has declined in that period". Baillie believes MUP will have only a "*marginal impact*" on the price of wine and will do little to affect the rate of consumption. Simpson (p.17) supports isolating wine as a problem product unaffected by MUP and hints at MUP functioning as a tax on poor households: "*We are against the bill for a variety of reasons. Richer households are more likely to buy alcohol, and they are more likely to buy more alcohol than poorer households. They buy more expensive alcohol. For example, the wealthiest currently spend 50 per cent more per unit on cider than those in poorer households. Cider is one of the contentious issues. Moreover, there is a difference in the types of alcohol that people buy. For the lowest income group, 40 per cent is spent on spirits and 28 per cent is spent on wine. For the richest income group, 16 per cent is spent on spirits and 52 per cent is spent on wine. The biggest increase is in wine, and the richest people will not be affected. There will barely be any effect*". In summary, "*the rich drink more and pay more. They drink more wine and will barely be affected by minimum unit pricing*" (Simpson, p.18).

Culture Change

Changing 'drinking culture' is deemed in Scotland's best interest, especially under health grounds but also "*social problems… accidental injury, violence and mental ill-health*" (Lyle, p.13). Binge drinking is believed an integral part of Scottish drinking culture (and is used as an argument against the effectiveness of MUP) as England shares similar price points but consumes less (Baillie, p.4). Sturgeon (p.3) insists

"*minimum pricing and other measures, such as the approach to quantity discounts and irresponsible promotion of alcohol, that wider package will help create the cultural shift that is required to change our relationship with alcohol*". Supporters of the MUP bill desire improvements in the national health profile by changing attitudes to alcohol and believe this possible via legislation.

Responsibility

Notions of responsibility, personal and corporate, are mentioned briefly by two speakers. Individuals are deemed to carry diminished responsibility "*for what they drink, because their choices are made within a wider cultural setting that is heavily influenced by the nature of the drinks industry, its marketing message and the way in which it runs and supplies pubs and clubs*" (Johnstone, p.14). Although Johnstone points to the influence manufacturers, advertisers and retailers have over consumers and how this alleviates responsibility for their actions, Simpson (p.18) points to MUP as a policy that rewards the irresponsibility of retailers instead of, as mentioned by Jackie Baillie, instead of allocating the funds to treatment and health services: "*Every year, more and more goes straight to the alcohol retailers. It does not go the hard-pressed national health service or the police, and it does not go to treatment; it goes straight to the retailers who behaved irresponsibly in the first place… minimum unit pricing 'is a deal not worth doing' because of that*".

4.11.2 V's

In this debate there are fewer attempts to isolate, problematize and create villains. This is likely a bi-product of MUP as a population-wide consumption reduction tactic. Of the groups featuring in previous debates children, young people, and women appear in MUP discussions.

Victims

There is concern over alcohol advertising and marketing normalising alcohol among children, specific products are not identified but "*banning alcoholic drinks advertising in public places*" is recommended (Johnstone, p.14). It is a worthy note that MUP is described as a 'poor tax' since those with the lowest disposable income are those worst affected. However, it can be observed, whilst not articulated by any contributors, that areas of deepest social and economic poverty are most negatively affected by alcohol misuse.

Villains

Young people and women feature as the most prominent villains. Labour opposition to the SNP bill insists MUP is not precise enough to deal with primary problem areas, namely young people and their alcohol of choice and instead will unnecessarily impact the population at large for the actions of a minority: Perhaps young binge drinkers are the publics' and doctors' greatest concern… they are least affected of all the groups by minimum unit pricing. With a price of 45p, 18-24-year olds will drink half a pint less a week on average" (Simpson, p.18). Since MUP most affects cheap products with a high alcohol volume, young binge drinkers and other

harmful drinkers are predicted by Lyle (p.13) to be most affected. McLeod (p.15) shares this view: "*the groups whose consumption is most responsive to a rise in the price of alcohol are young people and high-risk drinkers*".

In a strange shift away from characterising young binge drinkers exemplifying the worst of Scotland's drinking behaviours in recent history, Baillie (p.5) shares an anecdote about an Edinburgh wine merchant: "*the greatest growth in the number of people abusing alcohol involves middle-aged, middle-income women. Indeed, the rise in consumption in Scotland since 1994 is wholly explained by wine, while the consumption of beer and spirits has declined in that period*". This statement infers middle-class, middle-aged, middle income women drinking wine are mainly responsible for any increase in alcohol consumption in Scotland since 1994.

Vexes

Binge drinking features but the most significant development is the aberrant presence of wine as a sudden and emergent problem. This perspective is at odds with earlier years pining to emulate Mediterranean drinking practices and attitudes. Buckfast is viewed as an ostensible catalyst to violence by those who may otherwise not be so: "*there is no impact of caffeinated alcohol products such as Buckfast, which we know causes wired, wide-awake drunks who engage in a disproportionate level of violence on our streets*" (Baillie, p.5). There is room to incorporate a sense of personal responsibility when asserting specific alcohol products make individuals violent.

4.11.3 Coercive Isomorphism

MUP is the central issue of the debate but Gibson (p.11) emphasises the policy as part of a "*larger framework for action*" comprised of "*40 measures in addition to minimum pricing*". He states "*Minimum pricing for our party has never been the sole way forward – we can do so many other things for the people of Scotland in this area and we are doing them. However, minimum pricing is a keystone – it is fundamental to the bill. Many years from now, it will be like the Smoking, Health and Social Care (Scotland) Act 2005. The Conservatives opposed it at the time, but I believe that they realise on reflection that perhaps they should not have opposed it*". This larger framework for action includes more than regulation but also "*education, diversionary activity, support for families and preventative measures, such as brief alcohol interventions*" enabled by "*record investment of £196 million to tackle alcohol misuse since 2008*". This investment in treatment, prevention and ancillary services, the imposition of a minimum price, and a tougher "*approach to quantity discounts and irresponsible promotion of alcohol*" will catalyse the necessary change for Scotland (Sturgeon, p.3).

Despite emphasis as a keystone in this wider package of measures, there are those who feel opportunities were missed to make further changes. Pearson (p.10) challenges Sturgeon to consider additional measures and alternatives which could be used in conjunction with MUP: "*Does the cabinet secretary not think that all, or some of, alcohol arrest referral, banning orders, bottle-tagging, alcohol drug treatment and testing orders, and alcohol fine diversions could play in addressing the problems in the future? Surely she does not think that minimum pricing is the*

magic bullet? More has to be done and we are keen to play a role in that. I trust that the Government will rethink its position". The absence of additional legislation to pertaining to troublesome products, "*caffeinated alcohol*" i.e. Buckfast, is lamented (Johnstone, p.14). Johnstone is also "*disappointed… we did not manage to have the SNP and Labour… work together on the windfall to large retailers and other issues. Such legislative opportunities are rare and it is important that we use our windows of opportunity in that regard to the best of our ability*".

The main rationale behind MUP[53] is to lower consumption across the population, all ages and demographics, by making alcohol more expensive. Sturgeon (p.2) urges attendants to vote in unanimous support as this communicates "*a very strong signal to Scotland as a whole that we are serious about tackling the levels of alcohol misuse that this country suffers from*". Sturgeon (p.3), in response to those in favour of equivalent increases in excise duty, poses the question, "*if using excise duty is the better way to proceed, why has the UK Government, which has excise duty powers, also opted for minimum pricing[54]? The answer is that the UK Government has come to the same conclusion as we came to, which is that minimum pricing is a more effective way of targeting the cheap, high-strength alcohol that is causing so much damage in our society*". Those who challenge MUP's legality by way of violating EU free-trade laws are told that it is "*justified on the basis of public health and social grounds*" (Sturgeon, p.3) and those who challenge MUP's effectiveness are

---

[53] 50p according to Sturgeon (p.4)
[54] The UK Government has decided against the use of MUP, opting instead for a ban on the sale of alcohol below cost price, which came into effect on 28th May 2014

reminded of an included sunset clause whereby "*in the event that the policy demonstrably does not have the effect that is claimed for it, the legislation will fall*" (Carlaw, p.10). Rennie (p.12) mentions his interactions with social media on the merits of MUP entice negative responses and this is seen as an indicator of effectiveness: "*People out there will be angry about the measure, but if they are not angry, that is because we are not having an effect. For measures to be effective in reducing alcohol abuse, some people will have to feel them. That is why it is important that we move ahead with the bill. We have to be prepared for the backlash that I am sure will come*". MUP is hailed by proponents as landmark legislation soon to be adopted by other nations throughout the world who wish to reduce rates of alcohol related illnesses. The main criticisms problematize supermarkets as the financial beneficiaries and insist access to particularly troublesome products is not addressed.

5 Discussion

5.1 Isomorphic Moral Regulation (IMR)

Isomorphic moral regulation (IMR) derives from problems of consequential and procedural moral legitimacies. Harmful outcomes, i.e. an economic, social or health cost, from individual, group or organisational activity leads to causal consequential delegitimization of actors and the activity. Those most sensitive to delegitimization are most often proximate institutional stakeholders, as they are affected by the harmful outcomes. These institutional stakeholders may have conflicting interests due to divergent or contrasting purposes, i.e. alcohol fuelled pub violence requiring police intervention or other emergency services. This leads to scrutiny and this can result is further delegitimising via questionable procedural practices, i.e. the pub in question was selling half price vodka drinks for the four hours prior to the altercation. A compelling argument can be made, if sufficient harm is caused, for a re-evaluation of how organisations (i.e. alcohol retailers) should be operating. The moral dimension of legitimacy considers questions of 'how things should be', and institutional activity resulting in harmful outcomes cannot reconcile with this aspect of institutional rationalisation processes. The harm caused is not restricted to one pub, licensed premises or postcode: the potential for harm exists wherever alcohol is sold. New processes to minimise/prevent harm will attempt to address the consequential and procedural problems by introducing new regulations (further rationalising and complicating the institutional environment) to ensure operators adhere to approved rules. These regulations are implemented at an institutional

level resulting in a homogenising process guided by consequential and procedural legitimacy problems. The institutional moral regulation process covers how the compelling argument is made. This is how certain behaviours, previously overlooked or had a 'blind-eye' turned to them, are morally problematised, support is gathered via constructed (false) narratives, and, if successful, regulated for.

A problem emerges (sometimes an old problem in modern clothes) on the fringes of public concern, known but not universally acknowledged, as concerning to all of society. This problem is then communicated, persistent promulgation moves the problem from the fringes of public concern to mainstream consideration. Television news, radio, newspapers and social media push the subject matter into public consciousness. This incorporates many claims-makers asserting their experience on the nature of the problem, including individuals, pressure groups, NGOs, academics, and others. These claims cover a range of issues pertinent to the problem and are not always consistent. Leading to reasonable questioning about the accuracy and validity of certain claims, especially when challenging established norms. Mass media can play a role in the discrediting of certain claims-makers as part of the evolving narrative on the problem. Communications and claims form the story of the problem. The story is like an anthology, it is the remaining codex of perceived credible understanding. The problem will be acknowledged by many parts of society, even if it does not affect their lived experience. Threat assessment represents official investigations of the story by regulators, government, and experts on the need for intervention. This requires the story, the codex, those claims and communications not already discredited to be examined. Assessment

examines to what the extent the problem is real, establish what harm it has caused, who, if anyone, is at fault for the problem, what future harm could be caused, and what action is necessary to prevent and/or mitigate future occurrences. The success of moral panic during the communication stage can affect evaluations of what is a proportionate regulatory intervention. The final stage is outcomes. Two outcomes encompass a broad range of effects. The problem is deemed significant enough to require regulatory action. This action will be in response to an examination of the established story. This means any new regulation objectively disproportionate to the problem will be a result of two failures. First, a failure of mass media to objectively evaluate the threat posed by the problem when first highlighted and discussed in detail during the communication stage. Second, of regulators, government, and experts during threat assessment to objectively investigate the established story after passing the communication stage. No action requires the problem be judged of insufficient level to require regulatory intervention. The problem, now perhaps a mere concern, is not discarded. It may recede, becoming part of the institutional history for a time, only to reappear at a future date, possibly repackaged as some 'new' emerging problem.

5.1.1 The new problem

The new problem is the appearance of legitimacy challenges to established alcohol retailer activity consequent of excess consumption by individuals. These challenges are not entirely due to illegitimate activity, including both legal and illegal activities. The most prominent challenges problematize business activity on moral grounds, questioning the consequential, procedural, and structural legitimacies of alcohol

retailers, however, some do so on cognitive grounds too. This is consistent across individual flashpoints and feeds into mainstream narratives.

Legitimacy challenges emerge from problematic activity by institutional actors. The underpinning idea behind all forms of moral legitimacy is, in lieu of harmful or problematic outcomes, questions will arise regarding the suitability of those activities within society. These questions will encompass what society is, should, and could be.

Consequential moral legitimacy deals with the outcomes of institutional activity, i.e. the impact institutional activity has on constituents and society. Procedural moral legitimacy pertains to the means and modes of production and provision. Structural moral legitimacy emphasises the physical settings within which production and provision takes place.

Retailers are the gateway to alcohol. Any deemed harmful effects derived from consumer actions post-consumption are shared among the consumer, purchaser, and retailer. The idea of personal responsibility has been discarded for shared responsibility amongst retailers, consumers and manufacturers. Manufacturers are the least burdened by delegitimization from consequential moral legitimacy. This is consistent with moral legitimacy, despite questioning the morality of specific products (those deemed only for the purpose of getting drunk), it leads to even more fundamental questions over why these products are permitted. These are cognitive legitimacy challenges, and they do exist, but to a less significant extent.

Examples of consequential, procedural, and structural will be taken from the Licensing Laws, Licensing Scotland Act, and MUP debates for illustration. The nature of consequential, procedural and structural legitimacy problematises the excessive consumption, including both side-affects and consequences; how alcohol products are sold and accessed by under-age persons; problems within the physical setting where products are sold, both on-trade and off-trade.

5.1.1.1 *Licensing Laws*

The licensing laws debate prioritises the activities of on-trade retailers, e.g. pubs, bars and nightclubs, as most problematic. Off-trade retailers do feature, however, supermarkets (the largest suppliers of alcohol products) are spared criticism and smaller independent or local stores are emphasised.

Public house licensees are stated to have not just a responsibility for customers overindulgence but also the effect any overindulgence has on the surrounding community: "*Licensees cannot absolve themselves of the responsibility to be aware of the dangers of overindulgence both for their customer and for the local community. I am sure that there are some very responsible licensees out there who refuse to serve those who are in danger of overindulging*" (Jamieson, M., p.21). The addendum advocating the behaviour of "*very responsible licensees*" states how a legitimate licensee operates, without consequence on the sobriety of their patrons and the community outside the walls of their premises.

Advertising reduced alcohol in on-trade premises is criticised because it "*encourages people to excess*" (Jamieson, C., p.4 & 5). Excess in Glasgow city centre

as described by White (p.32), "*I have seen out of my window—and stepped over—comatose young boys and girls lying on the pavement, in the gutter or on the road. They can barely lift their heads, never mind themselves, off the ground. Questions must be asked why kids are served alcohol in pubs and clubs and allowed to get into such a state before leaving*". Advertising causes excess; and excess leads to comatose kids in the street. The description of these individuals as 'kids', whether accurate or exaggerated, emphasises their vulnerability. A vulnerability caused, potentially exploited, by irresponsible licensees operating with disregard for the consequences of their actions. The impact of advertising is considered severe enough, citing mortality rates linked to alcohol, Sheridan (p.4) asks if "*the Executive [is] receptive to calls for the banning of alcohol advertising, particularly the irresponsible advertising of promotions and so forth?*" Advertising goods and services is a staple of basic business operations. When the causal effects of improving sales is deemed so damaging that questions are asked over whether they should be allowed to advertise in any capacity, it indicates both consequential and procedural legitimacies have eroded.

Local community stores are judged problematic with illegal alcohol sales, via direct sales to under-age persons, others buying on behalf of those under-age, and, allegedly, as sites "*for young people to gather for chaotic, underage drinking*" (Lamont, p.29). This indicates a disregard for the law and subsequent breakdown of established procedure. If alcohol is being sold without request for appropriate identification (driver's licence or passport) that is an illegal act. Others, of age, purchasing on behalf of under-age persons are disregarding the law. Legitimate

criticism can be made of retailers, in such instances, if it is known the alcohol is not for the purchaser and instead, not only for someone else, but someone who is not of legal drinking age. This is the most logical justification behind the claim, via the NR, that "*many children well below 18 have been regular drinkers for some time. The local corner shop with a liquor licence is the most common source of alcohol*" (Jamieson, C., p.5).

A desire to emulate Mediterranean "*café-bar culture*" is, whether intentional or not, an attempt to strengthen structural legitimacy: "*if we wish to create a café-bar culture… we could not create such a culture everywhere, because not every premises would be suitable for that, nor indeed would we want every licensed premises to reflect or replicate what exists on the continent. However, we must try to encourage that culture in many areas, not just in relation to having a family-friendly environment and access for children, but in terms of a general change away from the forbidden-fruit culture that we have had in Scotland*" (MacAskill, p.17). Emphasising culture and where people drink is interesting. Drinking cultures and the physical settings within which they are practiced, i.e. licensed premises, have a symbiotic relationship. There is a great deal of idealism in MacAskill's imagery and its success relies on the positive-associations listeners/readers have via personal experience. It represents a desire to move away from undesirable characteristics of the traditional Scottish 'pub'. Open, sunny, fresh-aired, Italian café-bars on a market square, serving aromatic coffee, aperitifs and healthy food options is objectively

preferable to an enclosed, dark, smoke-filled[55], Scottish pub with few windows and no kitchen. Scottish café-bar culture (which does exist) is different from its Italian counterparts but is found in more affluent suburban or city centres. The desire for all premises throughout Scotland, when suitable, to emulate these businesses could be a positive change and a step toward strengthening structural legitimacy. Structural legitimacy benefits from the additional services demonstrating more purpose than only selling alcohol.

These examples demonstrate concern examples of consequential, procedural and structural challenges from the licensing laws debate. A minority of licensees disregarding the law and ignoring potential consequences. On-trade and off-trade community shops are accused of not following proper procedure vis-à-vis identification at point of sale and denying service to intoxicated patrons. The on-trade service setting indirectly critiqued in lieu of better perceived alternatives. Each of these examples influence later legal framework and regulations implemented in 2009.

5.1.1.2 *The Licensing (Scotland) Bill*

The licensing (Scotland) Bill debate collates perspectives on how the new licensing system will regulate both on and off-trade practices.

The primary rationale for introducing the new licensing system is to improve Scotland. The country's relationship with alcohol is considered so detrimental the existing legal system must be replaced. The prior system is deemed outdated,

---

[55] Smoking Ban wasn't passed until 2005 and enacted in 2006.

incapable of dealing with new and modern problems. "*The new licensing system that we are proposing will contribute to a safer and stronger Scotland for all of us, by helping to break the link between excessive drinking and crime, and will lay a foundation for and support our wider agenda of tackling the problems that are associated with underage and binge drinking*" (Lyon, p.41). Binge drinking is emphasised as a new problem and blamed on licensees selling cheap alcohol. Binge drinkers are typified as young (under 25) or under-eighteen. The critique shows retailers' selling alcohol without respect for the consequences of over-consumption and treating it like any other consumer good. The new system much contain new mechanisms and procedures to prevent this from happening.

The Bill receives critique for not addressing the source of alcohol provisioned for harmful drinking and instead focussing on on-trade businesses. The changes proposed to tackle on-trade problems will not address issue with the off-trade, the area where "*the police and social workers tell us that that is where the bulk of the problem lies*" (Davidson, p.45). This assertion is echoed by others "*The real problem arises in off-sales, where a small minority of irresponsible shopkeepers are prepared to sell drink to youngsters well below the age of 18, and we see the consequences that befall some of those kids in the streets*". This raises questions about why most changes affected the on-trade at this time as opposed to the off-trade which provides higher volumes of alcohol.

There is debate on how under-age persons should or could be allowed to imbibe alcohol. The crux of the discussion is about supervision and whether-or-not parents

or responsible adults should be allowed to gradually introduce their charges to drinking. It is pragmatic to advocate for this method. Have someone who is responsible for stewarding an under-age into adulthood teach them how to drink, both at home (should they choose to do so) or in a public setting, i.e. restaurant, pub etc. Not all children are fortunate to have positive role models, but it seems a sensible type of social etiquette for those who do. Concern the off-trade has been targeted too little in favour of the on-trade manifests when considering how under-age drinkers behave without supervision: "*The real problem arises in off-sales, where a small minority of irresponsible shopkeepers are prepared to sell drink to youngsters well below the age of 18, and we see the consequences that befall some of those kids in the streets*" (Aitken, p.52). The supervision of publicans or bar staff is not considered adequate in this debate. Despite the numerous caveats inserted that 'the majority of licensees are responsible', the supervision of legal guardians trumps any and all professional experience held by the serving staff. This is due to the characterisation of retailers as exploitative, pursuing profits over responsibility, or, as chance may have it, wishing to provide a hospitable environment. The distrust of retailers is so strong, it causes a NR recommendation for liberalised licensing hours to spread the volume of alcohol consumed, at a population level, to be spread throughout the day is dismissed due to fear it will be abused[56].

Responsibility of individuals, retailers and corporations is discussed as means of reducing harmful outcomes. The exercising of responsibility by the three parties

---

[56] The provisions for 24hr licensing is included in the operating plan required of every licensee. It is granted in exceptional circumstances at the licensing boards discretion.

would reduce consumption and improve consequential legitimacy. It is surprising how infrequently personal responsibility is mentioned in lieu of blaming both retailers or "*corporations*". "*People use the term —responsible drinking, but I prefer to place responsibility firmly and squarely with the corporate sphere. When our drinking culture began its transition towards chain pubs and mega-pubs, global companies gained a huge amount of power… The popularity of lager is a direct result of heavy marketing. Lager is quicker and easier to drink and the corporate giants decided that promoting lager would enable them to sell more alcohol*" (Harvie, p.50). The blaming of vague companies and corporations as the problems is a necessary shift to rationalise interventionist law-making. The de-emphasis of individuals' responsibility for their actions and instead blaming unnamed companies for "*heavy marketing*" and this then feeding problems of crime and violence is misleading.

These examples demonstrate concern examples of consequential and procedural challenges from the licensing (Scotland) bill debate. Retailers misconduct and the alcohol-fuelled problems they are judged to cause justify the introduction of a new licensing system affected how alcohol can be sold and consumed. The responsibility of individuals is de-emphasised and instead the wrong-doing of retailers and other businesses are blamed for alcohol-related problems.

5.1.1.3 *MUP*

The Alcohol (Minimum Pricing) debate ushers in changes to the minimum price alcohol products can be sold for based on their alcohol content. The discussion

focusses on off-trade businesses and how the MUP will help reduce the harm caused by alcohol sold by supermarkets and off-licences. MUP is described as "*restoring the balance*" between off-trade and on-trade (White, p.9), Sandra White and Nicola Sturgeon even comment on how pubs are "*struggling*" as they cannot compete with supermarkets increased buying power and new consumer trends of "*pre-loading*" before venturing out. Pubs are struggling to compete but also to cope with patrons arriving several drinks in as opposed to sober. Problems caused by the on-trade are worsened by this: patrons "*who* [go] *out after getting tanked up on cheap supermarket booze*" as "*pubs and clubs… have to deal with them*" (White, p.9). This delegitimises consequential and procedural legitimacy of how alcohol is sold and provisioned by the off-trade. The consequential side is subtle, it undermines the on-trade's ability to provide hospitality due to the hyper-vigilance required to assess how much an individual may have imbibed prior to arriving[57]. It diminishes the control of the supervised environment by undermining the established procedures and protocols of serving alcohol.

More expensive will reduce total consumption. Reducing total consumption will improve Scotland's health profile as the reported incidences of alcohol-related illness will decrease. The more individuals drink, the greater their risk of illness. Increasing the cost of alcohol will reduce the alcohol consumption of the most price sensitive consumers. MUP is an effective harm reduction policy and neat fit into an institutional world-view as it seeks a rational solution to an irrational problem, i.e. A

---

[57] This is complicated due to an inability to account for individual tolerances. Some can conduct themselves sensibly after several drinks while otherwise become a liability after a smaller volume.

means to prevent human beings from harming themselves by consuming alcohol.

Projected benefits include: "*60 fewer deaths in the first year, 1,200 fewer alcohol-related illnesses in the first year and 1,600 fewer hospital admissions in the first year. It is also estimated that there will be around 3,500 fewer crimes per year. Over 10 years, we expect 300 fewer deaths per year and nearly 4,000 fewer illnesses and 6,500 fewer hospital admissions*" (Sturgeon, p.4). It is rational to pursue these health outcomes. With respect to cognitive legitimacy, this type of harm reduction/minimisation approach, is built on prohibitionist foundations. For zero alcohol-related health problems there must be zero alcohol consumed. This, ignoring any personal opinions on eventual prohibition, erodes cognitive legitimacy as it offers a more rational and healthier alternative to the existing status quo.

The focus of the MUP debate is the implementation of a policy determined to reduce national consumption. The policy does not problematise groups or actors but instead is focussed on volume of alcohol available at certain price points.

5.1.2 Communication

Problems are communicated via television news, social media, newspapers, radio broadcasts, like traditional moral panics, some even stemming from tragedy pushing the issue into the spotlight. The moral barricades are manned by well-meaning individuals, perhaps charities, pressure groups, health officials, academics, and other members of professional society. These cases take shape as some harm befalls an individual or group. It may be an accident, or a violent act leading to a death or severe hurt. The outcomes are something which, with hindsight, could

have been avoided. However, the way in which it happened highlights how anyone, irrespective of class or wealth, could have been the victim. Simply a case of wrong place wrong time. Someone or something is blamed, and a story begins to form.

5.1.3 <u>The Story</u>

Some may be brought to the attention of government ministers and regulators. These communications become the story. The story is a collection of communications, an anthology of perspectives on the nature of a reported problem, never crystallising, always modifying even if only by some small measure. These stories can take different shapes but actors and artefacts within the story adopt or are ascribed the roles of Villain, Victim and Vex (or Vice).

5.1.3.1 *Villains*

The Villain is the ne'er-do-well of the story, the wrong doer and perpetrator of problematic actions. When vilified and blame is confirmed in the eyes of claims-makers, it is often accompanied by excoriating language denigrating the moral character of those capable of perpetrating such heinous acts. Acts beyond the consideration of any responsible and respectable citizen. The insidiousness of the characterisation is a near inversion of fears surrounded classic moral panic perspectives, i.e. the underlying fear that, whatever the panic may be, that you, your children or loved ones, could be the next victim. Behaviours attributed to Villains, e.g. binge drinking, public drunkenness, one-night stands, contracting and STD etc, are not uncommon transgressions. The warning against these actions is often hypocritical while advocating for the 'moral improvement' necessary to avoid

accidentally performing any of these villainous acts. The inversion of the classic perspective appears when not only may anyone be the unfortunate victim, but anyone may also be an unwitting villain. This hyperbole is not restricted to the columns of tabloid newspapers, internet blogs and social media but secretes into political discourse by elected representatives. Individuals actions, intent and context often do not matter, it is the adherence to approved modes of behaviour whilst carrying out legal activities. As the Story crystallises, Villains become who society must be protected from.

The Villains of each Flashpoint are often predictable, this resonates with moral panic studies where social anxieties persist about groups considered to exist on the fringes of 'respectable society', i.e. working class, white male drinkers, women drinkers, under-age drinkers, local off-licences provisioning under-age persons.

5.1.3.2 *Victims*

In simple terms, Victims fall prey to Villains, they are harmed as an outcome of problem behaviour. Comparable to traditional moral panic, the persuasiveness of a Story can be attributed to public perception of the Victim(s), insofar as a specific case may highlight the risk posed to everyone. Victims are those society has failed to protect; and serve as a reminder that society and government can do more to ensure the well-being of citizens by intervention. This study highlights circumstances where the Villain and the Victim are the same person, resulting in regulation designed to protect citizens, not only from one another but from themselves as well.

There is a tendency to present certain groups as vulnerable. These vulnerable groups are judged to require additional protection and can be used as an impetus to implement new legislation. Children, under-age drinkers, young drinkers (18-25) and women (of legal drinking age) are placed in this bracket. Children are vulnerable when their parents/guardians fall victim to alcohol misuse or addiction. They may be directly abused by their parents, face neglect or in numerous other ways suffer a disadvantaged upbringing compared to those raised by abstinent/responsible parents. The presence of alcohol in the home, in any volume, runs the risk of normalising drink's role in daily lives and children run the risk of carrying this into adulthood. Under-age drinkers, young drinkers and women inhabit the space of both Victim and Villain in distinct ways. Under-age and young drinkers engage in problem behaviours, e.g. public drunkenness, graffiti, vandalism, violence, and sexual promiscuity (running risk of unwanted pregnancy and STDs), to name a few. These activities are considered unnecessary economic and health costs, costs that 'should' be avoided, and as a result become Villains, functioning as the irrational counterpoints to how things 'should be' as per government narratives and respectable society's expectations. However, those who view alcohol misuse as a public health issue as opposed to a public order problem, do view this as an unnecessary use of public funds but view the problem as a form of self-harm. Those who binge drink (an undefinable term, individually understood, but synonymous with irrational and harmful outcomes) or pursue drunkenness, can be taught what health problems lie in store for those who continue these practices throughout their lives. Those who cannot be taught require more interventionist means of

control as they must be protected from themselves. Persistent drinking habits leading to alcohol-related health problems is not a legitimate choice. Therefore, these individuals are Villains via the public disorder lens but Victims via the public health approach. Victims who must either be taught appropriate habits or be protected from themselves.

Women of drinking age comprise part of that young person (18-25) age bracket, however, as evidenced the archival data and external literature dealing with alcohol and femininity, where young men are viewed as violent or aggressive drunks, young women's identity as females is attacked; often portrayed as sexually promiscuous, having masculine traits, or unfit for motherhood. Elements of these portrayals bleed into the Alcohol Misuse debates in 2007 and 2008. Milne (p.6) denigrates the character of women who frequent pubs by claiming a lack of respectability and is appalled at the notion of anyone "*spilling out of nightclubs as late as 3 or 4 o'clock in the morning in a sorry state of inebriation. Girls as young as 15 boast of having no recollection of what took place on a night out, and many young people of both sexes end up in accident and emergency departments, which struggle to cope with the influx of drunk patients, particularly at weekends. It is small wonder that there is an increase in antisocial and violent behaviour, in road accidents, in sexually transmitted disease, in unwanted pregnancies and, ultimately, in the onset of alcohol-related liver disease at an alarmingly early age*". Maxwell considers acceptability for women to be drunk in public a degrading of morals away from traditional standards. Women's drinking is compared to men's in 2008, 30% of women exceeding recommended guidelines compared to 50% of men (Robison,

p.2) and women over-40 are more likely to visit their GP with an alcohol related

condition than those under-40 (Scanlon, p.8). These statistics reflect reasonable

expectations as most alcohol related problems worsen with time, i.e. liver cirrhosis,

addiction etc., and cultural expectations that women should drink less. However,

speakers raise concern about foetal alcohol syndrome (a condition exclusive to

pregnant women, most likely under-40), despite a lack of information on the rate

and incidence of the condition. FAS's mere occurrence is reason to worry. McAveety

(p.11) states his constituency is "*well up there*" in terms of FAS despite a lack of

statistics (unless he has figures and chose not to disclose them in debate) likely due

to his assumed correlation between a locale with high rates of consumption and

FAS. There is a thinly veiled assumption that women who do not conform to

responsible drinking narratives will misuse alcohol during pregnancy to the

detriment of their child and intervention must be made to protect "*the state of our

children in the womb*" (Grahame, p.10). Not only are these women a danger to

themselves but a danger to their children as well.

5.1.3.3 *Vexes*

Vexes are artefacts or practices integral to delegitimization. Unlike Villains and

Victims, who are actors in the Story, Vexes are verbs or inanimate things with a key

role in the problem behaviour. Vexes make Villains of otherwise normal people and

those who wish to remain respectable citizens (especially women) must abstain

from binge drinking, public drunkenness, alcopops, Buckfast, and high-strength

ciders. Unlike Villains, Vexes are not imbued with character traits, however, they

can be demonised as a proxy for individuals deviating from policy

recommendations. The term 'Vex' was chosen because it represents the sometimes-strained relationship between individuals and the state; more prominently, non-conformity to prescribed expectations on how individuals 'should' behave in a free and open society.

Binge drinking is the best example although others are consistent, i.e. problem products like alcopops, caffeinated drinks like Buckfast, heavy discounts on alcohol products. 'Binge drinking' has no accepted definition of what it means and, despite this, was used persistently until around 2010 in newspapers, government debate, policy discussion etc. The word had become common parlance on the assumption of consensus. There was none but it did not stop the early debates insisting binge drinking in pubs was responsible for incredible volumes of street thuggery. Despite a lack of consensus on meaning there appeared unanimous agreement it was a bad thing. This is licence for binge drinking to apply to anything someone disliked about another's drinking behaviour assuming the behaviour deviated from morally conservative policy narratives. When inspecting different definitions (this problem has received considerable attention in Martinic and Measham's *Extreme Drinking*) the main consistency is 'drinking too much is bad'. There is little consensus with respect to volume and frequency.

5.1.4 Threat Assessment

Threat assessment indicates official adjudications into problem phenomena, wherein government ministers, regulators and commissions, assess the story and determine whether regulatory intervention is required. The outcomes of threat

assessment can be affected by inherent institutional effects, these effects will be specific to the institution in question but can be understood by the passive mitigation factors allowing organisations to resist institutional change. This is evidenced by regulators first acting upon the delegitimization of on-trade retailers in the Licensing (Scotland) Act before later acting upon the delegitimization of off-trade retailers. To conform with the licensing overhaul retailers in both sectors incurred costs, i.e. new licensing fees, staff-training (Servewise), legal fees etc, with small retailers hit the hardest. When a minimum unit price is first discussed some supported it taking the form of a tax, with funds raised funnelled back into ancillary health services dealing with alcohol-related health problems. A coherent stance considering the strategic shift to harm reduction approaches framing alcohol as a health problem as opposed to the traditional insistence of crime and disorder to handled by police and the criminal justice system. Instead MUP became a mandatory minimum price retailers must charge with no additional funds made available for health services. This was likely rationalised to 'get the supermarkets on-board' and diffuse any prospective legal challenge to MUP. No bargaining chips were offered to smaller on-trade businesses, even Pubcos like JD Wetherspoon 2005 pre-tax profits of £46.1m (Wetherspoon, 2005) don't compare to Tesco 2012 pre-tax profits of £3.6bn (Tesco, 2012). This demonstrates the passive mitigation factors inherent for long-term resistance to change, where: older, larger, more profitable organisations are less sensitive to stakeholder demands due to increased economic and political power and smaller, younger, less-positively affiliated and visible businesses are more sensitive.

5.1.5 <u>Outcomes</u>

Threat assessment has two outcomes; sufficient and insufficient. Sufficient threat requires the emergent problem gain traction when communicated and debated by media, key stakeholder professions, academics and activists. To gain support the story must resonate with the public or foment enough anxiety that the issue is pushed into the political sphere. Politicians and legislators judge regulation to prevent or minimise problems caused. New legislation coerces change. Isomorphic moral regulation (IMR) derives from moral delegitimization; the state introduces coercive change on the grounds that organisations cannot be trusted to operate to the expectations of 'respectable' sections of society. Respectability is often masked as 'responsibility'. Organisations are not guilty of breaking the law (some may but that is not the narrative), what they are judged guilty of is acting without thought for the consequences. Therefore, they are irresponsible and morally misaligned with respectable society, thus requiring moral improvement via intervention. The process is realised once coercive change reduces the impact of the problematised activity by changing accepted procedures, practices, and the physical setting wherein customer interactions take place. Insufficient threat requires an emergent problem reach threat assessment and judged too minor to require intervention. Some insufficient threats may disappear forever, however, due to the predictability of anxieties and the consistency of vilifying recurring groups it is more likely further moral challenges are delayed. They may often re-emerge in some future instance as a 'new problem', better described as an old problem in modern clothes.

6 Conclusions

The chapter revisits the research question and objectives, demonstrating how each has been fulfilled; provides a detailed contribution to knowledge; provides concluding remarks on the nature of Scotland's relationship with alcohol and the manner in which the Licensing Scotland Act 2005, including amendments, have been implemented.

6.1 Fulfilment of research question and objectives

This thesis asks the question: "How isomorphic mechanisms and institutional pressures for moral regulation influence legislation?" Providing the answer of a more precise version of institutional homogenisation dubbed isomorphic moral regulation (IMR). IMR occurs when the outcomes of institutional activity delegitimise internal organisations on consequential, procedural and structural grounds. Consequential, procedural and structural legitimacies are recognisable facets of moral legitimacy earned by organisations operating in alignment with the prevailing societal consensus on proper and respectable conduct. There may be delegitimization from pragmatic and cognitive grounds for a key part of IMR is the over-riding strength of the moral dimension. It would be difficult for no element of cognitive delegitimization to appear, as questions of moral impropriety will evoke questions about how society *should* be. Pragmatic legitimacy is more concerned with the individual and personal benefit whereas moral legitimacy is more concerned with the collective. There is reduced scope for overlapping moral and pragmatic delegitimization in the IMR process.

To answer the research question the following objectives were set:

- Explore legitimacy challenges to the sale of alcohol in Scotland

- Explore the role of moral panic in alcohol policy and regulation

- Investigate coercive isomorphic change in the institutional environment

The rationale for each is grounded in the neo-institutional foundations of the question. Neo-institutionalism emphasises the importance of legitimacy as an essential resource for organisational survival and success. Therefore, it was essential to establish what legitimacy challenges existed within an organisational field, or over-lapping fields, sensitive to moral challenges. Previous research and professional experience afforded insight into the implementation of the Licensing (Scotland) Act 2005 and was therefore selected. Legitimacy and neo-institutional theory rely on powerful cultural symbols and imagery to best demonstrate impact on organisations. Moral panic studies demonstrate the power of cultural symbols, imagery and stereotypes to drum up anxieties about social problems when used to further a political agenda. The resonance of legitimacy challenges to alcohol retailers with moral panics about the violence and sexual promiscuity of young people was very strong but no study on a successful panic study existed. Early expectations of this research was to find several mini-unsuccessful panics over the, at that time undetermined, data sample. This led to the incorporation of moral regulation perspectives as the nature of the need to, and desire for, control of the 'alcohol problem' phenomenon was more complicated than first anticipated. Moral panics erupt suddenly, are disproportionate to the problem, and persist briefly

before subsiding from social consciousness. Concern about alcohol is consistent, rational, and experiences brief outbursts of anxiety over minor issues. Villains, victims, and vexes are created to capitalise on rational/respectable anxieties. The outbursts often manifest as calls for additional regulation disproportionate to the problem (i.e. banning products). Successful delegitimization, using cultural symbols of deviant behaviour, will result in IMR. The failure to argue for new controls as a result of consequential problems is a result of proponents failure to communicate the threat of villains, the danger of vexes, and the likeliness of victimhood within their story.

6.1.1 Propositions

Research findings subverted the propositions in small ways. Not by providing contradictory findings but by revealing more complex situations requiring further research.

P1: Legitimacy challenges will contest the moral legitimacy of retailers

Early conceptions of this study considered exploring pragmatic, moral and cognitive legitimacies. However, after brief contact with the data it became clear that challenges were overwhelmingly moral, and those moral challenges dominated by the harm caused by excess consumption. This indicated consequential legitimacy is most eroded and inferred these consequential problems could be lessened by adherence to established procedures. Indicating a close relationship between consequential and procedural legitimacies, i.e. there will be consequences when protocols established to minimise harm are ignored. This proposition is confirmed.

P2: Moral challenges will conflict with pragmatic legitimacy

Initial research design anticipated conflict between moral arguments to restrict access to alcohol and arguments about civil liberties. Best encapsulated by the question: "To what extent should the state decide what individuals do with their own bodies?" This felt right due to pragmatic legitimacies pre-occupation with assessments of selfish benefit, encapsulating the contest between a collective and the individual. However, this conflict occurred but did not persist in the data. There was little room given to liberal political perspectives regarding individual sovereignty and the need to restrict businesses as a proxy to individuals. There was consensus among most parties, except for some conservative MSPs, on the need for some form of intervention. This is best encapsulated by Hugh Henry (p.41) in the Licensing Laws debate: ""*I was puzzled, and somewhat worried, by the fact that some Conservative members seemed to want to move not just towards liberalisation, but towards a free-for-all in which people could drink as much as they wanted anywhere and at any time. Their argument was that it was all down to personal responsibility. In Scotland, all too often we have seen the consequences of irresponsible behaviour by people who have been allowed to drink too much*". Principally, yes, moral conflicted with pragmatic but it was a negligible contribution to the proceedings on debating Scotland's future relationship with alcohol.

P3: Young people will feature as villains

The profile of villains, victims and vexes all derived from extant studies on moral panics and moral regulation. An early research design for this thesis incorporated

media analysis alongside archival data to evidence moral panic and disproportionate news reporting. However, other factors like persistent concern, stakeholder consensus on intervention, and statistical evidence of Scottish consumption compared to other nations, indicated the phenomenon more complicated than a traditional panic. The most common villain in alcohol narratives are young men and the violent threat they pose to everyone when drunk. This has the character of a traditional panic, elevated anxieties about loved ones crossing paths with a dangerous drunk looking for a victim. Muggings, stabbings, fights, or violence of any kind is not something most wish to experience, however, they are an unfortunate side-effect of living in an imperfect society. Even the word 'mugging' is a recent creation slipping into the British lexicon during a successful moral panic, by the right-wing press, in the 1970s about 'dangerous, black youth' in inner city London.

The characterisation of young men is extended as the data sample progresses and the risk young men pose to themselves. Young men inhabit this dual space where they are convenient villains but also victims of a Scottish alcohol culture that normalises alcohol and the pursuit of drunkenness. The victims of a culture glamorising alcohol consumption, seduced by alcopops, and over-consuming because alcohol is too cheap and accessible. The affordability of alcohol denotes retailers as irresponsible villains uncaring of Scottish youngsters. There is no discussion about the agency of individuals to make decisions. Retailers and 'culture' somehow rob people of their ability to think independently. The decision to

characterise young men in this way is symptomatic of shifting alcohol policy perspectives from a crime and disorder lens to a public health lens.

P4: Women, especially young women, will feature as villain and victim

Women featured as both villain and victim supporting expectations of the literature included. Women received a different type of vilification from men, touting them as dangerous but not physically. The counterpoint to policy narratives on women's drinking habits is that of the undignified, feckless and promiscuous trollop. Females who defy responsibility recommendations have their femininity attacked as they are perceived as dangerous to established expectations on femininity and motherhood. They are somehow less than those how abstain from alcohol entirely. Women are also victims. Victims of their own actions in the same way men can be if they overconsume, however, the difference is the increased chance of sexual assault or rape.

P5: Children will feature as victims

Child (those fifteen and under) victims did feature but they also featured as villains. The early debates (Under-age drinking and Licensing Laws), conjured images of small villages beset by gangs of under-age drinkers causing "disturbances" in residential communities and not conforming to elder's expectations on proper behaviour. The language used by speakers is revealing, often depicting communities who fear their own children: "*The impact of under-age drinking on the safety of our communities is an important issue in my constituency and, I am sure, elsewhere. The police tell me that it is difficult to manage underage drinking, never mind eradicate*

it. Gatherings of young people drinking cause disorder and create fear for many

people in our communities" (Lamont, p.16, Under-age Drinking). The villainous

children have been underage drinkers for years, sustained by cheap alcohol, likely

alcopops, bought from unprincipled shopkeepers, drunk soon after purchase, and

then engage in active attempts to disturb the peace.

Children are primarily depicted as victims. Considerable attention is giving to the

danger children face when raised in environments where alcohol is normalised or

readily available, the implication being that this sets the precedent for adulthood

and potential future health problems. Safety for children growing up with an

alcoholic parent is a consistent theme throughout the debates. This concern

manifests in the one of the Licensing Scotland Act's licensing objectives, protecting

children from harm. A noble priority but a symbolic inclusion. Retailers can only

prevent kids being hurt when drunk make the attempt in front of them. Very few

people would disagree with this priority and accept it as a rational agenda,

however, the physical threat posed by young teenagers is a spurious narrative.

P6: Problem products will feature as vexes

Problem products and binge drinking were consistent vexes. Binge drinking should

have been included as part of this original proposition, it was an oversight, likely a

side-effect of pre-occupation with the illegitimacy of the term. Villains and victims

derive from classic panic models. The vex comes from moral panic studies where

parents develop irrational fears over an unknown or new entity affect their

children. This is established in the literature via studies covering moral panics about

children summoning 'real' demons while playing dungeons and dragons, video games or violent films brainwashing their children to become violent, and, more relevantly, 'alcopops' deliberately engineered to seduce children into heavy drinking habits before they're of legal age.

P7: Coercive regulation will reduce the technical efficiency of retailers

A primary source of friction between government, retailers, consumers, and state-funded stakeholders is the conflicting rationalities between organisations operating for profit, customers buying consumer goods, and institutions maintaining public health and securing public order and safety. The burden of consequential harm is carried by the tax-payer and the rationale of cost outweighing benefit will substantiate more controls. Demand and supply reduction policies reduces overall consumption, therefore reducing the alcohol related problems from police and health service perspectives. Removing 'happy hours', discounted alcohol, 'three for ones', free drink promotions, and restricted advertising prevent retailers from increasing sales through conventional means. MUP reduces the availability of the cheapest alcohol products by enforcing a minimum price in concord with alcohol content. This prevents the loss-leading practice common in supermarkets, where alcohol is a lure to perhaps attract customers to purchase other items with larger profit margins. The consistency across new regulations is that each differentiates alcohol from regular consumer goods.

P8: Passive mitigation will account for legitimacy variance between over-lapping fields.

The on-trade and the off-trade are two separate organisational fields over-lapping in the practice of selling alcohol. The on-trade are hospitality businesses who sell an experiential service (i.e. food, drink and accommodation provided in pubs, clubs and hotels etc.), consumed within their servicescape. The off-trade encompasses grocers, business who sell fresh food and household consumables, the variety is reflected in the size of the businesses and their premises, from small community shops to enormous supermarkets. The largest supermarkets provide a range of services, i.e. credit cards, mortgages, petrol stations, and white goods, employ large numbers of people and turnover enormous annual profit. This proposition is not confirmed but is supported on two grounds. The first is the targeting of the on-trade prior to the off-trade. The on-trade, despite statistical evidence demonstrating more alcohol is purchased off-trade, was targeted first for legal overhaul. The Licensing (Scotland) Act 2005 is more focussed on streamlining the operations of on-trade premises. An effective harm reduction strategy should tackle the worst areas and work through the problem elements based on their consequential harm. This means supermarkets first and then a pecking order etched out based on reliable data. This did not happen. Th eon-trade was targeted first and it was because it was the easier target. Battling the supermarkets in legal courts would've been too costly and time-consuming with no guarantee of success. The second is the active decision to implement MUP as a pricing policy and not a tax. MUP is a very successful and reasonable policy, with a predictable outcome. Price increases will reduce demand. Reduced demand will reduce consumption. Reduced consumption means fewer consequential harms. However, the additional revenues

collected from the price increases go to the retailers. The pricing policy means these prices cannot be undercut and customers are forced to pay the new inflated price, raising no new additional funds for government. A primary rationale for the health based perspective is the financial and logistical stress placed on health services from treating alcohol-related problems. Problems which, from the health perspective, are entirely avoidable by abstaining from alcohol. Consequential harms will reduce at a population level but it does not change the need for additional funds in treating these conditions. MUP as a tax was a missed opportunity, and it is not unreasonable to suggest it was a strategic move to bring the supermarkets on board with a radical interventionist policy restricting their agency.

The on-trade has experienced greater coercive isomorphism and reduced technical efficiency compared to the off-trade. This is attributed to the disparity in their latent legitimacies exercised through passive mitigation and the disparity in political power.

6.2 Contribution to Knowledge

Institutional isomorphism is a large and vague concept. Legitimacy resists measurement but it's existence as the core currency of neo-institutional theory is a valid critique. However, an increasingly connected, transparent and scrutinised world will only find the concept more valuable as these trends continue. What researchers need are better models to understand legitimacy.

IMR explains how consequential, procedural and structural delegitimization leads to increased institutional complexity via new coercive controls, restricting

organisations agency. It is paramount to stress that IMR is not only about controlling organisations; but individuals too. Organisations are often a proxy for the consumer, where regular assumptions about choice in a free market economy are dismissed to prevent individuals from harming themselves. Restricting agency accompanies the rational process of minimising or preventing harm. IMR resonates most where harm is caused; e.g. alcohol, gambling, smoking, prostitution, recreational drug use[58] etc, some have been a fascination of moralising for hundreds of years.

The stages of IMR:

1. The 'New' Problem

2. Communication

3. The Story

4. Threat Assessment

5. Outcomes

Figure 3: Stages of IMR

Stage one's name is cynical and accurate. The new problem is very often not new, it is an old problem repackaged for a modern audience. Perhaps it carries some minor difference from older generations past experiences rendering the problem especially threatening. Binge drinking embodies this. Binge drinking, or more accurately, deliberately getting drunk, did not begin in the early 2000s. It was a

---

[58] Each example has its own history with moral panic.

successful label attached to a prominent phenomenon, part of an ongoing concern regarding increased alcohol consumption.

Stage two includes all the means by which human beings communicate, share and source information, both conventionally and technology. Classic models of moral panic require newspapers and word of mouth, news delivery methods too derelict now to capture how modern panics are communicated. The news exposure experienced on social media differs from the news read in 1960s tabloids. This stage allows competing narratives to be aired regarding experiences surrounding the problem phenomenon, allowing for the inclusion of broader perspectives beyond journalists and media pundits. It is here that new cultural symbols or old symbols are leveraged once again to garner support for the speaker's cause. This is where villains, victims and vexes fill their roles with the explicit intent of convincing the public to welcome state intervention. That intervention will prevent dangerous elements from harming them or others; they will not be victims to this new and dangerous seduction nor will their loved ones; they will not be seduced and worst of all, that it will prevent them from becoming villains themselves. It is worth observing some cases for new laws are justified and proportionate to the problem, others are not, a process resembling moral panic can exist in this space.

Stage three is the outcome of the communication stage. This is the formulation of a narrative, wherein the nature of a problem becomes known and consensus is established on certain 'facts'. The narrative needn't be coherent or cohesive, or even real. Consensus is the distinct trait of this stage. The narrative can be a

collection of reported experiences where the recognisable villains, victims and vexes appear from the communication stage. Moral panics will persist beyond the communication stage and become accepted as fact by certain sections of society due to a failure to satisfactorily interrogate claims-makers during stage two.

Stage four is the beginning of official assessments into whether the state should intervene. This is affected by passive mitigation factors latent in the institutional environment and often propelled by impetus generated during stages one, two and three. Threat assessment, like any form of analysis, is as good as the input data. If the narrative is built upon social anxieties, anecdotal examples and outlier cases, then responsive changes to the law are not fit for purpose. This is where evidence-based policy-making and eventual regulation succeeds. MUP is an example of this. During the MUP debate, previous moralising narratives demonising problem groups are de-emphasised in favour of population-wide approach reducing overall consumption. This is also a good political strategy as it allows the instigating party to demonstrate success.

Stage five is the outcome of official proceedings. It is the determination process which may have significant impact on the institutional environment. The two outcomes; sufficient and insufficient impact the environment differently. Sufficient threat will increase institutional complexity, resulting in regulatory change and potential changes in the structuration of established fields. Insufficient threat deems an issue to not require regulatory intervention but leaves the door open to revisit the problem in future.

This model provides a tool for analysing the process by which new legislation derived from moral legitimacy challenges. A means of more precisely analysing the nature of coercive isomorphism respective to the source of delegitimization, i.e. pragmatic, moral and cognitive. Similar models are possible for different types of isomorphism and their respective legitimacies, i.e. Coercive isomorphism derived from pragmatic delegitimization, normative isomorphism from moral delegitimization and/or pragmatic. With more development, this indicates a future with a more robust institutional theory with more precise tools to analyse complicated phenomena. The IMR model suited best to studies interested in how organisations dealing in society's vices are viewed and regulated for.

7 References

Abbott, P., & Wallace, C. (1996). *An Introduction to Sociology: Feminist Persepctives*. London: Routledge.

AFS. (2012). Alcohol Focus Scotland website. from http://www.alcohol-focus-scotland.org.uk

Ahmadjian, C. L., & Robinson, P. (2001). Safety in Numbers: Downsizing and the Deinstitutionalization of Permanent Employment in Japan. *Administrative Science Quarterly, 46*(4), 622-654.

Aldrich, H. E., & Fiol, C. M. (1994). Fools Rush In? The Institutional Context of Industry Creation. *The Academy of Management Review, 19*(4), 645-670.

Alter, C., & Hage, J. (1993). *Organizations working together*. Thousand Oaks, CA: Sage.

Armstrong, E. M., & Abel, E. L. (2000). Fetal Alcohol Syndrome: The Origins of a Moral Panic. *Alcohol and Alcoholism, 35*(3), 276-282.

Ashforth, B. E., & Gibbs, B. W. (1990). The Double-Edge of Organizational Legitimation. *Organzation Science, 1*(2), 177-194.

Bartie, A. (2010). Moral Panics and Glasgow Gangs: Exploring 'the New Wave of Glasgow Hooliganism', 1965-1970. *Contemporary British History, 24*(3), 385-408.

BBC. (2004). Alcohol the 'new British disease. Retrieved 15/05/2012, from http://news.bbc.co.uk/1/hi/uk_politics/3731025.stm

BBPA. (2013). UK alcohol consumption falls to levels not seen in the 21st Century - new industry stats handbook. Retrieved 04/10/2013, from http://www.beerandpub.com/news/uk-alcohol-consumption-falls-to-levels-not-seen-in-the-21st-century-new-industry-stats-handbook

Berger, P. L., & Luckmann, T. (1967). *The Social Construction of Reality*. New York: Doubleday Anchor.

Berridge, V., Herring, R., & Thom, B. (2009). Binge Drinking: A Confused Concept and its Contemporary History. *Social History of Medicine, 22*(3), 597-607.

Berridge, V., Thom, B., & Herring, R. (2007). The normalisation of binge drinking? An historical and cross-cultural investigation with implications for action.

Blau, P. M. (1970). A formal theory of differentiation in organizations. *American Sociological Review, 35*(2), 201-218.

Blau, P. M., & Schoenherr, R. A. (1971). *The Structure of Organizations*. New York: Basic Books.

Budros, A. (1997). The new capitalism and organizational rationality: The adoption of downsizing programs, 1979-1994. *Social Forces, 76*(1), 229-250.

Carmona, S., & Macias, M. (2001). Institutional Pressures, Monopolistic Conditions and the Implementation of Early Cost Management Practices: The Case of the Royal Tobacco Factory of Seville (1820-1887). *Abacus, 37*(2), 139-165.

Child, J., & Kieser, A. (1981). Development of organizations over time. In P. C. Nystrom & W. H. Starbuck (Eds.), *Handbook of Organizational Design* (pp. 28-64). New York: Oxford University Press.

Cohen, S. (2002). *Folk Devils and Moral Panics* (3rd ed.). London: Routledge.

Critcher, C. (2003). *Moral Panics and the Media*. Milton Keynes: Open University Press.

Critcher, C. (2008). 'Moral Panic Analysis: Past, Present and Future. *Sociology Compass, 2*(4), 1127-1144.

Critcher, C. (2009). Widening the Focus. Moral Panics as Moral Regulation. *British Journal of Criminology, 49*(1), 17-34.

Day, K., Gough, B., & McFadden, M. (2004). "Warning! Alcohol can seriously damage your feminine health". *Feminist Media Studies, 4*(2), 165-183.

Deephouse, D. L. (1996). Does isomorphism legitimate? *The Academy of Management Journal, 39*(4), 1024-1039.

Diageo. (2019). Annual Report 2019. London.

DiMaggio, P. J. (1983). State expansion and organisational fields In R. H. Hall & R. E. Quinn (Eds.), *Organizational theory and public policy* (pp. 147-161). Beverly Hills, CA: Sage.

DiMaggio, P. J., & Powell, W. W. (1983). The Iron Cage Revisited: Institutional Isomorphism and Collective Rationality in Organizational Fields. *American Sociological Review, 48*(2), 147-160.

DiMaggio, P. J., & Powell, W. W. (1991). Introduction. In W. W. Powell & P. J. DiMaggio (Eds.), *The New Institutionalism in Organizational Analysis*. Chicago, IL: University of Chicago Press.

Dornbusch, S. M., & Scott, W. R. (1975). *Evaluation and the Exercise of Authority* San Francisco: Jossey-Bass.

Dowling, J., & Pfeffer, J. (1975). Organizational Legitimacy: Social Values and Organizational Behavior. *The Pacific Sociological Review, 18*(1), 122-136.

DrinkAware. (2013). Binge drinking. What constitutes binge drinking, how can you tell if you are binge drinking and where can you go for help. Retrieved 11/10/2013, from http://www.drinkaware.co.uk/understand-your-drinking/is-your-drinking-a-problem/binge-drinking

Edelman, L. B. (1992). Legal ambiguity and symbolic structures: organizational mediation of civil rights law. *American Journal of Sociology, 97*(6), 1531-1576.

Elsbach, K. D., & Sutton, R. I. (1992). Acquiring Organizational Legitimacy through Illegitimate Actions: A Marriage of Institutional and Impression

Management Theories. *The Academy of Management Journal, 35*(4), 699-738.

Farashahi, M., Hafsi, T., & Molz, R. (2005). Institutionalized norms of conducting research and social realities: A research synthesis of empirical works from 1983-2002. *International Journal of Management Reviews, 7*(1), 1-24.

Forsyth, A. (2001). A design for strife: alcopops, licit drug — familiar scarestory. *International Journal of Drug Policy, 12*(1), 59-80.

Friedland, R., & Alford, R. R. (1991). Bringing society back in: symbols, practices, and institutional contradictions. In W. W. Powell & P. J. DiMaggio (Eds.), *The New Institutionalism in Organizational Analysis*. Chicago: University of Chicago Press.

Galaskiewicz, J. (1985). *Social Organisations of an Urban Grant Economy: A Study of Business Philanthropy and Non-profit Organisations*. Orlando, FL: Academic Press.

Galaskiewicz, J., & Wasserman, S. (1989). Mimetic Processes Within an Interorganizational Field: An Empirical Test. *Administrative Science Quarterly, 34*(3), 454-479.

Garland, D. (2008). On the Concept of Moral Panic. *Crime Media Culture, 4*(1), 9-30.

Goode, E., & Ben-Yehuda, N. (1994). Moral Panics: Culture, Politics and Social Construction. *Annual Review of Sociology, 20*.

Goodstein, J. D. (1994). Institutional Pressures and Strategic Responsiveness: Employer Involvement in Work-

Family Issues. *The Academy of Management Journal, 37*(2), 350-382.

Government, S. (2007). Licensing (Scotland) Act 2005 section 142: guidance for licensing boards and local authorities.   Retrieved 25/04/2019, from https://www.gov.scot/publications/licensing-scotland-act-2005-section-142-guidance-licensing-boards-local-authorities/pages/6/

Griffin, C., Bengry-Howell, A., Hackley, C., Mistral, W., & Szmigin, I. (2009). 'Every time I do it I absolutely annihilate myself': Loss of (self-) consciousness and loss of memory in young people's drinking narratives. *Sociology, 43*(3), 457-476.

Hall, D. T., Schneider, B., & Nygren, H. T. (1970). Personal Factors in Organizational Identification. *Administrative Science Quarterly, 15*(2), 176-190.

Hall, S., Critcher, C., Jefferson, T., Clarke, J., & Roberts, B. (1978). *Policing the Crisis. Mugging, the State, and Law and Order*. London: MacMillan Press.

Hannan, M. T., & Carroll, G. R. (1992). *Dynamics of Organizational Populations: Destiny, Legitimation and Competition*. New York: Oxford University Press.

Hannan, M. T., & Freeman, J. (1984). Structural Inertia and Organizational Change. *American Sociological Review, 49*(2), 149-164.

Haveman, H. A. (1993). Follow the Leader: Mimetic Isomorphism and Entry into New Markets. *Administrative Science Quarterly, 38*(4), 593-627.

Hertzler, J. O. (1961). *American Social Institutions*. Boston: Allyn & Bacon.

Hier, S. P. (2002). Raves, Risk and the Ecstasy Panic: A Case Study in the Subversive Nature of Moral Regulation. *The Canadian Journal of Sociology, 27*(1), 33-57.

Hier, S. P. (2008). Thinking beyond moral panic: Risk, responsibility, and the politics of moralization. *Theoretical Criminology, 12*(2), 173-190.

Hier, S. P., Lett, D., Walby, K., & Smith, A. (2011). Beyond folk devil existence: Linking moral panic and moral regulation. *Criminology and Criminal Justice, 11*(3), 259-276.

Hirschhorn, H. (2004). Corporate social responsibility and the tobacco industry: hope or hype? *Tobacco Control, 13*(4), 447-453.

Huberman, M., & Miles, M. (2002). *The Qualitative Researchers Companion: Classic and Contemporary Readings*. London: SAGE.

Hughes, E. C. (1936). The ecological aspect of institutions. *American Sociological Review, 1*(2), 180-189.

Hunt, A. (1999). *Governing Morals: A Social History of Moral Regulation*. Cambridge: Cambridge University Press.

Hunt, A. (2003). Risk and Moralization in Everyday Life. In R. Ericson & A. Doyle (Eds.), *Risk and Morality*. Toronto: University of Toronto.

Jepperson, R. L. (1991). Institutions, institutional effects, and institutionalism. In W. W. Powell & P. J. DiMaggio (Eds.), *The New Institutionalism in Organizational Analysis* (pp. 143-163). Chicago: University of Chicago Press.

Johnson, C., Dowd, T. J., & Ridgeway, C. L. (2006). Legitimacy as a Social Process. *Annual Review of Sociology, 32*, 53-78.

Jones, P., Charlesworth, A., Simms, V., Hillier, D., & Comfort, D. (2003). The management challenges of the evening and late Night economy within town and city centres. *Management Research News, 26*(10/11), 96-104. doi: 10.1108/01409170310784096

King, N. (2004). Using Templates in the Thematic Analysis of Texts. In C. C. a. G. Symon (Ed.), *Essential guide to qualitative methods in organizational research* (pp. 256-270). Thousand Oaks, CA: Sage.

Kraatz, M. S., & Zajac, E. J. (1996). Exploring the Limits of the New Institutionalism: The Causes and Consequences of Illegitimate Organizational Change. *American Sociological Review, 61*(5), 812-836.

Lemert, E. M. (1967). *Human deviance, social problems and control*. Englewood Cliffs, NJ: Prentice Hall.

Lieberson, S., & Silverman, A. (1965). The Precipitants and Underlying Conditions of Race Riots. *American Sociological Review, 30*(6), 887-898.

Maguire, S., & Hardy, C. (2009). Discourse and deinstitutionalization: the decline of DDT. *Academy of Management Journal, 52*(1), 148-178.

March, S. (2008). Focus Group Results: Brazil, China, Itlay, Nigeria, Russia, South Africa, and Scotland, United Kingdom. In M. M. F. Measham (Ed.), *Swimming with Crocodiles. The Culture of Extreme Drinking*. New York: Routledge.

Martinic, M., & Measham, F. (2008). Extreme Drinking. In M. M. F. Measham (Ed.), *Swimming with Crocodiles. The Culture of Extreme Drinking*. New York: Routledge.

Masrani, S., & McKiernan, P. (2011). Accounting as a legitimising device in voluntary price agreements: the Dundee jute industry, 1945-1960. *Critical Perspectives on Accounting, 22*(4), 415-433.

Mathews, M. R. (1993). *Socially Responsible Accounting*. London: Chapman & Hall.

McRobbie, A., & Thornton, S. L. (1995). Rethinking 'Moral Panic' for Multi-Mediated Social Worlds. *The British Journal of Sociology, 46*(4), 559-574.

Measham, F. (1996). 'The "Big Bang" Approach to Sessional Drinking: Changing Patterns of Alcohol Consumption Amongst Young People in North West England'. *Addiction Research, 4*(3), 283-299.

Measham, F. (2002). "Doing gender" - "doing drugs": Conceptualising the gendering of drug cultures. *Contemporary Drug Problems, 29*, 335-373.

Measham, F. (2006). The new policy mix: Alcohol, harm minimisationand determined runkeness in contemporary society. *International Journal of Drug Policy, 17*(4), 258-268.

Measham, F., & Brain, K. (2005). 'Binge' drinking, British alcohol policy and the new culture of intoxication. *Crime Media Culture, 1*(3), 262-283.

Meloche, M. S., & Stanton, J. L. (2009). A comparison of distilled spirit consumption patterns in the United Kingdom and the United States. *Worldwide Hospitality and Tourism Themes, 1*(2), 162-168.

Meyer, J., & Rowan, B. (1977). Institutionalized organisations: formal structure as myth and ceremony *The American Journal of Sociology, 83*(2), 340-363.

Meyer, J. W., & Scott, R. W. (1983). *Organizational Environments: Ritual and Rationality*. London: Sage.

Mezias, S. J. (1990). An Institutional Model of Organizational Practice: Financial Reporting at the Fortune 200. *Administrative Science Quarterly, 35*(3), 431-457.

Miles, R. H. (1987). *Managing the Corporate Social Environment: A Grounded Theory*. Englewood Cliffs, NJ: Prentice-Halll.

Mill, J. S. (2005). *On Liberty*. New York: Cosimo Classics.

Mintzberg, H. (1983). *Power in and around organizations*. Englewood Cliffs, NJ: Prentice-Hall

Mintzberg, H., Ahlstrand, B., W. , & Lampel, J. (2009). *Strategy Safari: The complete guide through the wilds of strategic management*. Englewood Cliffs, NJ: Prentice Hall.

Mizruchi, M. S., & Fein, L. C. (1999). The Social Construction of Organizational Knowledge: A Study of the Uses of Coercive, Mimetic and Normative Isomorphism. *Administrative Science Quarterly, 44*(4), 653-683.

Nayak, A. (2006). Displaced Masculinities: Chavs, Youth and Class in the Post-industrial City. *Sociology, 40*(5), 813-831.

NHS. (2012). Binge Drinking.   Retrieved 11/10/13, from http://www.nhs.uk/Livewell/alcohol/Pages/Bingedrinking.aspx

O'Connor, A. (2018). Brewing and Distilling in Scotland - Economic Facts and Figures. Online: The Scottish Parliament.

O'Donnell, B. (2006). Reducing harm and changing culture: Scotland's national Plan for Action on Alcohol Problems. *International Journal of Drug Policy, 17*(4), 367-372.

Oliver, C. (1988). The collective strategy framework: an application to competing predictions of isomorphism *Administrative Science Quarterly, 16*(4), 543-561.

Oliver, C. (1991). Strategic responses to institutional pressures. *The Academy of Management Review, 16*(1), 145-179.

Palazzo, G., & Richter, U. (2005). CSR Business as Usual? The Case of the Tobacco Industry. *Journal of Business Ethics, 61*(4), 387-401.

Palmer, D. A., Jennings, P. D., & Zhou, X. (1993). Late Adoption of the Multidivisional Form by Large U.S. Corporations: Institutional, Political, and Economic Accounts. *Administrative Science Quarterly, 38*(1), 100-131.

Parsons, T. (1956). *Structure and Process in Modern Societies*. New York: Free Press.

Perrow, C. (1986). *Complex Organizations: A Critical Essay* (3 ed.). New York: Random House.

Pfeffer, J., & Salancik, G. R. (1978). The External Control of Organizations. In M. J. Handel (Ed.), *The Sociology of Organizations: Classic, Contemporary, and Critical Readings* (pp. 233-242). Thousand Oaks, CA: Sage Publications, Inc.

Piombo, M., & Piles, M. (1996). The relationship between college females' drinknig and their sexual behaviours. *Women's Health Issues, 6*(4), 221-227.

Powell, W. W., & DiMaggio, P. J. (1991). *The New Institutionalism in Organizational Analysis*. Chicago: University of Chicago Press.

Pratten, J. D. (2009). What is the 'alcohol problem'? *Worldwide Hospitality and Tourism Themes, 1*(2), 88-96.

Pratten, J. D., & Curtis, S. (2002). Attitudes towards training in UK licensed retail: an exploratory case study. *International Journal of Hospitality Management, 21*(4), 393-403.

Pratten, J. D., & Greig, B. (2005). Can Pubwatch Address the problems of binge drinking? A case study from the North West of England. *International Journal of Contemporary Hospitality Management, 17*(3), 252-260.

Reichers, A. E. (1985). A Review and Reconceptualization of Organizational Commitment. *The Academy of Management Review, 10*(3), 465-476.

Ritchie, C., Ritchie, F., & Ward, R. (2009). A good night out: alcohol-related behaviours in young adults. *Worldwide Hospitality and Tourism Themes, 1*(2), 169-193.

Robinson, M., & Beeston, C. (2013). *Monitoring and Evaluating Scotland's Alcohol Strategy: Annual update of alcohol sales and price band analyses*. Edinburgh: NHS Health Scotland.

Robinson, M., Catto, S., & Beeston, C. (2010). *Monitoring and Evaluating Scotland's Alcohol Strategy (MESAS): Analysis of alcohol sales data, 2005-2009*. Glasgow: NHS Health Scotland.

Room, R. (2011). Addiction and personal responsibility as solutions to the contradictions of

neoliberal consumerism. *Critical Public Health, 21*(2), 141-151.

Roy, W. G. (1997). *Socializing Capital: The Rise of the Large Industrial Corporation in America*. Princeton, NJ: Princeton University Press.

Ruef, M., & Scott, W. R. (1998). A Multidimensional Model of Organizational Legitimacy: Hospital Survival in Changing Institutional Environments. *Administrative Science Quarterly, 43*(4), 877-904.

Scott, W. R. (1977). Effectiveness of organizational effectiveness studies. In P. S. Goodman & J. M. Pennings (Eds.), *New perspectives on organizational effectiveness* (pp. 63-95). San Francisco: Jossey-Bass.

Scott, W. R. (1987). The Adolescence of Institutional Theory. *Administrative Science Quarterly, 32*(4), 493-511.

Scott, W. R. (1998). *Organizations: Rational, natural and open systems*. Englewood Cliffs, NJ: Prentice Hall.

Scott, W. R. (2008). *Institutions and Organizations. Ideas and Interests* (3rd ed.). Thousand Oaks, CA: Sage Publications.

Scott, W. R., & Meyer, J. (1991). The organization of societal sectors: propositions and early evidence. In P. J. D. W. W. Powell (Ed.), *The new*

institutionalism in organizational analysis. Chicago: Chicago University Press.

Scott, W. R., & Meyer, J. (1992). The Organization of Societal Sectors. In J. Meyer & R. W. Scott (Eds.), *Organizational Environments: Ritual and Rationality*. Newbury Park, CA: SAGE Publications, Inc.

Selznick, P. (1957). *Leadership in Administration*. New York: Harper & Row.

Seo, M.-G., & Creed, W. E. D. (2002). Institutional Contradictions, Praxis, and Institutional Change: A Dialectical Perspective. *The Academy of Management Review, 27*(2), 222-247.

Silverman, D. (2006). *Interpreting Qualitative Data*. London: Sage.

Slack, T., & Hinings, B. (1994). Institutional Pressures and Isomorphic Change: An Empirical Test. *Organization Studies, 15*(6), 803-827. doi: 10.1177/017084069401500602

Stockwell, T. (2006). Alcohol supply, demand, and harm reduction: What is the stringest cocktail? *International Journal of Drug Policy, 17*(4), 269-277.

Suchman, M. C. (1995). Managing legitimacy: Strategic and institutional approaches. *Academy of Management Review, 20*(3), 571-610.

Szmigin, I., Griffin, C., Mistral, W., Bengry-Howell, A., Weale, L., & Hackley, C. (2008). Re-framing 'binge drinking' as calculated hedonism: empirical evidence from the UK. *International Journal of Drug Policy, 19*(5), 359-366.

Tesco. (2012). Annual Report and Financial Statements. Hertfordshire.

Thompson, J. D. (1967). *Organizations in Action*. New York: McGraw-Hill.

Tolbert, P. S. (1985). Resource dependence and institutional environments: Sources of administrative structure in institutions of higher education. *Administrative Science Quarterly, 30*(1), 1-13.

Tolbert, P. S., & Zucker, L. G. (1983). Institutional Sources of Change in the Formal Structure of Organizations: The Diffusion of Civil Service Reform, 1880-1935. *Administrative Science Quarterly, 28*(1), 22-39.

Victor, J. S. (1998). Moral Panics and the Social Construction of Deviant Behaviour: A Theory and Application to the Case of Ritual Child Abuse. *Sociological Perspectives, 41*(3), 541-565.

Waddington, P. A. J. (1986). Mugging as a moral panic: a question of proportion. *The British Journal of Sociology, 37*(2), 245-259.

Waddinton, D., Jones, K., & Critcher, C. (1989). *Flashpoints: Studies in Public Disorder*. London: Routledge.

Warner, J. (1997). The sanctuary of sobriety: the emergence of temperance as a feminine virtue in Tudor and Stuart England. *Addiction, 92*(1), 97-111.

Warren, R. C. (2009). Temperence and alcohol. *Worldwide Hospitality and Tourism Themes, 1*(2), 97-109.

Weber, M. (Ed.). (1978). *Economy and Society, Vols. I and II*. Berkeley: University of California Press.

Welch, M. (2004). Quiet Constructions in the War on Terror: Subjecting Asylum Seekers to Unnecessary Detention. *Social Justice, 31*(1-2), 113-129.

Wetherspoon, J. (2005). Annual Report and Accounts 2005. Watford.

Wilson, D., & McKiernan, P. (2011). Global Mimicry: Putting Strategic Choice Back on the Business School Agenda. *British Journal of Management, 22*(3), 457-469.

Wood, D. J. (1991). Corporate Social Performance Revisited. *The Academy of Management Review, 16*(4), 691-718.

Wuthnow, R., Hunter, J. D., Bergesen, A., & Kurzweil, E. (1984). *Cultural Analysis*. Boston: Routeldge & Kegan Paul.

Young, J. (1971). The Role of the Police as Amplifiers of Deviance. In S. Cohen (Ed.), *Images of Deviance* (pp. 27-61). Harmondsworth: Penguin.

Young, J. (2009). Moral Panic. Its Origins in Resistance, Ressentiment and the Translation of Fantasy into Reality. *British Journal of Criminology, 49*(1), 4-16.

Zelditch, M. (2001). Theories of Legitimacy. In J. Jost & B. Major (Eds.), *The Psychology of Legitimacy: Emerging Perspectives on Ideology, Justice and Intergroup Relations* (pp. 33-53). Cambridge: Cambridge University Press.

Zietsma, C., & Lawrence, T. B. (2010). Institutional Work in the Transformation of an Organizational Field: The Interplay of Boundary Work and Practice Work. *Administrative Science Quarterly, 55*(2), 189-221.

Zucker, L. G. (1977). The Role of Institutionalization in Cultural Persistence. *American Sociological Review, 42*(5), 726-743.

Zucker, L. G. (1983). Organizations as insitutions. In S. B. Bacharach (Ed.), *Research in the sociology of organizations* (Vol. 2, pp. 1-47). Greenwich, CT: JAI Press.

Zucker, L. G. (1987). Institutional Theories of Organization. *Annual Review of Sociology, 13*, 443-464.