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Book Author(s): James Nicholls

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A monstrous theory: the politics of prohibition

The power to apply correction by legislative means, cannot be doubted, without supposing the intelligent, the just and the moral portion of the community unable to control the excesses of the ignorant and disorderly, which would be to declare our incapacity to maintain the first principles of Government by ensuring the public safety. (Select Committee of Inquiry into Drunkenness, 1834)

The Traffic is corrupt at the core ... its 'good' is only the good of limited mischief. (Frederic Lees)

The 1830 Beer Act triggered the most intense period of public debate on alcohol since the 1750s. By radicalising the temperance movement it gave an entirely new complexion to the long-standing campaigns to regulate public drunkenness. At the parliamentary level, the effects of the Beer Act moved one MP, James Silk-Buckingham, to establish a Select Committee of Inquiry into Drunkenness which reported in August 1834. Silk-Buckingham's committee (dubbed the 'Drunken Committee' by sceptical observers) insisted that the State had a central role to play in the control of drinking, and it proposed some novel interventions. These included firmer regulatory powers to limit the number of licences according to population, to reduce Sunday opening and to ban the common practice of distributing wages in public houses. They also included proposals which would have a profound influence on the Victorian 'rational recreation' movement: the establishment of public parks, municipal libraries, museums and reading rooms and the abolition of the stamp duty on newspapers which many campaigners saw as a 'tax on knowledge'.¹

While Silk-Buckingham's committee did not pull its punches in its condemnation of drunkenness (blaming it for everything from 'debility and decay in the young' to the 'extinction of all moral and religious principle'), its remedies fell short of demanding that the State encourage, far less demand, absolute sobriety.² Radical as Silk-Buckingham's position was, it was not utopian. The idea that the State should enforce absolute sobriety on its citizens was more or less unthinkable in 1834, despite Silk-Buckingham's clear admiration for teetotalism. Twenty years later,

however, an energetic and tenacious campaign for the State prohibition of all alcohol would have established itself in Britain. The appearance of prohibitionism would split the temperance movement, but it would also bring to a head the questions of liberty and State regulation which had always been part of public debates on drink but which had often been obscured by the messy practicalities of conventional licensing. Prohibition certainly clarified things, and it would make the drink question a pressing concern of some of the leading political thinkers of the time.

An American pledge

The radical spirit of organised teetotalism ensured that its rise to prominence was swift. Within four years of the Preston Temperance Society adopting the new pledge, teetotal societies had not only appeared throughout Britain but the idea had been taken up by the largest temperance organisation in America. In 1835, James Silk-Buckingham sent a series of letters to the American Temperance Society describing the dramatic impact of teetotalism on the British temperance movement.³ The American Temperance Union adopted a teetotal pledge the following year, an event described by one chronicler as a 'triumphant *cap of the climax* ... which gave zest to every pulsation of the universal system of temperance reform'.⁴

While the movement of temperance ideas went both ways across the Atlantic, temperance campaigners in Britain always saw America as 'the grand source of temperance reform'.⁵ This was partly because it was in the interests of temperance campaigners to ally their movement with the transformative political potential symbolised by the New World, and it partly explains why Victorian temperance campaigners in Britain had so little to say about their forebears in Georgian England. However, it was also because the political successes of temperance activity in America provided a model and an aspiration for British campaigners. American temperance always appeared to be more radical, more progressive than the English version (even when it was not) and so the innovations of American campaigners invariably had an impact on their British counterparts.

One example of this was the attempted introduction of the 'American Pledge' by members of the New British and Foreign Temperance Society in 1839. The 'American pledge' – teetotalism returned with interest – required that signatories not just abstain from alcohol, but that they abstain from offering drinks 'as an article of entertainment' to friends or family.⁶ This may look like a relatively minor point of principle. However, when the issue came up for debate at the Society's annual meeting in Exeter Hall, what followed was described by one contemporary as 'the most

extraordinary and tumultuous meeting ever held within the walls of that building'.⁷ Amid a scene of 'perfect anarchy' the chairman of the Society, Lord Stanhope, was forced to abandon his seat as the platform was more or less stormed by supporters of the American pledge who loudly announced to the hall that it would be adopted by the Society from now on.⁸ Stanhope stormed off and formed his own 'short pledge' temperance organisation, the British and Foreign Society for the Suppression of Intemperance, hence adding further confusion to what was an already crowded field of 'British and Foreign' temperance groups of one kind or another. It took a further three years for the feud to be resolved and for the two groups to join forces in founding the more succinctly named National Temperance Society (although Stanhope, still not content, refused to join unless Father Mathew was made its president).

This damaging schism over an ostensibly minor question of social niceties was, in fact, the first shot across the bows in a rumbling debate over the future of temperance. American pledgers felt strongly that in addition to private abstention teetotallers had a responsibility to intervene in the habits of those around them. In its own small way, this signalled the arrival of the principle that teetotalism could be forcibly imposed on others, even if only in the private sphere. In doing so it undermined the conviction, deeply held by moral suasionists, that abstention should always be the result of individual moral choice.

Ultimately, the short pledge faction won the skirmish: the National Temperance Society retained the 'short pledge', and an American pledge-based True Teetotal Union, set up after the merger, failed to last. For a decade the question of compulsion receded to the background, but when news reached Britain in 1851 that the State of Maine had successfully prohibited the trade in alcohol, a new lease of life was given to those who felt that sobriety should be imposed rather than volunteered.

The evil of moderation

By the late 1840s every sizeable town had a local temperance society and 'teetotalism' had become a recognised term everywhere. In 1852, the London Temperance League claimed it had financed 500 lectures by its agents throughout the country and had sent 3,000 petitions to Parliament.⁹ Bands of Hope, designed to inculcate temperance principles in young people, were springing up in towns and cities across Britain, and in February 1852 a Band of Hope meeting in London was attended by 6,000 children. John B. Gough, the American 'Demosthenes of total abstinence', toured Britain between 1853 and 1855 addressing up to half a million listeners in total and, according to temperance campaigners at least, persuading

around 12,000 people to sign the pledge. In 1848, a coalition of temperance sympathisers and sabbatarians successfully saw the Metropolitan Police Act of 1839, which enforced the closure of all public houses before noon on Sundays, extended to the whole country with additional measures closing pubs on Christmas Day and Good Friday. It was a small, but significant, step forward for the proponents of piecemeal temperance reform.

Nevertheless, taken in its entirety British teetotalism produced more heat than light. For all its fiery rhetoric it made precious little impact on actual levels of beer and spirit consumption. Despite dipping slightly during the recession of the early 1840s, by 1851 per capita consumption of alcohol was almost exactly the same as it had been twenty years earlier.¹⁰ Teetotalers were undoubtedly good at publicly reclaiming drunkards: that small but significant proportion of the drinking population for whom alcohol had become a serious problem. What they failed to do, however, was make any measurable headway towards changing the drinking patterns of moderate drinkers. This posed a fundamental problem for teetotalers because, although they expended much of their energy on the reformation of 'habitual drunkards', their utopian project required the eradication of alcohol consumption in all its forms. Standing between radical teetotalers and the sober millennium was an enormous army of moderate drinkers for whom teetotal reclamation meant nothing, and to whom the likes of Joseph Livesey were nothing more than 'pharisaical prigs'.

The arch-enemy of teetotalism was the moderate drinker. Moderate drinking threatened to undermine the whole temperance project by showing that alcohol was not inherently destructive. In order to counter this, teetotalers had to depict moderate drinking as a snare which drew vulnerable drinkers into debauchery and ruin. It was easy for teetotalers to convince drunkards or their families that alcohol was the root of all evil, but it was far harder to convince the thousands of ordinary people for whom alcohol was a source of great pleasure (not to mention the centre of their social lives) that they should embark on the narrow path to sober liberation. Not surprisingly, moderate drinkers found teetotalers deeply irritating. Charles Dickens complained that the temperance movement suffered from an inability 'to distinguish between use and abuse'.¹¹ His feelings were typical. One London mechanic who was cajoled into attending a temperance meeting by zealous teetotal colleagues recalled sitting through a series of 'enthusiastic' speeches from an array of reclaimed drunkards culminating in an oration – which 'failed to either anger or interest' him – on the 'Evil of Moderation'.¹² It was a title which could have provided a motto for the entire teetotal campaign.

Enter prohibition

Teetotalers saw themselves as the vanguard of a two-pronged mission of salvation: to save individual drunkards through the practice of reclamation, but also to save society itself through the overthrow of King Alcohol. The problem was that while they were rather good at the first of these, they had no means whatsoever by which to achieve the second beyond an optimistic faith in progress. Their reliance on 'moral suasion' meant that they had no means at their disposal for ushering in the sober society beyond lectures and parades – hardly the most compelling alternatives to a warm night in the pub. Without bringing in a sober society, teetotalism would always be nothing more than a novel social safety net. In truth, moral suasionist teetotalism was doomed from the start by the obdurate contradiction between its goals and its methods.

John Dunlop, founder of the Glasgow Temperance Society and one of the leading figures in British temperance, saw the solution as demanding a root-and-branch assault on the cultural roots of drinking practices. In 1839 he published a monumental study of 'drinking usages' which detailed the link between workplace cultures and rituals of drink, exposing the often bizarre ways in which drinking was enforced as a workplace norm throughout Great Britain. Dunlop's novel conclusion was that much socially inscribed drinking was not, in fact, popular; rather, it was the outcome of the social pressure that drinking customs imposed on individuals. What followed was that 'Teetotalism must abolish the usages, or the usages will abolish Teetotalism'.¹³ For Dunlop, social pressure created a culture of consumption which could only be destroyed on a social, not an individual, level.

Dunlop's desire to look beyond individual decision-making reflected a shift in the focus of temperance campaigning towards the wider social contexts in which drinking took place. The 'rational recreation' movement formed part of this process, and in the 1840s a number of the ideas contained in Silk-Buckingham's report made it into legislation: the Public Museums Act (1845) and the Public Libraries Act (1850) were significant steps towards the development of precisely those counter-attractions that Silk-Buckingham had called for. However, the business of enacting legislation and building local amenities was slow and arduous, and there was still no guarantee that the reading room would actually prove more of an attraction than the taproom for the majority of working men. The pace of moral suasion and counter-attraction was slow, so when the notion of prohibiting the alcohol trade started to take shape in America, frustrated temperance activists in Britain were quick to adopt the idea.

In 1851, the Quaker Governor of Maine, Neal Dow, introduced a law

outlawing the sale and manufacture of alcohol. Dow, like many in the American temperance movement, sympathised with moral suasion but found that its strategies rendered it largely ineffectual. This disillusionment with moral suasion was intensified in America by the collapse of the Washingtonian movement, which had achieved spectacular levels of support in the 1840s (including the backing of a young Abraham Lincoln) but which had died back towards the end of that decade, having failed to achieve anything like the temperance reformation it had promised. Ever since the American Temperance Society had adopted a pledge promising not to supply alcohol, it had been possible to think seriously about imposing temperance on others as part of a programme of social reform. With the passing of the so-called 'Maine Law' in 1851, this idea reached fruition. Within four years similar laws had been adopted by eleven other states including Connecticut, Vermont, New Hampshire and, briefly, New York. It was a testament to the dramatic political impact of radical teetotal movements like the Washingtonians that such a law could even have been contemplated, much less enacted. The turn to legislation rather than persuasion was also, however, a testament to their failure.

In some ways this novel idea of using the law, rather than persuasion, to restrict alcohol consumption simply represented a change of strategy on the part of those who had fallen in with Washingtonians, but been disillusioned by their collapse. In truth, however, it represents far more than that. The shift from persuasion to compulsion represented a complete reconsideration of the role of the State in the management of private morality. The significance of this political shift, hidden behind what at first appeared as a mere change of tactics, only began to reveal itself, in Britain at least, when mainstream political thinkers turned their attention to the drink question after a vociferous lobbying campaign to push similar legislation through the British Parliament.

A political association

The Maine Law reignited the fire of British temperance campaigning. It sidestepped the limitations of moral suasionism by identifying the source of the problem not in drinkers, but in the drinks trade itself. While setting its sights on what looked to be a similar goal, the principle of alcohol prohibition actually inverted the moral universe of suasionism and it was never accepted by many of the leading teetotallers. Joseph Livesey denounced the sacrifice of 'the temperance cause proper' to the 'wild and impracticable scheme' of prohibition.¹⁴ Prohibitionists insisted that sobriety was not an issue of individual moral regeneration, but rather the object of practical politics. With the rise of prohibitionism, alcohol control

began to be talked about in terms of legitimate State coercion rather than individual moral choice.

The prohibitionist conception of the relationship between citizen and State may have been offensive to Joseph Livesey but it caught on quickly with many other frustrated British temperance campaigners. In 1853 a prohibitionist organisation was founded in Manchester called the United Kingdom Alliance for the Suppression of the Trade in Alcohol (a name generally shortened to 'the Alliance'). The foundation of the Alliance formalised the division between those who favoured moral suasion and those who favoured legislative action. Perhaps more importantly, however, it marked the moment at which the drink question broke into wider British political discourse. Prohibitionism posed a political question – indeed, Frederic Lees, the most serious-minded theorist of prohibition, insisted that 'the Alliance is not a temperance, but a *political* association' – and the Alliance developed a sophisticated brand of single-issue lobbying techniques.¹⁵ As Harrison puts it,

The Alliance, though now less well known than its predecessors the Catholic emancipation, parliamentary reform, anti-slavery and anti-corn law movements, represents the culmination – even the *reductio ad absurdum* – of the techniques elaborated by these campaigns.¹⁶

The Alliance began by campaigning for state-wide prohibition on the model of the Maine Law. By 1857, acknowledging perhaps that even the most wildly optimistic of their number had to take account of political reality, they switched tactics and began to campaign for the introduction of new legislation which would allow local areas to vote on whether to impose a form of prohibition regionally. Under the guidance of their indefatigable Parliamentary champion Sir Wilfrid Lawson, the Alliance drew up a so-called 'Permissive Bill' proposing just such measure, which Lawson introduced to Parliament in 1864. The Permissive Bill was defeated in 1864, and would go on being defeated as Lawson reintroduced it repeatedly over the next two decades. However, the Alliance, aiming its sights on a social revolution, was not put off by such short-term losses. Lawson's Bill put prohibition on the political map and a version of it would, forty years later, be adopted by the governing Liberal Party in an ill-fated move which brought England as close to allowing limited prohibition as it would ever get. It is a measure of the effectiveness of the Alliance that prohibition would, throughout the second half of the nineteenth century, expose deep divisions within political and cultural liberalism; divisions between those who located freedom in individual liberty (including the liberty to drink) and those who saw freedom as the outcome of progressive legislation (including prohibition), however much that progress may involve the restriction of personal liberties.

Two conceptions of liberty

Prohibition, illiberal as it may seem to a twenty-first-century mind, was based on solid liberal foundations. Prohibitionists did not believe in outlawing alcohol for the sake of their own puritanical proclivities (though this, doubtless, played a part). They believed in outlawing alcohol because they believed that, in the long run, what appeared to be an infringement on individual liberty would turn out to add greatly to the store of human freedom by releasing all individuals, even those who did not realise that they needed it, from an activity which diminished their rationality as well as their prosperity. For prohibitionists (as for moral suasionists) drink was a form of bondage disguised as freedom. Prohibition, then, was an expression of the liberal belief in enlightened progress, in this case progress towards the realisation that drink was a form of slavery, even if that progress had short-term costs. However, it also contradicted the equally liberal principles of toleration and individual freedom.

Frederic Lees tackled some of these questions head-on in an essay on prohibition which sold in significant numbers on publication in 1856. The 'best conception of Government,' Lees stated, 'includes the right and the duty of repressing socially injurious trades, whenever such trades materially interfere with the social and moral advancement of the community'.¹⁷ Furthermore, he insisted that 'the only just liberty is "rational liberty" [and] among just examples of rational liberty, actions which are socially evil, whether evil in their issue or their tendencies, cannot be fairly included'.¹⁸ The right of the publican to sell alcohol was, for Lees, not a natural right but merely 'the *privilege*, and the licensed liberty, of contributing to degrade his country'.¹⁹ The correlative of all this was that, because the drinks trade was 'inherently and tremendously evil' – a claim which anti-prohibitionists flatly rejected – the State had the right and duty to repress it on the grounds that it '*must*, not only resist wrong, but do many things necessary to *prevent* wrong'.²⁰ Throughout his essay Lees appealed above all to Jeremy Bentham as his moral guide; however, prohibition was a concept which some of the heirs of Bentham, not least John Stuart Mill, would contest vigorously.

The battle-lines in this debate can be traced in some of the many letters that appeared in *The Times* between 1850 and 1870 on the subject of Wilfrid Lawson's Permissive Bill. In October 1856, an exchange was published between Samuel Pope, a radical Liberal MP and Secretary of the Alliance, and the liberal-minded Tory, Lord Stanley. This exchange revealed key points on which the interventionist liberalism of the Alliance clashed with the Millian liberalism of anti-prohibitionists. J. S. Mill would later comment on these letters in *On Liberty*, concluding that prohibitionism,

as presented by Samuel Pope, represented a 'monstrous' theory of social rights 'far more dangerous than any single interference with liberty [as] there is no violation of liberty it would not justify'.²¹

The exchange of letters was triggered by Lord Stanley turning down an invitation to attend the annual meeting of the Alliance in Manchester. Stanley decided to make his response to the invitation public, and, while claiming to 'entirely approve' of 'the voluntary temperance movement', he outlined a list of objections to the principle of legally enforced prohibition.²² Firstly, he argued that prohibition was impractical: that it would lead both to widespread evasion and 'contempt for law', and that it would reduce excise revenue considerably. Secondly, he argued that far from making alcohol less attractive, prohibition would turn alcohol into the source of two suspect pleasures: the pleasure of intoxication and the pleasure of resisting an unjust law. Finally, Stanley claimed that any 'moral' behaviour which resulted from legislative compulsion, rather than from autonomous choice, was not in fact moral behaviour in any meaningful way, it was simply obedience to coercion. As a consequence, however much it may ameliorate the short-term effects of drunkenness, prohibition could not contribute to genuine social progress. Warming to his theme, Stanley concluded that:

The principle ... of personal liberty of action, permitted wherever it does not come into collision with the personal liberty of others is at once the result and guarantee of modern civilization. Encroach upon it, under whatever idea of benefiting mankind, and you will find that compulsion has produced resistance – that the best feelings of men are enlisted in support of their worst vices – that intemperance has gained defenders in those who would otherwise have been foremost to denounce it – and that you will have given to bigotry, political and religious, a precedent of which it will not be slow to avail itself.²³

Prohibitionism, Stanley insisted, was wrong morally, practically and politically, not least because the 'absence of temptation cannot confer moral strength'.²⁴

Stanley's argument rested on the common liberal presupposition that 'moral strength' or virtue consisted of a set of values that everyone would come to agree on once the right social conditions were in place. As a Millian liberal, he felt that the 'right conditions' would apply when individuals were given maximal freedom from State compulsion (allowing for the principle that their actions did not restrict the freedom of others). Samuel Pope disagreed. For him, as for all prohibitionists, the role of the State was to 'be the great educator of the habits of the people'; that is, to actively intervene in improving the moral condition of its citizens.²⁵ This disagreement over the role of the State in guiding the moral choices of its citizens – the conflict between what Isaiah Berlin would later call

‘negative’ and ‘positive’ conceptions of liberty – lay at the heart of liberal debates over alcohol in the second half of the nineteenth century.²⁶

The idea of prohibition highlighted a fundamental problem for liberal thinkers regarding the relationship between moral responsibility and reason. Liberal moral objectivism – the belief that there were universal and knowable moral absolutes – was influenced by Immanuel Kant’s argument that there were universal moral laws, and that those laws were discoverable through, and only through, the exercise of *reason*. For Kant himself, one implication of this was that one could not be held morally responsible for actions carried out while drunk. The ‘actions ... of a madman or a drunkard,’ he wrote ‘can be attributed, though not imputed to them. In imputation the action must spring from freedom’.²⁷ In other words, responsibility was based on freedom, and freedom was dependent on the proper functioning of reason. To be irrational – or drunk – was to be no longer a free moral agent. The legal implication, for Kant, was that the ‘drunkard cannot ... be held accountable for his actions, but he certainly can, when sober, for the drunkenness itself’.²⁸

As we have seen, however, this model of moral responsibility was unsettled by the emergence of addiction discourse. This was because the idea of addiction suggests that, in some instances, individuals are not, in fact, free to decide whether to get drunk or not. In other words, drink did not only undermine moral responsibility after it had been taken, it had the potential – so long as it was held to be addictive – to undermine moral responsibility without even being ingested. This was critical to the prohibitionist argument. For prohibitionists ‘the appetite for drink ... unlike every other appetite ... is never satisfied. Indulgence is not followed by satiety, but by increased craving.’²⁹ Prohibitionism, then, rested on the new idea that alcohol produced not just desire, but addiction.

In *On Liberty*, J. S. Mill followed Kant in arguing that while drunkenness itself was ‘not a fit subject for legislative interference’ it was:

[P]erfectly legitimate that a person who had once been convicted of an act of violence to others under the influence of drink should be placed under a special legal restriction, personal to himself; that if he were afterward found drunk, he should be liable to penalty.³⁰

However, it was a matter of fundamental principle for Mill that drinking could only be legislated against in terms of its public effects. Drinking – in and of itself – could not be subject to legislation because the decision to drink was always taken freely. Prohibitionists disputed this, and they leapt on Mill’s own famous insistence that no one should be ‘free not to be free’ to justify intervention to prevent drinkers from turning themselves into enslaved drunkards.³¹

In November 1868, Mill clashed with Dawson Burns – a founding

member of the Alliance – in *The Times* on the subject of the Permissive Bill. Defending the Bill against Mill's public opposition, Burns complained that Mill ignored the 'indisputable peculiarity of the drink traffic, and its acknowledged connection with all the evils that impoverish, criminalise and degrade immense masses'.³² Mill responded by reasserting his belief that 'the use or non-use of alcoholic liquors is a subject on which every sane and grown-up person ought to judge for themselves under his own responsibility'.³³ For Mill, and like-minded liberals, the job of the State was to allow individuals to make their own choices and their own mistakes so long as those choices and mistakes did not actively restrict the opportunity of others to do the same. For prohibitionists, the role of the State was actively to create the conditions in which individuals would be able to apprehend moral truths – and since that required sobriety, the State had a responsibility to outlaw the drinks trade.

As the prohibitionists pointed out, however, Mill's own arguments could also be applied in support of prohibition. Dawson Burns observed that 'if the question were one of mere personal taste (as of one kind of food in preference to another) ... the Permissive Bill could never have been drafted'.³⁴ It was only drafted because alcohol was not like most other commodities: it had a unique potential to create negative social impacts, and it had been shown to be, in some cases, addictive. For prohibitionists the principles of free choice did not apply to trade which, by its nature, undermined the capacity to choose freely.

Mill did not dispute either the deleterious effects of the alcohol trade or the 'great moral value of the end [temperance campaigners] pursue'.³⁵ What he did not accept was that, just because the boundaries of individual liberties were broken by some drinkers, it followed that *all* drinkers should be compelled to abstain. For Millian liberals, prohibition presented an unjustifiable infringement on individual liberty by insisting that moderate drinkers should also be prevented from access to alcohol – even though their drinking caused no apparent harm to anyone.

T. H. Green, perhaps the only other British philosopher who could match Mill's status as a theorist of liberalism, disagreed fundamentally. Green joined the Alliance in 1872 and became a vice-president in 1878 and his advocacy of outright prohibition hardened over time,³⁶ partly on the grounds that he regarded the drink question as 'that question of all others which is of the most pressing social importance in our towns'.³⁷ Green, like all prohibitionists, insisted that moderate drinkers would, and should, simply forgo the minor (and, at best, morally suspect) pleasure of drinking in the cause of the greater good. That greater good was, ultimately, a society freed from the primitive urges and instincts which kept the greater part of humanity in bondage.

Green's support for prohibition was in keeping with his wider political conception of the relationship between the State and individual liberty. In a famous defence of State intervention he wrote that

Our modern legislation ... involving as it does manifold interference with freedom of contract, is justified on the ground that it is the business of the state, not indeed directly to promote moral goodness, for that, from the very nature of moral goodness, it cannot do, but to maintain the conditions without which a free exercise of human faculties is impossible.³⁸

This argument is coherent by its own lights. If one believes, as Green did, that there are objective moral absolutes, and if one believes that the understanding of those absolutes requires certain knowable conditions, then it is reasonable that the role of the State is to create those conditions. Peter Nicholson argues that the apparent contradiction between Green's belief in moral autonomy and his support for prohibition is resolved by his belief that the common good must, by definition, be the same for all.³⁹ Therefore, creating the conditions in which people will *choose* this good is not the same thing as moral coercion.

Prohibitionism, then, was a concrete expression of 'positive' conceptions of liberty. It presumed that the simple expansion of individual liberties would merely give free reign to the worst aspects of human nature (and prohibitionists assumed, of course, that the desire to drink was never a good thing). Consequently, they saw the role of government as being to actively construct conditions which 'liberated' people from their own worst desires. As Berlin pointed out, utopian forms of positive freedom always require a grand political intervention after which those illusory desires which had previously tied humans to their worst natures would wither away, leaving behind a transformed society. Samuel Pope expressed just this sensibility, writing that the Alliance 'have faith in a millennial future, when law shall have accomplished its work, and the people trained in virtue shall be a law to themselves'.⁴⁰ Looking back from a twenty-first century perspective, we know of course that prohibition has never achieved any such thing.

Sobriety by Act of Parliament

The Alliance saw no reason to entertain concerns over the possibility that prohibition might make things worse rather than better. Their reports were that prohibition was a success in the states of America where it had been implemented. When states (including Maine and New York) repealed prohibitive legislation after 1855 prohibitionists blamed the perfidy of the drinks trade, the corruption of local officials, the lack of will among law

enforcers: anything but the idea itself. This certainty as to the rightness of both its principles and its means made the Alliance formidable but also rigid and inflexible. While it threw its resources into the almost annual introduction of the Permissive Bill, and into applying pressure on MPs in marginal seats to support ‘local option’ (as the key provision of the Bill was known), it refused to dirty its hands engaging with the piecemeal licensing legislation that was actually being put onto the statute books. For many this represented a missed opportunity just as the backlash to the 1830 Beer Act was starting to produce concerted attempts to regain governmental control over the trade.

Perhaps its peripheral role in an embarrassing debacle over Sunday closing put the Alliance off. In 1854, a Select Committee looking at further restrictions on Sunday trading took evidence from ‘several zealous promoters of an association established to procure the enactment of [the Maine Law] in England’.⁴¹ These Alliance witnesses (including both Frederic Lees and the Alliance’s founder Nathaniel Card), testified that the majority of working people wanted an extension of Sunday closing because they wanted to be spared the temptation presented by pubs for at least one day a week. The idea that working people were desperate to be saved from the temptation of the drinks trade was a key Alliance claim – and one rubbished by Livesey, who doubted that the evidence of pubs on a Saturday night pointed to a population ‘in the fangs of the traffic, longing for “protection”’.⁴²

The 1854 Committee, however, was persuaded and it recommended that Sunday closing be extended to include most of the afternoon and later evening. These measures were duly incorporated into a Sale of Beer Act the same year which required pubs to close between 2p.m. and 6p.m. on Sundays, and to close for the night at 9p.m. Widespread condemnation in the press, and two days of rioting in Hyde Park the following June – blamed by most observers on anger at the new Sunday closing restrictions – led to a hasty amendment reducing Sunday afternoon closing to two hours in the afternoon and extending evening opening to 11p.m. So much for a population desperate to be spared from temptation.

While the Alliance pursued its purist path of ‘local option’ or nothing, momentum was building for further government action to curb drunkenness. One idea was to encourage a more sophisticated approach to drinking. In 1860 Palmerstone’s Liberal administration introduced an Act, supported by the then Chancellor William Gladstone, which allowed shopkeepers to apply for a special licence to retail wine, and which also allowed restaurants to sell wine to customers. Cynics saw Gladstone cosy-ing up to his friends in the wine trade, and temperance campaigners threw their hands up in horror at the prospect of the ‘grocer’s licence’ spawning

a whole new raft of drinks outlets. However, others saw the measure as encouraging more respectable and responsible drinking. By making it possible for the lower classes to purchase wine more easily, and by making restaurants a viable alternative to the pub, the Wine and Refreshment House Act foreshadowed some of the efforts to encourage more 'continental' style of drinking in Britain over a century later. Wine consumption did increase significantly after 1860, but whether this was at the expense of other drinks is a moot point: by 1865 consumption of wine, spirits and beer were all higher than they had been five years earlier.

In 1869 the free-trade experiment of 1830 was finally repealed by the Wine and Beerhouse Act, which required all new licences to be approved by magistrates. After almost forty years it was clear that the increased competition produced by free trade had not, as the Smithian model predicted, flushed out bad traders. Instead it had dramatically increased the number of outlets selling drinks – a 'very large proportion' of which remained tied to brewers – while beer adulteration remained, according to one Select Committee report an 'almost universal' practice.⁴³ Gladstone, now installed as Prime Minister, did not need a temperance campaign to tell him that the licensing system was desperately in need of reform and he set out a timetable for new licensing legislation to be introduced in 1871, with the 1869 Act providing a stopgap. The hope was that a major new Licensing Act would iron out the anomalies which had crept into existing legislation and provide a robust framework for the management of all areas of alcohol retail. Gladstone may also have wanted to appear to be doing something about levels of alcohol consumption, which – despite forty years of temperance – had reached unprecedented levels, but he did not want to pick a fight with the brewers, many of whom had always seen the Liberal Party as best reflecting their interests. Unfortunately for Gladstone, when the Home Secretary Henry Bruce introduced his Licensing Bill in 1871 it triggered a debate of such intensity that it would badly damage the Liberal Party and define the relationship between temperance and mainstream politics for decades to come.

Charged with drawing up a new Licensing Bill, Bruce produced something as radical in its own way as the Beer Act of 1830. However, where the Beer Act was based on an idea of startling simplicity, Bruce's 1871 Bill proposed an extraordinarily complicated system of licences. To resolve anomalies in the existing licence scheme, Bruce proposed not to simplify things but rather to introduce a system of 'general' and 'limited' licence certificates including inn certificates, eating certificates, railway refreshment room certificates, theatre certificates, 'special refreshment room' certificates, beershop certificates and the inelegantly titled 'closed vessel retail certificates'. The Bill also put in place systems by which the role

of licensee and licence manager were to be distinguished, complicated procedures for the renewal of licences at annual sessions, and a system of licence rents designed to return to local coffers some of the excess market value which tended to be added to any property after it was granted a licence. Taken alone, the complexity of the certificate and rent system would probably have been enough to ensure a rough passage for the Bill through Parliament. However, it was a radical proposal for local control of licences which caused uproar and vilification from all sides.

The 1871 Licensing Bill is a testimony to the influence that the temperance movement, and the Alliance in particular, had begun to exert at the highest political level. The key proposal in the Bill was that local ratepayers should be able to vote on the number of licences granted in their area each year. This was not the 'local option' contained in Wilfrid Lawson's Permissive Bill, but it was as close as was realistically possible at the time. Rather than allowing a two-thirds majority of local ratepayers to enforce local prohibition – which was what Lawson wanted – Bruce's Bill proposed that each year licensing authorities would publish the number of licences they intended to grant, and that a petition of one-third of local ratepayers could then trigger a ballot of the entire electorate on whether or not to accept that number of new licences. A three-fifths majority in the subsequent vote could then overturn or alter the proposed number. In addition, the Bill set out a statutory maximum number of licences for any area: one per thousand inhabitants in towns and one per six hundred elsewhere. Any attempt to grant more licences would require approval by vote. Once the number of licences was agreed, the local authorities would then tender them to the highest bidders. Finally, the Bill proposed that licences could be renewed annually for ten years, but be treated as new applications after that. In effect this made it possible for significant reductions in licences to take place every ten years, although the rigorous procedures for licence renewal also meant that zealous authorities would be able to suppress unwanted licences on an annual basis.

Were the Alliance a pragmatic campaign group, they would surely have seen Bruce's Bill as a victory: a significant step towards temperance reform which, for the first time, legally instituted the principle that licences could be subject to systematic suppression where there was clear local support for such a move. They were nothing of the sort, though. The Alliance objected to all licensing on the principle that the drinks trade was a social evil, therefore a Bill which proposed merely to make licence applications difficult, rather than impossible, was of no use to them. They dismissed Bruce's Bill as a feeble sop to the trade, and refused to give it support. The drinks industry, unsurprisingly, attacked the Bill with as much vigour as it could muster. The timing of Bruce's Bill was unfortunate: coinciding with

the Paris Commune and a consequent wave of anti-‘communist’ feeling among British industrialists, it was a measure which the brewers were able to depict as outrageously socialist.⁴⁴ Gladstone himself seemed unimpressed by the proposed measures, perhaps all too aware that a Bill of this sort would gain few friends and make countless enemies. In a diary entry from December 1871, Bruce ruefully observed that he had ‘a cabinet today, when I hope to have my Licensing Bill in its main principles definitely settled. Unfortunately Gladstone cares for nothing but “free trade” ... and I cannot get him really to interest himself in the subject’.⁴⁵

The Parliamentary debates over Bruce’s Licensing Bill were tortuous and often chaotic.⁴⁶ Most famously, during a debate in the Lords the Bishop of Peterborough William Magee argued that the State had no legitimate right to try and enforce greater sobriety by statute. ‘If I must take my choice ... whether England should be free or sober,’ the Bishop stated,

I should say it would be better that England should be free than compulsorily sober. I would distinctly prefer freedom to sobriety, because with freedom we might in the end attain sobriety; but in the other alternative we should eventually lose both freedom and sobriety.⁴⁷

It was a memorable expression of the principles set out previously by both Stanley and Mill, and it deeply angered prohibitionists who accused Magee of encouraging drunkenness in the name of an abstract liberal principle.

Magee’s intervention was a remarkable inversion of the Alliance position that to be drunk was to be enslaved. It also carried palpable echoes of the Irish nationalist slogan ‘Ireland sober is Ireland free’ (and Charles Stuart Parnell would echo Magee in parliamentary debates on Irish licensing nineteen years later).⁴⁸ William Magee’s comment was immediately condemned by the Alliance, but it was far closer to the prevailing opinion than that of the prohibitionists. In the midst of all this, Bruce’s Licensing Bill found itself beset on all sides. The drinks trade attacked it, the Alliance attacked it, moderate liberals feared that it misjudged the balance between the rational management of public affairs and oppressive legislation,⁴⁹ and Gladstone saw a political millstone being ground out before his eyes. In the end a version of the Bill was passed in 1872, but so effectively neutered that it was hardly recognisable. The 1872 Licensing Act, as finally passed, retained original sections on adulteration, fines for drunkenness and the physical condition of public houses. It also set out new opening hours – though these were much longer than Bruce had intended – and banned the sale of spirits to children under sixteen. All mention of licence limits, variable certificates and local voting, however, were entirely removed.

The extensive revision of Bruce’s Bill was not enough to appease the

drinks lobby. Many powerful producers switched allegiance to the Tories, who themselves made much political capital out of depicting the Liberal administration as nanny-ish and puritanical. Disraeli enthusiastically presented the Tories as the party best placed to defend those long-cherished English freedoms of which the right to drink beer had always provided such a powerful symbol. By presenting themselves as a party set against the legislative tinkering of the Liberals, the Tories also succeeded in reinforcing the idea that the Liberals were in league with the radical temperance movement – despite the Alliance’s disdain towards the 1872 Act. Exploiting fears that the Liberal Party was in cahoots with temperance zealots helped the Tories snatch the political middle ground and contributed to their victory in the General Election of 1874. In a letter to his brother Robert following this defeat, Gladstone expressed no doubt about the ‘operative causes [which] have determined the elections’. ‘We have’, he wrote, ‘been borne down in a torrent of gin and beer’.⁵⁰

The ethics of prohibitionism

Arguments over prohibition were about practical politics, but they were also about underlying philosophical principles. Prohibitionists believed that moral responsibility was always and everywhere strangled by alcohol. The anti-prohibitionist argument also appealed to moral agency, but it did so with the crucial proviso that ‘absence of temptation cannot confer moral strength’. As far as anti-prohibitionist liberals were concerned, progress was measured by the capacity to choose virtue *despite* the temptations of vice, not simply because vice was made harder to access.

This, however, required a leap of faith. Prohibitionists simply felt that, all things remaining equal, unlimited individual freedom would simply encourage the mass of humanity to get drunk. Why, they asked, should unrestrained freedom encourage sobriety? In response, Millian liberals had to fall back on versions of Mill’s notoriously problematic assertion that ‘those who are equally acquainted with, and equally capable of appreciating and enjoying both, do give a most marked preference to the manner of existence which employs their higher faculties’.⁵¹ In other words, the optimistic notion that, freed from the undue influence of the State, individuals will automatically choose to indulge their ‘higher’ faculties – something which, in the context of the debates over prohibition, presupposed a reasonable level of sobriety. However, what was left out of the equation on all sides was the possibility that drunkenness might sometimes be – to put it simply – a good thing. Not even the most vehement opponent of temperance fanaticism publicly ascribed a positive value to intoxication; at best it was acknowledged as the sometimes harmless side

effect of a legitimate indulgence. The polite assumption that sobriety was always better than drunkenness, so novel a hundred years earlier, had by the mid-nineteenth century become an unquestioned orthodoxy among the British middle class.

What gave temperance campaigners confidence in the rightness of their cause was that this consensus seemed to be an example of the 'value convergence' which drove liberal conceptions of history. The widespread adoption of conspicuous sobriety by swathes of the middle class, and a significant portion of the respectable working class, seemed to confirm the liberal belief that given the right conditions (whether achieved through 'positive' or 'negative' means) the value systems of all rational, adult humans will eventually converge because the values encapsulated in liberalism are, fundamentally, universal. By the 1850s, this assumption was already under attack from the fringes of the artistic and literary avant-garde, but it also made many working-class activists suspicious that temperance was nothing more than a frontal assault on their class culture.

We have already seen the extent to which attacks on lower-class drinking cultures can be understood as a form of social control in the sphere of everyday cultural practices. However, one has to be careful when applying simplistic models of class conflict to the drink question in the nineteenth century. Working-class drinking was the prime target of paternalistic middle-class reformers: Neal Dow's insistence at a speech in London that prohibition was 'a thousand times more important' than franchise expansion exposes that depth of condescension plainly.⁵² At the same time, however, much of the fire in the belly of temperance came from its radical working-class wing. Similarly, the deep divisions between those bourgeois Victorians (such as T. H. Green) who dreamed of imposing their private sobriety on society at large and those other bourgeois Victorians (like J. S. Mill) who were horrified at the thought of prohibition suggests little class unity on this crucial area of cultural and economic activity. Free traders, social conservatives, State interventionists, libertarians, religious reformers and rational recreationists – all, by and large, good middle-class liberals – fell about themselves where the drink question was concerned.

What makes it difficult to ascribe a clear ideological role to temperance is the fact that drink produced all sorts of ideological paradoxes. Wasteful expenditure on alcohol ran counter to the principles of thrift and accumulation which, on the surface at least, drove Victorian capitalism. On the other hand, the alcohol economy was a model of efficiency: cash laid out in wages was, through the alchemy of the bottle, re-circulated to the economic benefit of all – except the worker whose cash had been so easily teased from his wallet (and who, thereby, chained himself ever tighter to the wheel of his labour while experiencing that chaining as pleasure). It is

not coincidental that the public house was so often the place where wages were paid in the early nineteenth century, nor that the abolition of this custom in 1883 was one of the temperance movement's most significant contributions to social welfare. The nineteenth-century drink question pitched eminently capitalist temperance reformers against eminently capitalist brewers and publicans, and it provides a concrete example of how cultural, economic and class interests are often wildly contradictory.

As John Greenaway points out, drink tends 'to generate its own ideological schools'.⁵³ However, in nineteenth-century England drink was more than just a political loose cannon promiscuously attaching itself to whichever reformist cause presented itself; rather, alcohol captured contradictions in Victorian capitalism and held them up for all to see. Economic growth required both production and consumption, and the brewers were certainly some of the most active producers at work. For many Victorian liberals, the economic necessity of consumption came up hard against the need for moral responsibility in one's private and public life.⁵⁴ While this was an issue for many forms of consumption, because alcohol represented intoxication *as* a commodity, it was especially problematic. Having no material presence once consumed, and no ethical value (according to temperance campaigners, at least), but stimulating huge amounts of economic activity, alcohol presented a moral and ideological conundrum that repeatedly escaped resolution.

By focusing on the trade, rather than on the drinker, prohibitionists sparked a debate about the morality of free trade which was made all the more tortuous because few of those involved were able to recognise that underpinning all this was a debate about markets at large, not just the specific issue of alcohol use. The drink question shook the foundations of the Liberal Party in particular because no one could resolve the problem of where State licensing stopped and free-market liberties started. Prohibitionists radicalised one portion of the Liberal Party's natural constituency by presenting a utopian vision linking prohibition to the liberal progressive dream of a rational and equitable society. By doing so, they exposed deep divisions within liberal thought more broadly. On the subject of alcohol legislation leading liberals like J. S. Mill and T. H. Green could find absolutely no common ground. For Mill, alcohol consumption was a natural and morally neutral activity which the State could only restrict when it clearly encouraged other, censurable activities. For Green, drinking was only natural inasmuch as other forms of human corruption were natural, and the State had a duty to create conditions in which corruption was curtailed. There was no way to bridge these two positions. In addition, the fundamental liberal belief in free trade was thrown into confusion by the alcohol market. Once the principle was allowed that

the State could outlaw a commodity, which in some but by no means all cases produced social harms, then there was no saying where that principle ended. Liberals could agree on banning slavery because they agreed there was no acceptable or 'moderate' slave-owning. They couldn't agree the same for alcohol because, as even prohibitionists had to accept, most drinkers were moderate and well-behaved. Prohibition only made sense if alcohol was inherently evil. On this there was simply no scope for compromise in terms of either principle or policy. The debates over the 1872 Licensing Act certainly did not resolve any of these contradictions, nor did they dampen the enthusiasm of temperance campaigners. As a result, the political hostilities over the management of the drinks trade continued to intensify over the following decades – leading to a period of unprecedented activity during which the relationship between the drinks trade and the State would come to occupy the centre of the political stage.

Notes

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- 6 Couling, *History of the Temperance Movement*, p. 112.
- 7 *Ibid.*, p. 117.
- 8 *Ibid.*, p. 118.
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- 18 *Ibid.*, p. 130.
- 19 *Ibid.*, p. 120.
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- 31 *Ibid.*, p. 173; P. Nicholson, ‘T. H. Green and state action: Liquor legislation’, *History of Political Thought*, 6:3 (1985), 517–50, p. 536.
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- 33 *Ibid.*
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- 42 Livesey, *True Temperance Teaching*, p. 5.
- 43 House of Commons, *Report of the Select Committee of the House of Lords Appointed to Consider the Operation of the Acts for the Sale of Beer* (1850) 398, p. iv; House of Commons *Report from the Select Committee on Public Houses* (1854) 367, pp. ix, vii.
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