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Biography

I work as a Research Assistant within the School of Health and Social Care at Bournemouth University, as well as being the Information & Research Officer for Dorset Drug and Alcohol Action Team (DAAT).

My PhD, 'Gender, Class and "Binge" Drinking', investigated how drinking practices and understandings of these are constitutive of gendered and classed identities.

Recent publications, in addition to conference papers covering issues such as public health social marketing, include a book chapter on drinking and distinction in the night-time economy as well as book reviews in *Leisure Studies* and *Reviews in History*.

From 24-hour drinking to minimum unit pricing: The continuity of neoliberalism in UK alcohol policy

Abstract

This article explores the continuities in alcohol policy over the past decade under both Labour and Coalition governments. It is argued that these continuities reflect a neoliberal mentality of government whereby market mechanisms are maintained even when the outcomes produced are deemed undesirable. Policies to address these outcomes have focused on the individual citizen, conceived of as a potentially rational decision-maker. If exhortations to behave in the desired fashion do not reap results then measures are targeted at specific individuals or groups of individuals considered flawed consumers. The continuity is examined in light of recent commentary that has identified a trend in policy-making reflecting a loss of confidence in individual rationality and market outcomes, described variously as post-liberalism or neocommunitarianism. It is suggested that the stability of the broader underlying structures of thought that circumscribe contemporary policy discussions should not be underestimated.

Keywords

Liberalism, Nudge, Rationality

Introduction

Alcohol, and in particular the issue of 'binge' drinking, has been a major concern of public policy in recent years. The Labour government, at the same time as apparently liberalising licensing laws – specifically through the Licensing Act 2003 – placed a strong focus on forms of drinking that were considered undesirable, alongside anti-social behaviour. This combination of policy actions has been considered contradictory, confused and even hypocritical (e.g. Hobbs et al., 2005; Hackley et al., 2012). In this article, I argue that in fact the Labour government's approach to alcohol policy is better understood as reflecting an overarching neoliberal approach to the issues. Moreover, despite the rhetoric employed by Conservative politicians both in Opposition and now Government, referring to 'tearing up' the Licensing Act, the current Coalition government's approach also reflects this neoliberal approach. This analysis reveals how the categorisation of particular forms of drinking as problematic is shaped by a particular 'mentality of government', which also circumscribes the publicly debated policy options.

Through the prism of alcohol policy, the article touches on broader debates around mentalities of government as to the continuing utility of the term neoliberal to describe politics in the aftermath of the financial crisis, when markets and individuals are viewed with less confidence in terms of their ability to deliver rational and desirable outcomes. This change in emphasis is often symbolised by the movement to 'nudge' citizens in the right direction rather than leaving them to their own devices (Thaler and Sunstein, 2008).

I believe that alcohol policy is a helpful case study because of its ability to draw out tensions in liberal perspectives (see Nicholls, 2006; Nicholls, 2009). It is also a sphere of policymaking that has been given particular attention by those who identify current policy discussions as constituting something of a break with neoliberalism, through nudging and minimum unit pricing (MUP) (e.g. Davies, 2012).

Theories of Neoliberalism

The understanding of neoliberalism taken in this article is as a particular application of 'governmentality' understood as an approach to – or mentality of – government that emphasises the ability of citizens to become autonomous (Dean, 1999; Foucault, 1991a). I draw attention to three key features of this approach, largely following Clarke (2008). The first of these three key features is an emphasis on market rationality, both in regulatory and state structures and in the model of the ideal citizen. This parallels the dual themes in Clarke's analysis of market rationality and a framework of efficiency.

Second, understanding that this rationality is not always forthcoming amongst citizens in practice, this approach to government focuses on 'technologies of citizenship' (Dean, 1999: 168) to shape people's behaviour by directly acting upon individuals rather than regulating the environment in which they act. This echoes Clarke's notion of personhood. The aim here is that rather than structures directing individuals towards particular governmental aims citizens do so themselves by their own preferences and a sense of (Foucauldian) discipline. In this way, as Rose (1992: 142) puts it, the neoliberal form of political reason accords a 'political value to

a certain image of the self'. This image is 'the autonomous, choosing, free self', which makes a 'project' of life.

Finally, where individuals still fail to comply with the wishes of government, they are directly targeted with coercive measures, as they – rather than wider structures or organisations – are considered to have violated the neoliberal compact (Bauman, 1992; Burchell, 1996; Bauman, 1997). This last element can be seen in Foucauldian terms as a use of sovereign rather than disciplinary power, but is consistent with the overarching label of neoliberalism because no practical mode of government is expected to be entirely consistent or making use of only 'governmentality'. Again, an echo can be seen in the attention Clarke draws to the continuing importance of 'authority as a fundamental political and social bond' (2008: 140).

Often building on the work of Foucault, analyses of liberal ideologies and approaches to government have tended to identify three relatively distinct periods (e.g. Dean, 1999; Harris, 1999; Rose, 1992). First is 'early' or 'classical' liberalism usually understood to run through the 19th and early 20th century. Next is the period of the welfare state, or 'expansive' liberal governance, before the 'neo' or 'advanced' liberalism often considered to be prevalent today. Neoliberalism does not differ from the other two formulations in its emphasis on market rationality – though some would argue that it goes further in actively cultivating this approach where it has not previously dominated (Dean, 1999: 161; Peck and Tickell, 2002; Rose, 1992). The distinction is in how undesired outcomes – that could perhaps be labelled 'market failures' – are addressed. Rather than being understood as failures of market structures, they are understood as failures of citizens to behave 'rationally', and

therefore the initiatives to change outcomes focus on individuals rather than structures or wider organisations.

In contrast, classical liberalism would see certain areas of life – civil society and the family, perhaps – as spheres where the market or individuals (rather than the state) knew best, and therefore the outcomes could be respected for this reason almost by definition. The starting point could be seen as JS Mill's principle that a person's 'own mode of laying out his existence is the best, not because it is the best in itself, but because it is his own mode' (Mill, 1977: 270).

How this might translate into alcohol policy can be seen in Adam Smith's work, where he argues that a customer buying something they don't need should not be a particular concern to the state, and reducing the number of outlets selling this item would not necessarily solve the problem. In this instance, he uses alcohol policy and free trade in beer as a clear example, stating that alehouses should not be reduced in number because the market merely transmits, rather than creates, the desire for drunkenness (Smith, 1999: 461). Nevertheless, there is in addition a faith that free markets will not only transmit people's desires, but produce outcomes that are in themselves desirable – in this particular case, therefore, Smith suggests elsewhere that free trade would also produce an 'almost universal sobriety' (though after an initial period of 'pretty general . . . drunkenness') (cited in Nicholls, 2009: 90).

An 'expansive' liberal mentality of government, by contrast, does not have the same level of faith in individuals' judgements and the market mechanism, and so might see outcomes produced in a market as undesirable, and would countenance intervention

to address this, focusing on reframing the structures of the market. In one sense, the history of alcohol policy can provide instances by considering any form of licensing, but perhaps the most striking example is the establishment and activities of the Central Control Board (CCB), which took over the running of pubs in areas including Carlisle during the First World War, to ensure that management was not driven by the profit motive which would otherwise incentivise the selling of alcoholic drinks (Nicholls, 2009: 157).

The conception of neoliberalism employed in this article, then, is a way of understanding government in practice, rather than being a theory of government. It is therefore slightly different in composition from that outlined by Davies (2012), for example, who uses the term to characterise the thought of those such as Hayek who argued for the beneficence of markets in themselves. It might be contended that this formulation stretches the utility of the concept of neoliberalism, as has been suggested by Clarke (2008) himself. However, in this article I maintain that the concept remains useful as it helps to distinguish the current approach of government (to alcohol policy at least) from one that would be characteristic of either classical or expansive liberalism – or indeed a different mentality of government altogether.

Neoliberalism and New Labour

Turning to how a neoliberal approach has shaped recent policies relating to alcohol, the most immediately striking feature is the emphasis on market rationality. At a system level the 2003 Licensing Act is the most definitive eye-catching initiative that can be branded as liberalising, freeing up the alcohol industry to operate in a less-fettered market with its provision to enable premises to serve alcohol around the

clock. This development can be seen as a (further) step away from the licensing laws extensively based still on the restrictions referenced as an example of 'expansive' liberalism above.

The background for this initiative, as outlined in successive alcohol strategies and related documents published by the government, was the immense perceived importance of the alcohol industry to the UK economy. In 2004 this was estimated at £30bn and one million jobs (Cabinet Office, 2004: 9), and the 2007 Strategy trumpeted the 'revival of city centres across England and Wales' resulting from the night-time economy which was 'driven by the alcohol leisure industry' (HM Government, 2007: 30).

At the same time, this economic juggernaut was understood to depend on the market rationality of individual citizens. The same 2007 Strategy was careful to highlight reductions in work productivity that can result from having a hangover, and how excessive drinking can lead to unemployment – costing the British economy £1.9bn per year (HM Government, 2007: 30).

The market rationality desired amongst individuals is most clearly visible in the way in which one particular form of drinking – 'binge' drinking – was condemned not so much in terms of alcohol consumption as by reference to individuals' imputed motivations for drinking: the idea that one might 'drink to get drunk' (Department of Health, 2008: 9). When quantity of alcohol consumed was used as a measurement, this was only as a proxy. As the 2004 Strategy stated: 'From the current data available it is not easy to identify the numbers of people who went out within the last

week to get drunk. The best available proxy is the numbers who drank above double the recommended daily guidelines on at least one occasion in the last week' (Cabinet Office, 2004: 10-11). The fear with this kind of drinking was that it was constitutive of an environment where everyday norms were relaxed and people no longer behaved in a controlled, rational manner. Labour's 2004 Strategy saw the key danger of 'binge' drinking being that 'in the culture of drinking to get drunk . . . the norms differ from usual behaviour' with the resultant lack of 'social control' (Cabinet Office, 2004: 46). Thus the ideal drinker as viewed by the Labour Government was one who was rational. That this had a 'market' element was clear from the concern with economic productivity.

However, valuing this form of rationality is not peculiar to neoliberalism. Echoes of Adam Smith's defence of free trade in beer can be seen in many justifications of the 2003 Act, where it was painted as an initiative that would re-shape drinking practices to become more 'rational' and less carnivalesque. Two of the four aims of the Act as introduced in the accompanying explanatory notes make clear that it was presented at least in part to reduce undesirable forms of drinking: 'to reduce crime and disorder' and 'to reduce alcohol misuse' (Office of Public Sector Information, 2003). These aims were often understood to be an attempt to create a continental café culture within the UK, perhaps fostered by the claim of the Government that reform could create 'Bologna in Birmingham, Madrid in Manchester' (ODPM, 2003).

Those outside the government were often quick to condemn the Act as having failed in these aims. *The Independent on Sunday*, for example, declared in an editorial in 2008 'Café society will have to wait', noting that the change implemented in 2005

had not (yet) produced the hoped-for changes in 'binge' drinking (The Independent on Sunday, 2008). Theresa May, Conservative Home Secretary in the Coalition Government, stated in 2010 that 'Relaxing our licensing laws has not led to the continental style café culture claimed at the time' (May, 2010b).

From the policy initiatives undertaken, it was clear that the Labour Government too – at least publicly – felt obliged to agree that drinking had not been successfully transformed as it hoped. This is illustrated most clearly by the sheer weight of the documents designed to address the perceived problems surrounding drinking published during the course of just a few years in the wake of the 2003 Act. There was an 'Interim Analytical Report' on alcohol, produced in 2003 by the Prime Minister's Strategy Unit (Strategy Unit, 2003), which became the Alcohol Harm Reduction Strategy for England, published the following year (Cabinet Office, 2004). A set of proposals called *Drinking Responsibly* was then published jointly by the Department for Culture, Media and Sport, the Home Office and the Office of the Deputy Prime Minister (Department for Culture Media and Sport et al., 2005). This was in turn followed by an updated 'Strategy' – *Safe, Sensible, Social* (HM Government, 2007) – which was subject to review and further consultations (Department for Children, 2009; Department of Health, 2008; Home Office, 2009b).

The response to this failure is what makes the approach distinctively neoliberal. The response of classical liberalism would be to argue that the outcomes simply reflect the legitimate desires of citizen consumers, and if it was desired that behaviour should change, initiatives should focus on the underlying causes external to the market. Expansive liberalism would – and did – reshape the drinking environment to

achieve its aims. Instead, the Labour Government left the broader regulatory environment intact and focused its attentions on individual drinkers (see Hackley et al., 2008). This was despite the statement in the 2007 Alcohol Strategy that delivering its aims was ‘everyone’s responsibility’, listing public bodies such as the police, government departments, the NHS, local authorities and schools, as well as the alcohol industry and more nebulous organisations such as ‘local communities’, voluntary organisations and ‘the wider business community’ (HM Government, 2007: 48). In practice, the following fundamental principle came to be more representative of the Government’s approach: Ultimately, whether people drink alcohol and how much they drink is down to **individual choice** (DCSF, 2009: 5, emphasis in original).

In practical terms, drinkers were targeted through social marketing – or public education campaigns. The Labour Government ran three particular campaigns aimed at re-shaping individuals’ approaches to alcohol: ‘Know Your Limits’, launched in 2006; the ‘Units’ campaign launched in 2008; and the ‘Would You?’ campaign launched later the same year (NHS and Home Office, 2007; NHS, 2008; Home Office and Directgov, 2008). All three, though in different ways, emphasise the importance of rationality – and specifically calculation. The Units campaign encouraged individuals to ‘add up’ the quantity of alcohol they consume in a week, while the other two warned individuals of the mistakes in judgement they might make – at risk to themselves – if they became drunk, with the theme of ‘Would You?’ being spelled out in the phrase ‘You wouldn’t do this sober’ (Home Office and NHS, 2008: 2). The ideal citizen, therefore, in the eyes of the Labour Government, was one who consumed alcohol and therefore supported this valuable industry, but did not seek

intoxication and the associated relaxation of 'social control' and was able to maximise their economic productivity.

In this way, the second prong of neoliberalism was visible: the focus on individuals to change their behaviour, leaving marketised structures intact. In addition, the third aspect was discernible through the provision made for those whose behaviour did not fit the model of desired behaviour laid down by government. These more coercive elements included Drinking Banning Orders (DBOs), sometimes known as 'booze ASBOs', which set down conditions of behaviour on those who had engaged in criminal or disorderly conduct while under the influence of alcohol (Home Office, 2009a; BBC, 2009a). Restrictions might include being prohibited from purchasing alcohol, consuming alcohol or being in possession of alcohol in public, or not being allowed to enter either specific licensed premises or all licensed premises in a specified area.

The Coalition Government and alcohol

The approach of the Coalition Government to alcohol has remarkable similarities with that of its predecessor, despite promises by the Conservative Party to 'tear up' and 'overhaul' the 2003 Licensing Act made respectively both in Opposition (Grayling, 2009) and Government (May, 2010a). Indeed the Government response to the consultation on 'Rebalancing the Licensing Act' stated that it was 'continuing to look for ways to *reduce* the regulatory burden on businesses and local authorities' (Home Office, 2010: 2, my emphasis). This was then re-stated in the 2012 Alcohol Strategy, which included a section entitled 'Cutting red tape' with the promise of 'reducing the burden of licensing' (HM Government, 2012: 19). The value of alcohol

to the UK economy is as prominent in this Strategy as any before, and the primary focus of this document – at least ostensibly – remains ‘binge’ drinkers themselves, who continue to be defined as ‘those who drink to get drunk’ (HM Government, 2012: 4). As a neat illustration of the relative responsibility to change, the chapter on industry is simply entitled ‘Shared responsibility with industry’ whereas the title of that covering individuals’ responsibility makes it clear that change is necessary: ‘Supporting individuals to change’. The unit of action remains the drinker, conceived of as an individual decision-maker. One example of activity in this regard is the ‘Change4Life’ programme, which has a presence online, through which people can sign up for email alerts informing them of ‘tips’ to reduce their drinking, and on TV with public advertisements (NHS, 2013). The starting point of analysis remains the apparently autonomous, choosing individual. The Coalition’s Public Health White Paper explained that ‘all capable adults are responsible for these very personal choices’ (HM Government, 2010: 23) while the Public Health Minister at the time, Anne Milton (2010), expanded by stating: ‘It is for individuals to take responsibility for their health However, the government can help people make better choices – for example, by providing information, advice and so on’.

When the ‘support’ individuals are given by government proves ineffective, targeted action is then focused on ‘flawed consumers’ (Bauman, 1992) in the same way as the preceding government’s DBOs (which are still in operation). For example, the Coalition Government has trumpeted the introduction of ‘sobriety schemes’ whereby those convicted for alcohol-related crimes will have tests to ensure they do not consume alcohol (HM Government, 2012: 14).

At this stage it must be acknowledged that one of the key developments of the Coalition Government is its emphasis on MUP, which constitutes a direct intervention in the alcohol market. However, rather than being conceived as a universal measure to reduce alcohol consumption across the population (which is in fact how it is understood by public health researchers (see Morris, 2012)), this is portrayed by government as a targeted measure aimed at 'binge' or 'heavy' drinkers. As explained by David Cameron, this should in fact benefit 'a family with a reasonable drinking habit', which is currently 'subsidising the binge drinker' (quoted in Hope, 2012).

Moreover, in addition to the fact that MUP is not understood as a restriction on individuals, it is also presented in such a way as not to be a restriction on the alcohol industry. The 2012 Strategy states that the Government expects there to be a net financial benefit to the alcohol industry from MUP, and rejects the idea of a targeted tax to recoup this windfall in favour of 'work with industry' to help customers in other ways, continuing the theme of partnership rather than regulation developed under Labour (HM Government, 2012: 7). This idea of partnership has been most visible in the Public Health Responsibility Deal model, of which there is a specific alcohol partnership rejected by various charities but supported by alcohol companies such as Heineken (Department of Health, 2011: 34-35; Boseley, 2011).

Nudging and liberalism

Although the previous section has suggested that the Coalition Government's approach to alcohol policy remains consistent with a conception of neoliberalism, there is considerable debate regarding whether neoliberalism remains an accurate

term to describe broader contemporary political discourse. David Goodhart (2011) has described the tandem developments of Blue Labour from Maurice Glasman and Red Toryism from Phillip Blond as 'post-liberalism' while William Davies (2012), looking more at the political ideas that are shaping actual government policy, prefers 'neocommunitarianism'. The central thread in such re-evaluations of dominant discourses is the influence of behavioural economics, and its practical application in 'nudge' approaches to change people's behaviour, most notably in Thaler and Sunstein's work (Thaler and Sunstein, 2008; Thaler and Sunstein, 2003). Here I assess in more detail whether recent developments in policy thinking, with particular reference to alcohol policy, constitute a break with liberal or even simply neoliberal approaches.

The fundamental insight of behavioural economics is that people do not, contrary to the assumptions of classical economics, behave in a rational fashion. They are influenced by all sorts of behavioural cues that interfere with their processes of reasoning. 'Nudges' are interventions to re-shape the environment in which people act, such that their actions better reflect their underlying 'real' desires. Thaler and Sunstein present nudging as something of a 'third way' between on the one hand leaving the market to do its work and on the other state intervention.

Numerous issues with nudging have been identified by other authors. Some issues are technical – that in fact certain initiatives proposed are not really 'nudges' at all but classic forms of government intervention (Selinger and Whyte, 2012) or that the confidence we can have in their effectiveness is overstated (Jones et al., 2011).

Other objections are political – that the 'nudge' is inconsistent with the key Coalition

aim of ‘empowering’ citizens (Goodwin, 2012) or that the nudging is not, as Thaler and Sunstein describe it, a form of ‘libertarian paternalism’ because the initiatives do not fit with either word (Amir and Lobel, 2012; Grüne-Yanoff, 2012).ⁱ

Till Grüne-Yanoff’s (2012) dissection of the inconsistency of libertarian paternalism with liberal principles is perhaps the most comprehensive to date in terms of political philosophy. In the context of alcohol policy, the most important aspect of this analysis is probably the distinction between two types of action governments can take when they perceive that individuals are not behaving in their own interests. First, they could provide better information, training, offer more time for proper reflection and so forth. Alternatively, the government could reshape the conditions in which decisions are made in order to favour the desired outcomes. Thinking of alcohol policy specifically, social marketing such as the ‘Units’ or ‘Change4Life’ campaigns could be seen as an instance of the first type of intervention; changes in the way drinks are presented and served – for example whether customers pay as they drink or can run up tabs (suggested by Bovens, 2012) – would count as an instance of the second type.

Grüne-Yanoff suggests that instances of the second type might be considered manipulation – and therefore inconsistent with orthodox liberal philosophy – because (if they are to be effective) they cannot be entirely transparent (see also Bovens, 2008). This inconsistency is also identified by Davies (2012), who argues that nudging is part of the development of a ‘post-neoliberal policy consensus’ characterised by two key features. First, ‘individual consumer choice and egoistic desire . . . appear fallible’ and even ‘dangerously disruptive’ (Davies, 2012: 767).

Second, the 'price mechanism of the market' is no longer trusted to bring about social coordination (Davies, 2012: 768). That is, the new approach to government no longer sees citizens as individuals 'defined by a universal capacity to reason', with the role of government being 'to create the political conditions within which all individuals can make free and public use of this reason' (Davies, 2012: 769). In Davies' formulation, a key development of this 'emerging neocommunitarianism' is a shift away from the apparently neoliberal emphasis on the 'architecture of competition and choice' to a more affirmative statement that there are 'good' choices (Davies, 2012: 773).

Nudging in alcohol policy

In practice, as has been noted above, the most significant area where the Coalition Government has broken with previous approaches is in MUP. Although this specific proposed initiative is given by Davies (2012) as an example of the fall in confidence in both individuals' decision-making and the price mechanism of the market, it is less of a 'nudge' than a 'shove' (Burgess, 2012). Nevertheless, it remains consistent with the neoliberalism of the previous government if it is understood in the terms in which it is presented by the Coalition: as a measure targeted at 'binge' and 'heavy' drinkers, not those with a 'moderate' or 'responsible' pattern of drinking.

To consider what forms of 'nudges' might actually be introduced with regard to alcohol policy we must consider the work of the 'Nudge Unit' – more formally known as the Behavioural Interventions Team (BIT) – within the Cabinet Office. Public health is one of the key policy areas that have been identified as ripe for developing 'nudges', and given that alcohol consumption is a key concern of public health

professionals it is no surprise that an example of a potential intervention features in the BIT publication *Applying Behavioural Insight to Health* (Cabinet Office, 2010). However, the particular example cited does not reflect a substantive shift in approach as much as a proposal to increase the effectiveness of an existing technique: social marketing. The proposal is to target students by informing them of how much their peers drink. The expectation is that the actual figure will be less than they had previously thought, and this will change the perceived norms around drinking, and thus their own behaviour. The same approach of attempting to change norms by providing information can be found in the wider health-related examples trumpeted by the Team's Director, David Halpern (2013), which relate to the phrasing of letters reminding individuals to let doctors' surgeries know if they can't attend appointments. Although the alcohol social marketing proposal reflects a change in emphasis compared to some previous approaches, which highlighted excessive consumption and undesirable behaviour, it remains a form of intervention that according to Grüne-Yanoff's formulation is perfectly consistent with liberalism as it simply provides people with information to inform their decision-making in contrast with other potential initiatives such as changing the drinks available, the size of the glasses they are served in or the shape of the bar.

Moreover, direct interventions in the drinking environment would not be new or definitively characteristic of an age informed by behavioural economics and the nudge approach. As Kneale (1999) has outlined, in the nineteenth century, which could be characterised as a period of 'classical' liberalism with free trade in beer, the Villiers and Peel Committees considered how regulation might affect the design of public houses, and therefore people's social interactions in terms of meeting other

people or seeing others drunk. Equally, the controls on drinking introduced during the First World War, which could make this period potentially an example of 'expansive' liberalism – such as restricting opening hours to mealtimes, banning the buying of drinks for others and the giving of credit – draw on insights that today might be considered the realm of behavioural economics.

Therefore, it is not clear that the alcohol policy interventions introduced or proposed by the Coalition Government to date constitute a break with existing approaches that can be characterised as neoliberal. Furthermore, a consideration of more direct intervention would not constitute a departure from liberalism – or even neoliberalism – as the dominant mentality of government, though formal introduction of certain controls on the drinking environment – as attempted in Oldham (BBC, 2009b) – might be understood as something approaching 'expansive' liberalism. An understanding that individual consumers are not rational – in the sense that they do not behave in accordance with governmental desires – is not incompatible with liberalism or neoliberalism. Indeed, as defined in this article, what distinguishes neoliberalism as defined in this article from classical liberalism is its reluctance to accept Mill's proposition that a person's 'own mode of laying out his existence is the best, not because it is the best in itself, but because it is his own mode' (Mill, 1977: 270). It is not immediately clear that MUP as currently proposed, or the forms of social marketing as yet introduced, are inconsistent with an approach that denies this claim.

The failure and persistence of rationality and markets

I argue therefore that nudging could be consistent with either expansive liberalism or neoliberalism, and as currently practised in the sphere of alcohol policy implies the continuity of a neoliberal mentality of government. The stability of the broader underlying structures of thought that circumscribe contemporary policy discussions should not be underestimated.

The ideas of neoliberalism I have drawn on in this article are based on the work of Foucault – specifically his ideas of power and ‘governmentality’. Foucault (1980b) suggests over the course of the 18th and 19th centuries sovereign power, understood as adherence to formal laws, was superseded by disciplinary power. Discipline still had ‘rules’ that were to be followed, but rather than operating through formal laws these operated through norms.ⁱⁱ This idea of discipline relies on sustained surveillance, whereby the judging gaze of the observer is eventually internalised so that the individual behaves in accordance with the apparent rules without any visible or immediate application of force (1980a). The rise of discipline through this period, Foucault suggests, can be linked with a changing attitude to official forms of power in society and an increasing focus on the individual subjects who are to be ruled rather than the formal rules and laws that prescribe action. Foucault understands this as eventually amounting to a shift to thinking in terms of government rather than simply sovereignty. As Dean (1999) outlines, government can be understood as the ‘conduct of conduct’, since one attempts to direct (conduct) individuals’ actions (their conduct).

As this governmental approach develops, there is a shift from an art of government to a science of government, with an increasing emphasis on knowledge through social sciences such as economics, political science and sociology (Foucault, 1991a: 101). This can be linked with the development of the disciplinary institutions such as military academies, prisons, factories and schools, with the overall aim being that discipline would penetrate down to all levels of society. However, as this science of government and society develops, the complexity of human society is realised and this project is understood to be impossible (Foucault, 1991a: 102; Foucault, 1991b: 242). Questions of government therefore cease to be of the order of how society should be governed in order to secure the deeper penetration of discipline; but rather, considering whether government is really possible at all. This is tied to the emergence of liberalism – an awareness that by trying to govern too much one might end up not governing at all, as one's actions would produce unanticipated and undesired consequences (Foucault, 1991b: 242).

The parallels of the disciplinary approach and the idea of a science of government with nudging and behavioural economics are immediately apparent. Behavioural economics is a proclaimed scientific project, aiming to improve on what classical economics started rather than constituting a complete break with it. If humans are irrational in lots of ways, behavioural economics seeks to render them '*predictably* irrational' (Jones et al., 2011: 53, my emphasis). From this insight, where behavioural economics seeks to interpret the world, nudging seeks to change it, re-shaping humans as more rational. As Thaler and Sunstein (2003: 175) write: 'In some cases individuals make inferior decisions in terms of their own welfare—decisions that they would change if they had complete information, unlimited

cognitive abilities, and no lack of self-control'. In alcohol policy this can be seen in the attempt to encourage sober and calculating behaviour, with the 'Would You?' campaign reminding drinkers that 'You wouldn't do this sober' and the 'Units' campaign advising people to 'add up' their total alcohol consumption in a week.

In this way, rather than being seen as a retreat from the neoliberal project in 'the wider context of the economic crisis that has undermined faith both in conventional economics and the economic system itself' (Burgess, 2012: 6), nudging is perhaps better understood as a reinvigorated form of rationalism within the longer Enlightenment tradition (Oakeshott, 1991). In this, the approach can be distinguished from classical liberalism or a more formal theoretical neoliberalism, according to which the empirically observed preferences of individuals are the key driving force. It is worth remembering that this is not the only position in relation to intoxication that a government could take. Plenty of other worldviews might value the irrationality of something approaching the carnivalesque as described by Bakhtin (1984) – as the Soviet theorist himself did, living in a regimented, authoritarian world. Alternatively, a conservative approach might view rationality as an impossible – even counterproductive – aspiration for human beings (Gray, 2010; Oakeshott, 1991). Indeed, neoliberalism seen in this light, with its project of actively cultivating the citizen-consumer, might be seen as closer to expansive liberalism, which also sought to rationalise people's behaviour, than to classical liberalism, with the emphasis placed on people's 'own mode' of living.

Nevertheless, as we have seen in the particular case of current UK alcohol policy, neoliberalism remains a more appropriate term than 'expansive' liberalism because

the current approach can be distinguished by its continuance on focusing on the individual decision-making citizen rather than wider regulatory structures – despite their acknowledged failure to generate the desired outcomes. This also distinguishes the current approach from communitarianism, which would pay more attention to the wider structures surrounding the individual (Sage, 2012).

Conclusion

This article has argued that both Labour and Coalition policies in respect of alcohol can be seen as having a key continuity consistent with a practical neoliberal approach to government. This can be distinguished from communitarianism on the one hand and both classical and expansive liberalism on the other. There is some truth in the claim that government alcohol policy reveals a certain hypocrisy (Hobbs et al., 2005) or contradiction (Hackley et al., 2012), and there is, no doubt, as Greenaway (2003) points out, that the reality of alcohol policymaking has been somewhat confused or conflicted. However, as Nicholls (2012) argues, alcohol presents certain ‘intractable’ problems for policymakers, and so perhaps we should not expect government alcohol policy to be entirely coherent or effective.

Nevertheless, this article has argued that there is some continuity in successive Governments’ approaches to alcohol that – for all the term’s flaws – can usefully be referred to as neoliberalism. The challenges remain of considering whether policy aims could be more effectively achieved with a different mentality of government – and perhaps one with less ‘hypocrisy’ or ‘contradiction’.

i Grüne-Yanoff is here following Dworkin's (2005) definition of paternalism as specifically 'the interference of a state or an individual with another person, against their will, and justified by a claim that the person interfered with will be better off or protected from harm'.

ii It should be acknowledged that these norms need not 'weigh upon us as a force', but can be experienced as pleasure.

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