

A Return to Temperance: Regulation, Cultural Change, and Private Temperance in the Modern Age

Introduction:

The “temperance movement,” a social crusade spanning the 19th and early 20th centuries, was comprised of a group of loosely affiliated social organizations and individuals dedicated to promoting moderation in, or abstinence from, the consumption of alcoholic beverages.¹ While the movement appears to have had its roots in the United States, “temperance societies” were organized in many European Countries during the same period, as the movement quickly gained widespread international appeal.² Although later viewed as a monolithic movement with uniform goals and motivations, the various “temperance societies” in the United States differed significantly in demographics,³ methods,⁴ services offered,⁵ and even stated aims.⁶ Widely successful, these organizations pushed for, and ultimately succeeded in passing various local, state, and federal “prohibition laws,” which severely limited, or made illegal entirely, the “manufacture, sale, or transportation of intoxicating liquors.”⁷

For better or worse, this widespread “temperance movement” of the 19th century has largely been conflated in public understanding with the 18th Amendment (and the subsequent Volstead act,) passed in the United States in the early 20th century.⁸ While federal prohibition legislation is certainly an ideological derivative of the earlier temperance movement, and many temperance organizations were pivotal in its passage, they should in some ways be regarded as separate phenomena. “[Temperance] originated with the idea of *societal* reform; however, as time progressed and the movement drew a more militant following, the focus shifted to *legislative* reform...In the mid- 19th century, the temperance crusaders turned from moral persuasion to legal coercion.”⁹ Temperance efforts thus underwent an “evolution,” beginning

first with individual and societal reform, progressing to local and state regulatory efforts, and culminating with federal prohibition legislation in the progressive era.¹⁰ While legislative reform was a goal of most temperance societies from a relatively early point, (by the time the movement succeeded in passing the 18th amendment in 1920, 33 of 48 states already had “dry” laws,) ¹¹ understanding the temperance movement as a progression allows students of history to better separate and independently evaluate the successes and failures of societal, state, and federal temperance efforts.¹²

Evaluating the temperance movement independent of federal prohibition is particularly important, considering the allegedly “dreadful example” of U.S. federal prohibition has become a “maxim of popular culture, a paradigm of bad social policy, and a ritual invocation of opponents of a variety of sumptuary laws.”¹³ In spite of being, “an integral part of progressivism,”¹⁴ temperance as a principle has been “detached and abstracted from [its] historically specific contexts and [is] presented as a single crusade around which cranks and fanatics have clustered for 150 years.”¹⁵ However, as has also been noted by Paul Aaron: “The record of efforts to restrict drinking is, of course, far too complicated to warrant such axiomatic disparagement. But despite important, recent scholarship, and scientific validation of arguments once ridiculed, claims established by dint of repetition have achieved a kind of incantatory truth and ultimately have been enshrined as pieces of political folk wisdom.”¹⁶ At least in part, this widespread denunciation of the temperance movement must be understood as a reaction of an increasingly secular society against a movement largely viewed as being based on Protestant-Christian moral proclivities.¹⁷ Indeed, the somewhat lax modern attitudes toward alcohol consumption are best understood within the larger framework of anti-religious and anti-establishment sentiments that have come to characterize the 21st century.¹⁸ Laws designed to

curb or inhibit recreational drug use, including the consumption of alcohol, are increasingly viewed as vestiges of Puritan America,¹⁹ despite a ubiquitous and growing body of scientific and social-scientific research supporting the efficacy of such legislation.²⁰ This claim is, “consistent with the current research on ‘moral’ conflicts, which suggest that these political conflicts usually involve deeply held values rather than economic interests, even today the policy debate relating to prohibition is tied strongly to underlying cultural differences, specifically religion.”²¹

However, if one separates the aims and motives of the temperance movement from its religious underpinnings, one is left with “a reasonable sort of individual discipline – usually abstention from hard liquor and a moderate use of wine and beer – to protect individuals’ health and family well-being.”²² While there is some question as to whether or not “hard liquor” is indeed more dangerous than beer or wine,²³ the idea that individuals should moderate consumption of alcoholic beverages to mitigate negative health and societal issues is far from a radical religious claim.²⁴ Because the negative effects of over-consumption of alcohol are so well documented,²⁵ most moderate individuals would suggest that, even if the population should be *legally* allowed to consume alcohol in any desired quantity, common sense dictates that personal alcohol consumption should generally remain within limits that reasonably protect the health of the individual and those around them.²⁶ Even the “Drink Responsibly,” or “Enjoy in Moderation,” labels on many alcohol containers and advertisements, if taken in good faith (and not as mere tokens to deflect culpability for negative effects of overconsumption from the manufacturer,) must be viewed as a cursory nod to a modern conception of temperance in alcohol consumption.²⁷ While the idea of moderation in alcohol intake is a fairly uncontroversial claim, what efforts, if any, should be taken by legislators to encourage temperance remains an intensely debated issue.²⁸

Temperance then, in today's alcohol climate, might be defined simply as a level of public consumption which eliminates, or at least heavily mitigates, the negative effects of alcohol on both individuals and society as a whole. Because alcohol consumption alters the social tendencies and inhibitions of drinkers,²⁹ and its most egregious effects extend beyond the individual,³⁰ in the interest of protecting their citizens, state legislators should view the *encouragement* of temperance as a worthy, if not the primary, goal of alcohol regulation. This is especially true if one espouses the classical-liberal view that the proper role of government is primarily to protect the lives and property of its constituents.³¹ Sound regulatory policy could then be defined as legislation based on empirical evidence that both discourages the overconsumption of alcohol while reasonably respecting the rights of individuals to self-regulate their own consumption. Sound regulatory efforts to curb or limit the negative societal effects of alcohol consumption should then be viewed, not as misguided efforts to legislate morality, but instead as efforts based on concrete scientific evidence to more effectively protect the lives and property of citizens. This view is consistent with the fact that "excessive alcohol use is a leading cause of preventable death,"³² and has been shown to have a "causal role" in property damage and public disorder.³³

In an effort to provide justification for modern temperance, as well as to then define what might constitute temperate alcohol consumption, this paper will briefly present some of the negative effects of excessive alcohol intake, and will explore what connotations these effects have for the construction of a functional definition of modern temperance. Additionally, a brief investigation of what public policies may be most effective at promoting societal temperance will also be included.

Temperance and Negative Effects of Alcohol:

James Nicholls has rightly noted that, “while the proper responses to alcohol harms are the subject of intense debate, there is at least general consensus on what some of those harms are.”³⁴ Indeed, perhaps the easiest method of determining what constitutes “temperate” alcohol consumption is to first determine what negative outcomes are a result of intemperate drinking behaviors, and to work backwards from those issues to determine “safe” drinking patterns. The scientific and social scientific research detailing the various negative effects of excessive alcohol consumption are so extensive³⁵ no comprehensive literature review will be attempted here. Instead, a general review of a few well-publicized issues should suffice.

Perhaps no alcohol related harm is more egregious than deaths that can be ascribed to excessive alcohol use. An oft-cited statistic suggests an estimated 88,000 people die annually in the United States from alcohol related harms.³⁶ This number includes the 9,967 deaths caused by alcohol-impaired driving, a number which constitutes 31% of all driving related fatalities.³⁷ These figures become even more alarming when considering, “the US Surgeon General reports that an additional 100,000 deaths have alcohol involvement, although these deaths are not necessarily directly attributable to the ingestion of the drug.”³⁸ Alcohol related deaths far outstrip deaths associated with gun violence, and excessive alcohol intake is often a significant factor in many gun related deaths and injuries.³⁹ No articulation of what constitutes temperate alcohol consumption would be adequate without a strict renunciation of drunk driving. Both temperate individuals and societies should strive for a complete elimination of fatalities associated with the inebriated operation of motor vehicles. In a similar vein, a concerted effort must be made by legislators and individuals to significantly reduce alcohol related deaths in all spheres.

In conjunction with deaths caused by alcohol overconsumption, both the short term and long term health issues associated with inappropriate drinking behaviors are also generally

considered major societal issues.⁴⁰ Inappropriate drinking behaviors include underage alcohol consumption,⁴¹ binge drinking,⁴² heavy drinking,⁴³ and drinking while pregnant.⁴⁴ The range of negative health outcomes associated with these behaviors reads like an exhaustive list of human illness; excessive alcohol intake can cause or contribute to: falls,⁴⁵ burns,⁴⁶ risky sexual behaviors,⁴⁷ miscarriage,⁴⁸ stillbirth,⁴⁹ fetal alcohol spectrum disorders,⁵⁰ high blood pressure,⁵¹ heart disease,⁵² stroke,⁵³ liver disease,⁵⁴ digestive problems,⁵⁵ cancer,⁵⁶ dementia,⁵⁷ depression,⁵⁸ anxiety,⁵⁹ and alcoholism.⁶⁰ While moderate daily alcohol intake has been linked with a handful of purported positive effects, these benefits are modest at best,⁶¹ and even moderate alcohol consumption has been connected with negative health effects.⁶² What limited positive results alcohol may provide does not correlate well with possible negative effects associated with over-consumption. Health experts generally agree that if an individual does not currently drink, it is best if they never begin, and those who do drink are consistently urged to limit alcohol consumption to relatively miniscule amounts.⁶³ Temperance efforts in modernity must attempt to eliminate inappropriate drinking behaviors while recognizing abstinence as a viable, and in many ways preferable, alternative. George Ruston has noted:

It is also acknowledged (sometimes reluctantly) that people have a right to choose total abstinence from alcohol. The role for a rejuvenated ‘temperance body’ must surely be to highlight this aspect of choice. Just as *Action on Smoking and Health* stridently encourages ‘No Smoking’ then it can be argued that there is a case for part of the alcohol world to encourage ‘No Drinking’—as long as it accepts that people have the right to choose for themselves. This model of ‘choice’ does not exclude the current mainstream health education approach which is tied into ‘appropriate drinking’, but it does offer a realistic way of reducing overall

consumption—because that is unlikely to happen unless more people drink no alcohol to encourage others to drink less.⁶⁴

Alcohol's well-documented contributions to rape and crime are also causes for deep societal concern. The National Council on Alcoholism and Drug Dependence has reported that:

Because alcohol use is legal and pervasive, it plays a particularly strong role in the relationship to crime and other social problems. Alcohol is a factor in 40% of all violent crimes today, and according to the Department of Justice, 37% of almost 2 million convicted offenders currently in jail, report they were drinking at the time of their arrest. Alcohol, more than any illegal drug, was found to be closely associated with violent crimes including murder, rape, assault, child and spousal abuse. About 3 million violent crimes occur each year in which victims perceive the offender to have been drinking, and statistics related to alcohol use by violent offenders generally show that about half of all homicides and assaults are committed when the offender, victim, or both have been drinking.⁶⁵

Temperate consumption of alcohol would then appear to exclude drinking behaviors that alter the reasoning capacity of individuals, and would generally proscribe drinking when experiencing deep feelings of anger, anxiety, or violence.⁶⁶

Although compelling, these facts and figures of the negative effects of excessive alcohol intake, “do not adequately reflect the costs in human tragedy – the emotional and psychological distress for drinkers and nondrinkers alike, resulting from alcohol-related death, injury, disease, and family and emotional disturbance that cannot be measured in monetary figures.”⁶⁷

Additionally, it is difficult to quantify the damage caused to individuals, families, and nations when one considers the connections between excessive alcohol intake and work performance,

child neglect, poverty rates, and productivity.⁶⁸ The extreme disparity between current government alcohol revenue and governmental costs associated with the overconsumption of alcohol is also a problematic development.⁶⁹

These observable and well-documented negative effects excessive alcohol intake provide both the “why” and the “what” of temperance, displaying a deep need for corrective measures while rigidly demarcating the acceptable boundaries of personal alcohol consumption. While certainly not the panacea of all alcohol related ills, certain governmental restrictions of alcohol have proven effective at mitigating alcohol’s negative effects.

Temperance and Governmental Regulation:

At least as prevalent as research on the negative effects of alcohol, is an equally “substantial body of evidence highlighting effective policy options to reduce harm from alcohol.”⁷⁰ These policy options are numerous (the number of policies in many ways a reflection of the “[complex] alcohol policy ‘environment’ in United States).”⁷¹ However, because of the high number of “discrete alcohol policies [that] have been shown to reduce excessive alcohol consumption and related problems at the population level,”⁷² and the fact that “any discrete alcohol policy coexists with many other policies,” it is often difficult to understand the cumulative societal effect of policy subgroups or individual policies themselves.⁷³ In many ways, the story of the Volstead Act must be understood as one of unanticipated effects resulting from the implementation of untested regulation.⁷⁴ As such, the policies discussed in this paper are not meant to be regulation recommendations that should be implemented without reservation, but should instead be viewed as suggestions that deserve further discussion, research, and observation in controlled geographical and population venues.

One of the most effective methods for mitigating alcohol's negative societal effects is the implementation of Federal and State excise taxes on alcohol.⁷⁵ In an impressive collection of research, increasing the cost of alcohol has displayed a causative reverse correlation with overall alcohol consumption,⁷⁶ under-age alcohol consumption,⁷⁷ vehicle crashes and fatalities,⁷⁸ alcohol-impaired driving,⁷⁹ mortality from liver cirrhosis⁸⁰, alcohol related violence,⁸¹ and the prevalence and transmission of sexually transmitted diseases.⁸² Although the pejorative "Sin-tax"⁸³ moniker, often applied to alcohol and tobacco excise taxes reflects negative societal attitudes towards the excessive taxation of recreational drugs, "the overwhelming evidence, both in the United States and internationally, is that levels of alcohol consumption and alcohol-related problems are price sensitive and that alcohol taxation policies are an appropriate and critical element of a comprehensive approach to the prevention of alcohol-related problems."⁸⁴ Unfortunately, the positive effects of excise taxes naturally erode over time, as inflation causes flat excise taxes to become a smaller percentage of the overall cost of goods. It has been reasonably suggested, that in an effort to maintain the positive effects of excise taxes, excise tax rates on alcohol should be indexed to the consumer price index to ensure that they keep pace with inflation without necessitating constant legislative action.⁸⁵ Unfortunately, recent senate tax reform efforts appear to be moving in the opposite direction, with proposed federal excise tax cuts on alcohol producers foreshadowing a possible increase in alcohol-related deaths should the measure pass.⁸⁶

An additional regulation measure that appears to be effective in limiting negative alcohol use is the implementation of a minimum alcohol purchasing age.⁸⁷ Despite the fact that many underage drinkers still consume alcohol in spite of the federally mandated minimum legal drinking age (21,) "almost all studies designed specifically to gauge the effects of drinking age

changes show [minimum legal drinking age laws] reduce drinking, problematic drinking, drinking and driving, and alcohol-related crashes among young people.”⁸⁸ However, these findings are somewhat problematic. Although age 21 drinking laws decrease the prevalence of negative effects associated with underage drinking, there is some evidence based on the epidemic of college binge drinking,⁸⁹ that the correlation of the minimum drinking age to the first few years of undergraduate education has resulted in a toxic campus culture surrounding alcohol intake.⁹⁰ The Amethyst Initiative of 2008 argued that the minimum legal drinking age of 21 “has created a culture of heavy alcohol use on college campuses by making drinking clandestine and extreme.”⁹¹ Many experts have rightly rejected the initiative’s proposal to decrease the minimum drinking age, as, “lowering the drinking age to address problematic college alcohol use could have broad repercussions that affect a far larger population.”⁹² However, the observations made by proponents of the Amethyst Initiative still represent valid critiques of the current minimum legal age. Although there appears to have been no formal research into the subject of again increasing the minimum drinking age by an additional 2-4 years, both the relative success of the previous age increase from 18 to 21, as well as the observable negative effects the adjustment has had on college alcohol culture, should encourage policy makers to take the proposal seriously. An additional 2-4 year increase in the minimum drinking age could effectively eliminate legal consumption of alcoholic beverages on most undergraduate college campuses, and may severely mitigate excessive undergraduate alcohol intake.

A final possible regulation adjustment that should be considered is a semi-popular proposal for states to begin issuing licenses that authorize alcohol consumption.⁹³ While this regulatory suggestion is admittedly the most problematic for a variety of logistical reasons, it also appears to have a strong possibility of effecting societal change due to a variety of

interesting applications associated with its implementation. First, alcohol drinkers could be assigned a unique “alcohol ID” number, which would allow for more accountability in alcohol sales at retail locations. Additionally, if containers of alcohol could be associated with an individual’s alcohol ID number, it would assist in the enforcement of a variety of underage drinking laws. Applicants for the license could be better screened for problematic genetic predispositions, existing health conditions, and violent or addictive tendencies. Furthermore, the possibility of permanent revocation of a drinking license for repeated dangerous drinking behaviors could be an effective punitive measure for discouraging excessive intake. Finally, by creating an additional process by which individuals must actively seek licensure, an increasing portion of society would likely elect to abstain from alcohol altogether. This would be particularly likely if licensure was coupled with implementation and renewal fees, as well as a mandatory “drinking education course” that detailed the dangers of excessive alcohol use.

Conclusion:

While the policy changes suggested in this paper may indeed have independent mitigating effects on excessive alcohol consumption, it is important to remember that “contemporary drug use is a symptom of, rather than alien to, the shape of Western late-modern society.”⁹⁴ For that reason “the relative success or failure of [temperance] programs may not be a matter of the quality of planning or evidence-base of the programs themselves, but an issue of those interventions being appropriately matched to a community’s level of readiness. Evidence-based [temperance] interventions may fail if a community is not interested or invested in supporting them.”⁹⁵ Because of this, both governmental and private measures should be undertaken to ensure that the drinking culture of the United States is supportive of the policy measures intended to curb excessive use. While many may view attempts to change the

underlying national drinking culture as an “impossible dream,”⁹⁶ it should be remembered that temperance was largely successful in that endeavor, regardless of the ultimate outcome of federal prohibition legislation. “If Prohibition was a failure, Prohibitionism was a forgotten triumph—a desperate cultural response to a crisis of inebriation. The idea that alcohol could effectively be banned was discredited, at some unhappy cost. But the idea that it’s good to spend a substantial portion of each day sober has been so successful that it is, in some quarters at least, taken for granted.”⁹⁷

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⁴ The Women's Christian Temperance Union was famous for Saloon "sit-ins," similar to the sit-ins associated with the civil rights movement of the 1950's and 60's. "On arriving at a saloon (or at a drug store, where alcoholic beverages were sold in bottles), the women went inside and knelt on the floor, praying that the owner would close or stop selling alcohol. If they were barred from entering, the women knelt outside. Coming back day after day, the women met with significant success – in some towns, virtually every saloon closed, even if just temporarily." See "Women's Christian Temperance Union," *Flash Focus: Equal Rights Under Law*, Vol. 6, (Evanston, IL: Lakeside Publishing Group, 2005), 166. Contrast the sit in method with the Woman's New York State Temperance Society, which urged women who were married to "confirmed drunkards" to divorce them. See Kathryn Cullen Dupont, *The Encyclopedia of Women's History in America: Over 300 Years of Movements, Breakthroughs, Legislation, Court Cases, and Notable Women*, (New York: Facts on File, 1996), 118. Carrie Nation, an ardent prohibition supporter became famous for destroying saloons and taverns using rocks and hatchets. See Laura Phillips, "A Failed Experiment," *Cobblestone*, 38:4 (2017), 14-17.

⁵ "The early Martha Washingtonians declared that their foremost duty was to provide reforming inebriates with material aid...A few groups formed primitive employment agencies that helped reformed men and women locate jobs with employers who supported the Washingtonian movement and were themselves temperate." Ruth M. Alexander, "'We Are Engaged as a Band of Sisters': Class and Domesticity in the Washingtonian Temperance Movement, 1840-1850," *Journal of American History*, 75:3 (1988), 763-785. The Royal Templars of Temperance, a temperance group formed in 1870 in Buffalo New York, gained popularity primarily

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