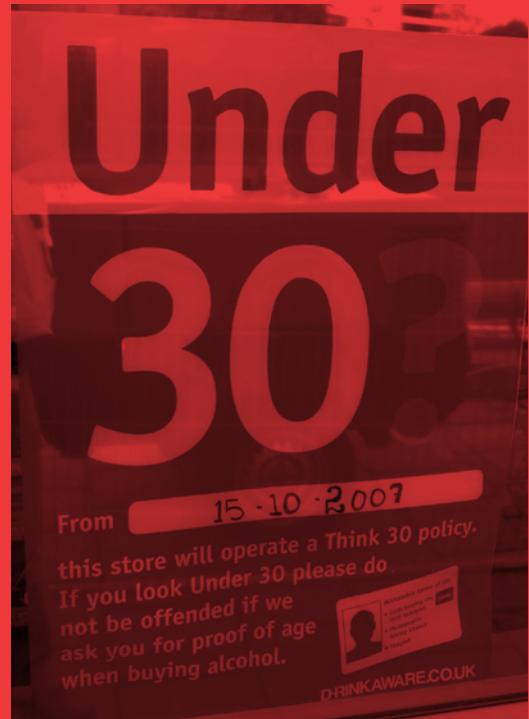
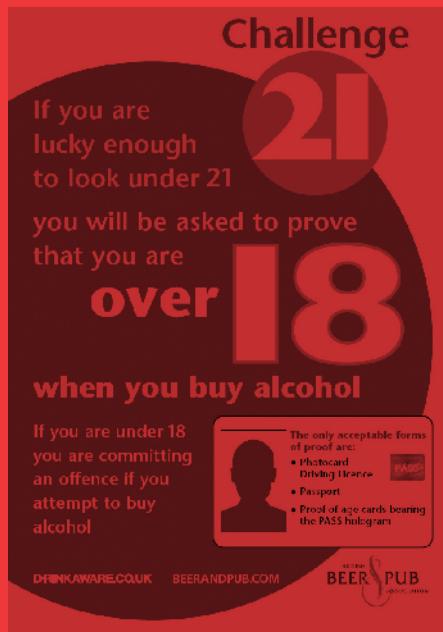


A Manifesto Club Report

28 3/4

HOW CONSTANT
AGE CHECKS ARE
INFANTILISING
ADULTS DOLAN CUMMINGS

September 2010
manifestoclub.com



Drinkaware promotion material

Executive summary

It is now common practice for supermarkets and other licensed premises to ask for ID from anybody who could look under-21 or under-25. This is a response to government crack-downs on under-age drinking, and is backed up with threats of fines for bar staff and cashiers. The new coalition government proposes to increase the penalty for under-age serving to £20,000.¹

This report shows that these policies have a significant downside, with thousands of adults in their 20s and 30s being hassled by constant ID checks.

The Manifesto Club surveyed people's experiences of frequent ID checking. We found that:

- The most annoyed constituency is people in their late 20s, who are being frequently ID checked by supermarkets. By far the largest portion of respondents (48%) were in the 25–9 age group, and 95% of ID check incidents occurred in supermarkets. Several people in their late 20s reported that they have been

checked far more over the past two years than when they were 18, and that they are now forced to carry their passport shopping.

- ‘Think 21’ and ‘think 25’ policies have led to extreme confusion about the legal age limit, with a number of cases of cashiers refusing sales to people because they were under 25 (but over 18). New legislation due to come into force in October 2010 threatens to bring this confusion into the law itself, by requiring retailers to ask any customer appearing to be under the age specified in their own policy for photographic ID.
- People are being refused alcohol sales when shopping with younger siblings or children, on the basis of suspicions that the alcohol could be for the child. Case studies cited in this report include that of one woman who was prevented from buying a bottle of wine, because her 23-year old daughter and 22-year-old friend could not provide ID. In another case, a 17-year-old girl wasn’t allowed to help her gran carry her shopping because there was alcohol in the bag.
- Adults have reported that they were ID checked for a range of products including: matches; UHU glue; a gentleman’s manicure set; paracetamol; Christmas crackers (Tesco); bleach (Pound shop); Chocolate

cherry liqueurs (Marks and Spencer’s); Rizlas (newsagent); cough drops (Sainsbury’s).

- The majority of respondents felt patronised and insulted by these policies. They didn’t see why they had to prove their adulthood well into their 20s and 30s, and felt that checks created a disrespectful and unfriendly atmosphere. Many resented the inconvenience of being refused sales or having to carry their passports to the shops. Only one respondent found ID checks flattering. Only in 46% of the incidents reported was the respondent able and willing to show ID in order to buy alcohol, and in 36% of incidents they had to leave empty-handed.

This report calls for a more courteous and common sense approach to enforcing the legal age limit. Specifically we call for:

- The dropping of retailers’ ‘Think 21’ and ‘Think 25’ policies, and the return to the practice of only checking people who look under-18. Policies should give bar staff and cashiers more room to use their judgement, rather than demanding blanket checks of anybody who could be suspected of being under-25.
- The abolition of on-the-spot fines for under-age serving.

These unfairly victimise bar staff and cashiers, who can ill afford the fines, and lead them to take an overly cautious approach to age checking.

- The dropping of coalition plans to increase the fine for under-age serving to £20,000 for licensed premises. This is disproportionately harsh – and if anything is likely increase the problems of underage drinking by forcing it underground.

Introduction

In recent years, something peculiar has happened in Britain. It has become routine for adults to be asked for proof of their age when buying alcohol, and sometimes other items, like fireworks, that children are not allowed to buy. This does not only happen to adults who look like they might be under 18, but to people who are clearly in their twenties. It is not unusual even for those in their thirties (especially women) to be asked to prove they are over 18, and there have even been cases of grey-haired and wrinkly pensioners asked to do the same. In other cases, adults have been refused alcohol because they are accompanied by children or even other adults without ID.

This phenomenon has most been noticed especially by people in their late twenties, because they were previously used to being accepted as adults without the need for proof. They now find themselves challenged more regularly than when they had just turned 18. Some people who were easily able to buy alcohol unchallenged when in fact underage now find themselves routinely asked for ID as they approach their thirties. Meanwhile, some younger adults think it is normal to take one's passport on a trip to the supermarket or pub. So what is going on?

The most immediate cause of this expansion of age checks has been a change in the store policies operated by supermarkets, many of which now ask their staff to demand ID from any customer who appears to be under 25. These policies have been adopted voluntarily, but they are backed up by threats of on-the-spot fines for serving under-age customers, and guidance from licensing authorities and trading standards offices. Age check policies are also a response to a more general anxiety around alcohol and young people that is apparent in the media.

I'M NEARLY DOUBLE THE LEGAL AGE (AND LOOK IT). I ALSO DON'T DRIVE, SO I HAVE NO MEANS OF PROVING MY AGE WITHOUT CARRYING MY PASSPORT WITH ME. I HAVEN'T BEEN ID'D IN A PUB OR CORNER SHOP SINCE I WAS UNDERAGE AND IT IS A VERY HUMILIATING AND UNNECESSARY EXPERIENCE

'Infantilising adults'

So-called 'Think 25' or 'Challenge 25' policies are clearly about erring on the side of caution, but it seems that many supermarket staff err on the side of caution when applying this already cautious policy. Customers who appear to be in their late twenties but might conceivably be under 25 are often asked for ID in a bid to prevent sales of alcohol to customers under 18, even when they are clearly no such thing.

New legislation due to come into force in October 2010 threatens to bring this confusion into the law itself, by requiring retailers to ask any customer appearing to be under the age specified in their own policy, rather than the legal age of 18, for photographic ID (see 'Age check policies: the legal and political context' below for details). In some cases, customers between 18 and 25 have been refused alcohol even after producing ID because an inexperienced cashier has misunderstood the policy as meaning customers have to be over 25 to buy alcohol. In other cases, cashiers have been disciplined or sacked for failing to request ID from a customer who was under-21 but over 18.

A similar overzealousness has led to cases in which adults have been refused service because they are accompanied by children. In fact, following one such case, the supermarket Morrisons publicly backed a cashier's refusal to sell wine to a woman accompanied by her teenage daughter, on the grounds that it is illegal for stores to sell alcohol to a customer they believe is buying it for a minor.² Leaving aside the fact that it is perfectly legal for parents to give wine to their teenage children at home (and in fact permitted for children from the age of five), and that teenagers who do ask other adults illegally to buy alcohol on their behalf only have to have the wits to wait outside, this issue here is not the presence of a minor, but whether there reason to believe the alcohol is for a minor. Except in very rare cases, this is likely to be almost impossible to discern.

Such confusions are not simply a consequence of the poor drafting or communication of company policy, but reflect a broader climate of disapproval around alcohol. In turn, 'Think 25' policies inevitably reinforce this climate. In cases where it is clear that a customer is well over 18, ID checks serve primarily as a bureaucratic hurdle to buying alcohol, almost in the same way you need a licence to buy a gun. The implication is that there is something sordid about it, that buying alcohol is not a normal transaction, but one requiring special permission or dispensation.

It is the 'denormalisation' of alcohol that makes it seem reasonable to ask customers for ID regardless of whether they actually look under-age. In many parts of the USA, where of course alcohol was once prohibited, customers of all ages are routinely asked for ID when buying drinks. And in those parts of the Muslim world where alcohol is openly available, it is often restricted to tourists, who in case of doubt may be asked to prove they are foreigners. In these contexts, alcohol is not a normal part of life as it traditionally is in Britain.

Denormalisation is not prohibition, but it is based on a similar sense that alcohol is something to be restricted as much as possible. A more sensible approach would be less formal: shop staff would not sell alcohol

ID CHECK SURVEY RESPONDENTS

AGE	%
20-4	18.00
25-9	48.00
30-4	18.00
OVER 35	14.00

YOUNGEST *22*** YRS
OLDEST ***55*** YRS

MANIFESTO CLUB ID CHECK SURVEY

to children, and might challenge especially baby-faced grown-ups, but would also recognise that adults are free to stock up on drink without being treated like criminals. This is pretty much how things were until very recently. Today's approach, in contrast, begins from the premise that alcohol is a social problem, and access to it must be strictly policed.

According to this view, nothing is lost by inconveniencing customers buying alcohol: if anything, the hassle of producing ID is a reminder that they are doing something questionable. The supermarket checkout is an opportunity to scrutinise how we live, and any other items in our baskets that one would not want a child to have – pills, matches, glue – will also raise an automated bureaucratic eyebrow. In this sense, age checks infantilise adults, undermining the traditional notion that once we reach a certain age we are fully autonomous and should be treated with due respect.

This report challenges both the assumption that the inconvenience of age checks is trivial, and the notion that preventing teenagers from buying alcohol is such an important goal as to justify any measures deemed necessary. The first section below is a summary of responses to a Manifesto Club survey of people's experiences with age checks. This is followed by an explanation of the legal and political context in which the recent changes have taken place, and a final section arguing against the infantilisation of adults.

Summary of survey responses³

The Manifesto Club survey, advertised in various online forums, asked for people to report their experiences of being age checked. Since these respondents were self-selecting, the results reflect the experience of adults who have experienced ID checks as a problem, though not all were opposed in principle. The overwhelming majority, 92%, had been ID checked when trying to buy alcohol, and 32% when buying tobacco (most respondents reported more than one incident), while other incidents involved matches, a gentleman's manicure set (consisting of a small pair of scissors, a leather case and a range of very small files), paracetamol, and UHU glue.

Respondents ranged from 22 to 55, with the average age 29. It is those in their late 20s who are most likely to experience ID checks as a problem, since they are clearly old enough to buy alcohol, but not comically so. (There are cases of grey-haired people in their 50s or even older being checked, but these are relatively rare.)⁴ 18 or 19-year-olds are more likely to accept that their age will be questioned, and carry ID, whereas older adults are annoyed and offended at having to prove their age. Several respondents commented that they were challenged more often now in their late 20s than they had been when much younger, even under 18. Having been given the benefit of the doubt in the past, it is all the more annoying to have one's adulthood questioned once it is fully established. Most respondents reported that they had been ID checked several times, or in several cases, 'all the time'.

It is logical to assume older adults are indeed being ID checked more often than in the past, since several supermarkets have adopted 'Challenge 25' policies, asking anyone who appears to be under 25 to prove they are over 18. This has led to some confusion, however, as several respondents had been told they could not buy alcohol because they were under 25, even if they did have ID to prove they were over 18. While the majority of incidents happened in supermarkets (95%), 11% of respondents had been ID checked in newsagents/corner shops and 8% in off licences.

Only in 46% of the incidents reported was the respondent able and willing to show ID in order to buy alcohol, and in 36% of incidents they had to leave empty-handed. A number of respondents had refused to show ID (whether they had it or not), appealing instead to the common sense of cashiers, or managers when they were called. In nearly a third of cases (28%), those respondents were then allowed to buy alcohol without ID, suggesting that they were indeed clearly well over 18. In other cases, staff were reluctant to back down, and respondents either left in protest, showed ID or were simply unable to buy alcohol. Adults who are regularly asked for ID must decide either to give in, making a point of carrying ID for this purpose if they don't routinely carry it, or get used to confronting staff over the issue. One respondent described ID

WHERE ID CHECKS HAPPEN

SUPERMARKET	95%
NEWSAGENT	11%
OFF LICENCE	08%

ONLY 1 RESPONDENT WAS ID CHECKED IN A PUB

MANIFESTO CLUB ID CHECK SURVEY

checks as, 'An outrageous imposition, which forces me to carry round my passport with me (I don't drive) in order to guarantee that I will (at 25) be served drinks in an off licence or pub.'

While one male respondent said he enjoyed being asked for ID because it made him feel young, this effect seems to wear thin for most women, with several respondents reporting they felt embarrassed by ID checks. One explained, 'Shopping in trackies with no make-up is not a crime and just because I'm not made up isn't a reason to request ID. It's no good pretending it's flattering, it isn't.' Another said, 'I used to be relaxed about it on a night out and even find it flattering, but it can be increasingly embarrassing when you're going for a drink with clients, teachers (my job is connected to education) and parents etc and you get ID'd!'

Some respondents admitted that they looked young for their age, and were therefore more understanding about ID checks. One reported that a cashier who had asked for ID was satisfied when he heard her voice, which sounded more mature than she looked – an example of a common sense approach to confirming someone is old enough. The annoyance for others is the sense that checks are not really about establishing their age, but making them comply for the sake of it. Several respondents recognised that cashiers are in a difficult position since they can be

personally fined for selling alcohol to someone underage, but felt that this policy had resulted in arbitrary ID-checking. 'Better safe than sorry' for the cashier means embarrassment and annoyance for many customers, and an atmosphere of suspicion and unfriendliness, something that has not been adequately recognised by the supermarkets and other shops concerned.

Along with confusion about how old someone has to be to buy alcohol (18, 21, 25), there is also some confusion about the legal status of ID checks themselves. One respondent felt it should be made clear that checking anyone who appears under 25 is a store policy and not a legal requirement, and that there is thus more room for using discretion than cashiers seem to believe. Several respondents said being asked for ID made them feel put down, or subject to arbitrary authority. More than one saw this as part of a wider 'surveillance culture', with an effect similar to having compulsory national ID cards.

Another problem highlighted was the phenomenon of adults being prevented from buying products because they are accompanied by children or even other adults without ID. One respondent reported that a 37-year-old friend was stopped from buying glue because she had her

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**ID CHECKED FOR:**  
\*\*\*\*\*  
  
**BOTTLE OF CHAM-**  
**PAGNE, SAINSBURY'S**  
**SWAN VESTAS MATCHES**  
**UHU GLUE**  
**A GENTLEMAN'S**  
**MANICURE SET (A SMALL**  
PAIR OF SCISSORS, A LEATHER CASE AND  
A RANGE OF SMALL FILES)  
**PARACETAMOL**  
**CHRISTMAS CRACK-**  
**ERS, TESCO**  
**6 PACK: BLEACH, POUND**  
SHOP  
**CHOCOLATE CHERRY**  
**LIQUEURS, MARKS & SPENCER'S**  
**RIZLAS, NEWSAGENT**  
**COUGH DROPS, SAINSBURY'S**

\*MANIFESTO CLUB ID CHECK SURVEY

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two-year-old child with her. Another reported: 'I was buying a fairly big load of Xmas food and had one bottle of wine included. The cashier refused to allow me to buy it because my daughter (23) and her friend (22) didn't have ID with them. Apparently I might have been buying it for them. I was really furious because I consider myself a fine upstanding member of the community and resented being accused of that by a teenager. I complained to customer services who said they could do nothing as it was company policy. What a cheek! Outrageous way to treat your customers!' In another case, a 17-year-old girl wasn't allowed to help her gran carry her shopping because there was alcohol in the bag.

The results of the survey confirm that many adults do experience ID checks as a problem: arbitrary, unnecessary and sometimes humiliating. While there is support for the goal of preventing children from buying alcohol, and sympathy for the staff who have to make the decisions, it is clear that there is a downside to store policies that err on the side of caution. Many adults resent being asked for ID as a matter of course, and would support a more commonsense approach.

I WAS ASKED FOR ID FOR A
HALF-BOTTLE OF SPECIALISED
COOKING WINE. I FELT LIKE I
WASN'T BEING TREATED LIKE AN
ADULT, AND I ALSO FELT
P A T R O N I S E D

Age check policies: the legal and political context

It is important to recognise that the law allows retailers to sell alcohol to anyone aged 18 or over, and that supermarkets have adopted 'Think 25' and similar policies voluntarily. Why? Undoubtedly, there has been political pressure, and important changes to the regulatory regime, but these would not have had the effect they have if not for the changing moral climate. Stores are keen to describe themselves as 'responsible retailers', and assume that there is more or less unlimited public support for measures to prevent underage alcohol sales.

As the Manifesto Club survey shows, many customers do in fact object to what they see as extreme, unnecessary and patronising age check policies. But there has so far been little public debate about the issue, and these individuals feel isolated and under pressure to comply with what is presented as a socially responsible measure. The context for this is widespread political and media concern about antisocial behaviour and poor health resulting from 'binge drinking', especially involving young people. Underage drinking has become emblematic of what prime minister David Cameron has called 'Broken Britain', and there is a consensus that something has to be done.

Pressure on retailers has come primarily in the form of bad publicity, both on a national and local level. Local Trading Standards Offices carry out regular 'sting operations' (sending underage 'agents' into shops to see if they can buy alcohol without being challenged), often with police assistance, and publicise the results.⁵ There has also been more direct political pressure, however. At the end of 2005, then home secretary Charles Clarke called the leading retailers for a meeting and demanded stricter age checking policies. This followed a summer offensive of sting operations, which revealed existing policies were too slack for the government's liking. As a result of this pressure, these retailers formed

the Retail of Alcohol Standards Group, under the aegis of the Wine and Spirit Trade Association.⁶ This group then launched the 'Challenge 21' initiative in November 2005, followed by 'Challenge 25' in January 2009.^{7,8} A small number of stores – including Yorkshire branches of Tesco's – have introduced a 'Think 30' policy.⁹

One important legal factor in ensuring these policies are enforced is that shop staff are personally liable for fines of up to £5000 if they sell alcohol to someone underage. (Licence holders who persistently offend can be fined up to £10,000, a figure the new government proposes to double to £20,000, as well as giving the police tougher powers to close offending premises.)¹⁰ More often, however, offending cashiers will be issued with an 'on the spot' £80 fixed penalty fine – 2,782 of these were issued for sale of alcohol to minors in England and Wales in 2008 .[11] In any case, it is not surprising given the penalty that shop staff generally prefer not to take the risk. Crucially, though, fines are issued for selling alcohol to minors, and the law currently says nothing about age checks for customers who look younger than 21 or 25.

In fact, as it stands, the law is quite reasonable. Here is the relevant section of the Licensing Act 2003:

146 Sale of alcohol to children

- ...
- (4) Where a person is charged with an offence under this section by reason of his own conduct it is a defence that—**
- (a) he believed that the individual was aged 18 or over, and**
 - (b) either—**
 - (i) he had taken all reasonable steps to establish the individual's age, or *nobody could reasonably have suspected from the individual's appearance that he was aged under 18.* [emphasis added]¹²**

In other words, the actual law is clear that it is illegal to sell alcohol to someone under 18, but that if the seller believed that person to be 18

or over, this is a valid defence on one of two conditions. First, the seller's belief is justified if they took reasonable steps to check the customer's age (if someone has convincing fake ID, the seller can't be blamed for believing it). Secondly, crucially, the seller's belief is justified if '*nobody could reasonably have suspected from the individual's appearance that he was aged under 18*'.

In theory, even in the case of a 15-year-old, if she clearly looks comfortably over 18, this is accepted in law as a fair defence for selling her alcohol with or without ID. It's worth noting in fact that if a 10-year-old produced a passport that said he was 18, the seller taking 'reasonable steps' by challenging the child would surely be expected to put the evidence of her own eyes before an obviously fake document. The same goes for someone who looks obviously over 18, regardless of ID.

Of course, there may be doubt about when suspicion is reasonable in the case of young adults, but there is a clear difference between a 16-year-old girl who can pass for much older wearing make-up, and a 16-year-old who for whatever reason looks not a day under 23. The most important difference is that the former is completely normal and the latter is a freak I've made up for the sake of argument. The law implicitly recognises that, so in terms of the law, sellers should be confident that they can make a sale when they're confident a customer is twentysomething.

It is likely that there is some confusion around this, since staff will be warned about fines at the same time as they are trained in store policies.¹³ If there is not already confusion, however, there will be soon. A new Statutory Instrument supplementing the Licensing Act 2003 backs up store policies, introducing this ambiguity into the law itself. The relevant part comes into force in October 2010, and requires licence holders to have an age verification policy. Crucially,

'The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request,

before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.¹⁴

While confirming that the minimum legal age to buy alcohol is 18, this legislation requires retailers to check the age of anyone appearing under the age stated in their own policy, ie, 21 or 25. This effectively turns supermarkets' already cautious policies into law. The safe thing to do now will be to request ID of anyone who could conceivably be under 25, not just to be super safe, but for fear of breaching a legally mandated policy by failing to ID a 24-year-old, and perhaps even incurring a fine for what would be a completely legal transaction but for the company's own policy. Moreover, in specifying photographic ID with a holographic mark, the legislation removes yet another opportunity for discretion, and threatens to institutionalise the bizarre practice of young people taking their passports to the shops.

When this was debated in a parliamentary committee on 1 March, Conservative MP Crispin Blunt pointed out that the sensible response on the part of retailers would be to scrap Challenge 21 and Challenge 25 policies, which would now constitute a liability. Blunt lamented that such a response would undermine 'the huge efforts by the industry to develop a culture in which young people expect to carry forms of ID', and 'efforts made by campaigns such as Challenge 25 to end the stigma of being asked for ID'.¹⁵ The parliamentary committee agreed the legislation despite the objections of Blunt and others, and it subsequently passed into law unamended (Statutory Instruments are generally not amended, however badly drafted they are). If changes to the law were to make retailers drop their 'Think 25' policies, it would be no bad thing. Unfortunately, it is more likely that this new rule will mean a further tightening up of overzealous ID-check policies.

Age check policies represent a move away from individual discretion towards ever more rigid procedures. Far from being about taking responsibility, this is about shirking responsibility. Rather than making a judgement about whether customers seem underage and asking for ID on that basis, cashiers are trained to ask everyone who might possibly

be younger than 25, while some seem to abandon judgement altogether and ask absolutely everyone for ID. As the Manifesto Club survey showed, if bemused customers ask to see a manager, he or she will sometimes take genuine responsibility on the basis of a commonsense judgement that the customer in question is safely over 18, or indeed 25, and reassure the cashier that they can make the sale. Worryingly, though, in other cases managers hide behind dubious 'policy' by insisting that, once someone has asked for ID, they cannot make a sale without it.¹⁶

This 'computer says no' mindset is reinforced by the automation of age checks. The barcodes of alcohol and other age-restricted items are tagged on supermarket computer systems so that cashiers get an automatic cue to check the customer's age (or self-checkout customers have to ask an assistant to confirm their age before they can finish the transaction). Accidental tagging of other items is the most likely reason for cases like the notorious one in Coventry earlier this year, when a woman was asked for ID to buy a slice of quiche.¹⁷ The fully-intended result of this automation is that cashiers do not see age checks as an exceptional thing, but as a routine part of the checkout procedure. This makes appeals to common sense seem futile: human judgement is not a factor.

'Think 25' policies are premised on the idea that it is better to check adults' ages routinely than to risk selling alcohol or other restricted products to anyone under 18. Any inconvenience or embarrassment experienced by adults is thought to be outweighed by the social harm of underage drinking. Should disgruntled individuals simply comply with the new rules for the sake of wider society, or is there something more profound at stake that might be worth making a fuss about?

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IT CONCERN ME THAT THE GOVERNMENT THINKS IT IS OK TO THREATEN WORKERS IN SUPERMARKETS AND PUBS WITH FINES OF THOUSANDS OF POUNDS FOR MAKING A GENUINE MISTAKE. THIS FORCES WORKERS TO BE SUSPICIOUS OF EVERYONE, IT FORCES PUBS TO EMPLOY UNFRIENDLY BOUNCERS. AND IT GENERALLY CREATES A BAD SOCIAL ATMOSPHERE

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The meaning of age checks: infantilising adults

The toughening of age check policies in Britain has come in the context of broader anxiety about unhealthy levels of drinking as well as resulting antisocial behaviour, especially among young people. Stories about 'Boozy Britain', out-of-control 'binge-drinking', and boozed-up teenage 'hoodies' have become media staples, complete with stock footage of teenage girls passed out on benches, youths trading blows or throwing up in the gutter, and piles of empty drinks containers strewn all over streets and parks. While the previous government brought in a battery of new legislation to deal with the relatively new category of 'antisocial behaviour', from ASBOs to Designated Public Place Orders, David Cameron has sought to claim the issue with talk of 'Broken Britain'.

No doubt many people in Britain do drink too much, and the stock footage reflects a reality in certain parts of British towns and cities on weekend evenings. What is more questionable, however, is whether it makes sense to target excessive drinking in its own terms, and whether the measures proposed to deal with it are both effective and without significant downsides. When alcohol is blamed for everything from teenage misbehaviour to domestic violence, from poor health to social breakdown, it seems wise to ask whether politicians are not avoiding deeper social problems. If it means anything at all, there must be more to 'Broken Britain' than 'Boozy Britain'. And if alcohol is being unfairly blamed for other social problems, it is all the more reasonable to take issue with the illiberal consequences of grandstanding efforts to control it.

The Manifesto Club has already documented the effects of Designated Public Place Orders, otherwise known as 'Controlled Drinking Zones' or simply 'booze bans', which effectively criminalise drinking in public in whole areas of many towns and cities, by allowing the police or Community Support Officers to confiscate alcohol without having to give a

reason.¹⁸ In the name of protecting the public from drunken and abusive behaviour – behaviour that could in fact be more than adequately dealt with by previously existing legislation – our freedom to enjoy a drink in the park or on the beach has been compromised. For some, this is no big deal, or even a welcome curb on other people's uncouth behaviour, but undeniably it makes public space less free, transforming what had been a question of taste or morality into a policing matter.

There are significant downsides to overpolicing the sale of alcohol. Most significantly, excessive age checks treat all young adults as children until they can prove otherwise. Instead of being a matter of commonsense judgement, who is and is not an adult is determined by a bureaucratic ID check. The fact that obvious adults are expected to comply without complaint suggests a significant erosion of the traditional sense that adults are autonomous individuals who don't have to answer to authorities in the way that children do.¹⁹ Even in proving their age and being allowed to buy alcohol, people are not in fact asserting their adulthood but instead deferring to the baseless authority of checkout bureaucracy. It is even worse when they are expected to be flattered by having their adulthood questioned, as if adolescence is an ideal to which we should all aspire. These points are elaborated below, but first it is worth questioning the very idea that preventing anyone under 18 from buying alcohol is a sensible priority in the first place.

Is underage drinking really such a terrible thing?

Tighter age checks are premised on the idea that preventing people under the age of 18 from buying alcohol, and 'denormalising' the sale of alcohol more generally, will reduce the harm caused by underage drinking. Teenagers have always been adept at getting hold of drink one way or another, and of course there are no age restrictions on the illegal drugs that might serve in its place. A study in the US last year found that it is easier for teenagers there to buy cannabis than beer,²⁰ and the same is likely to be true for many British teenagers. Restricting the supply of alcohol to underage drinkers, while sensible up to a point,

clearly does not address the circumstances that cause some teenagers to drink far too much far too young.

Moreover, a zealous approach that presents all underage drinking as a serious social problem ignores the fact that most people in Britain do have their first drink before the age of 18, and that this is no bad thing. In fact there are benefits to introducing young people to alcohol in relaxed and normal circumstances, especially in the company of adults who can set an example (whether it is followed or not) of how to drink without making a fool of oneself. In any case, it is inevitable that young people in a society in which people do drink will at some point experiment among themselves, and probably learn the hard way that alcohol is not kids' stuff. This is traditionally regarded as something of a rite of passage, and whether young people then learn to drink in a civilised way or take pride in getting wasted and puking in the street has much less to do with the availability of alcohol than the wider cultural cues they get from adults. ID checks are just such a cue, paradoxically marking out alcohol as something almost illicit.

Inconvenient security measures are often justified by the argument that if they save just one life, the inconvenience is worthwhile. To say that 'if just one 16-year-old is prevented from drinking beer' hardly carries the same weight. Of course, we don't want children to get drunk and have accidents or develop unhealthy drink habits, but some perspective is surely called for. The new assumption that blanket age checks are necessary, to prevent any sales whatsoever of alcohol to minors, reflects a serious loss of perspective.

It used to be that teenagers who looked older than their years were just considered lucky, since they would be able to do adult things earlier than their peers. Indeed, we all know that nothing magical happens on our 18th birthdays. Growing up is a process, not an event, and some people mature earlier or later than others. Laws by their nature must be precise: the age of majority is set at 18 years precisely to remove the ambiguity that is intrinsic in an individual's development of maturity and responsi-

bility. It is a necessary artifice when it comes to enforcing the law, but in everyday life we do without it and apply common sense instead.

The social as opposed to legal definition of adulthood is someone who looks and acts 'about 18'; traditionally most people would have conceded that it didn't matter if the occasional 16 or 17-year-old passed for 18 and got a drink, as long as retailers were making a judgement and not deliberately selling to kids. After all, went the reasoning, you can't ask everyone for ID just to prevent a handful of precocious teenagers from buying a few cans of lager or a bottle of wine. You can't treat all young adults as children.

The corollary of this way of thinking was an expectation that most young adults could be trusted to drink responsibly (even if a little rowdily), and the occasional 16 or 17-year old would probably be much the same. The current climate around alcohol reverses this expectation, to negative effect. The resources put into implementing and enforcing Challenge 25 age policies only serve to institutionalise the assumption that young adults are little more responsible than teenagers. If the infantilising experience of 'getting IDed' continues into adulthood, so too will adolescent attitudes to drinking. In tandem with moves to introduce minimum pricing for alcohol by unit (encouraging consumers to think in terms of 'bang for your buck'), neverending ID checks encourage consumers to think of alcohol a drug rather than a drink, an illicit substance to be obtained with a nod and a wink, rather than a normal part of adult life to be enjoyed in an adult manner.

It would be far more civilised to insist that youthful indiscretions with drink are a function of youth rather than drink itself. It's no disaster if teenagers occasionally get hold of booze, and even get drunk and misbehave. After all, this has been going on for as long as there have been teenagers, as has misbehaviour by sober teens. We should expect them to learn from it and grow out of it. While it's reasonable to take steps to restrict teenagers' access to alcohol, it is not reasonable to reorganise the whole licensed retail trade around preventing a single underage sale, inconveniencing and insulting thousands of legitimate customers in the process.

Are ID checks really flattering to young adults?

Young women in particular are often expected to be flattered by being asked for ID. Some shops and bars display signs reading, 'If you are lucky enough to look under 25, we will ask for proof that you are over 18' etc. No doubt many women and men like to look young, but asking for ID is not meant as a compliment. In fact, what's being said is, 'I suspect you may be a child, and not allowed to buy this product. I also think you're lying about your age, so please prove it'. This is not flattering; it's insulting. Adults who really do look very young must get used to being challenged in this way. Those who really don't look that young are bound to resent the insult all the more.

In fact, the effect of asking anyone who appears under 25 to provide ID, and of instilling a culture in which this is expected and carries no stigma, is subtly to transform the meaning of adulthood. Even when a person's adulthood is not in reasonable doubt, they are asked to submit to a bureaucratic procedure. The insult is not simply in being mistaken for someone much younger; much of the time the person asking for ID knows full well that the customer is old enough. The real insult is in being told implicitly that even though you are an adult, you still have to tug your forelock before being allowed to make a simple purchase. And precisely because there is no disrespect meant on the part of the cashier, who is only doing her job, it is all the more infuriating. The stigma is unavoidable as long as adults retain a basic sense of autonomy, and object to being made subject to arbitrary authority, even, or perhaps especially, over something as trivial as buying a bottle of wine.

Tellingly, a number of respondents to the Manifesto Club survey described their attempts to avoid the embarrassment of being IDed by subtly appealing to the human judgement of shop staff, for example by buying 'grown-up' items like broadsheet newspapers, or in one case an aubergine, along with alcohol. Such efforts underline the psychological importance of being recognised as an adult, and the insult of having one's status challenged. They are indirect but heartfelt challenges to the bureaucratic logic of age check policies, non-verbal expressions

of the exasperated sentiment felt by so many young adults: 'Come on! I am obviously well over 18, so stop being so bloody stupid!' Another respondent complained that she could only buy alcohol unchallenged when dressed for work and wearing make-up, and was sick of being told she should be flattered by being asked for ID when she hadn't made an effort to look her age.

Indeed, the glib insistence that an ID check is flattering reflects an infantilised and rather sexist culture, in which the ideal for all grown women to aspire to is that of the seventeen-year-old minx. It evokes HG Wells' novel *The Time Machine*, in which the beautiful and childlike Eloi swan about without a care in the world, and would no doubt submit to ID checks with no more than a giggle. Real adults are entitled to expect rather more respect.

Infantilising adults, undermining civility

ID checks bring into question the basic respect that is normally implicit between adults in public. The assumption that anyone who seems to be a responsible adult should be treated as one is replaced with the suspicion that all young adults are potentially underage until they prove otherwise; or worse, that even very obvious adults should be prepared to submit to checks as a matter of course. This not only irritates those affected, but undermines the very idea of adult responsibility. Being an adult, after all, means not having to be supervised. In this sense, age checks infantilise adults, by treating them as irresponsible and requiring them to submit to a childish ritual. The resulting irritation is not trivial, but comes from a recognition that unnecessary age checks violate the implicit norms of mutual respect between adults.

Ironically, given that one of their goals is supposed to be reducing the antisocial behaviour associated with underage drinking, the effect of excessive age checks is itself 'antisocial'. One often neglected aspect of public civility is simple conviviality. It is telling that unlike off licences and supermarkets, pubs tend to have Challenge 21 rather than Challenge 25 policies, and staff tend to check only customers who really look

young. This is most likely because they recognise that they are in the hospitality industry.

Why are we willing to pay three or four times more for drinks in a bar, pub or restaurant than we would pay to have the same drinks at home or at a friend's house? The answer is surely that we are not paying just for the drinks, but for the experience. The atmosphere of drinking establishments, whether friendly local boozers or trendy wine bars, is what makes them what they are. Part of that atmosphere is engendered by the staff and the way they relate to their customers, welcoming them as guests. This is why it's a problem when bar staff demand to see ID: it threatens to kill that atmosphere. Of course, good staff can check ID in a friendly way, but only up to a point. And if they are required by a company policy to check even customers who are clearly over 18, the insult is hard to smooth over. There is a world of difference between a landlord checking in good faith that a young-looking customer is old enough to have a drink, and the same landlord insisting on documentation from anyone who looks under 25 because 'it's more than my licence is worth not to'. Good landlords and bar managers understand the downside to excessive age checks, and act accordingly.

Supermarkets are different, of course, because the encounter between customers and staff is a much simpler transaction, and nobody expects to be dazzled by charm. But even then, good manners are important. Supermarket bosses recognise this, even if their efforts tend to be cack-handed – having cashiers mechanically ask customers how they are rarely does the trick of establishing a pleasant atmosphere – but nods and smiles between customers and staff are generally enough to establish mutual goodwill. Again, this is undermined by ID checks, which transform an albeit limited social encounter between two human beings into something more akin to the quasi-militaristic experience of passport control (in many cases involving actual passports).

The gamble supermarkets and other retailers make in adopting tough policies is that this can only make them look good in the eyes of their customers, because nobody could object to measures meant to prevent

underage drinking. They are wrong. The Manifesto Club survey backs up growing anecdotal evidence that many young and not-so-young customers do object to being asked repeatedly for ID when it is clear that they are well over 18. And they are right to object: unnecessary age checks infantilise adults and undermine the basic civility that is essential to our quality of life. Moreover, while it is highly doubtful whether they do anything to reduce the harm caused by underage drinking, they certainly contribute to a moralistic climate around alcohol.

People in their twenties should not have to prove their age as a matter of course when buying alcohol and other goods deemed unsuitable for children. Adults of all ages should object to excessive and unnecessary age checks that infantilise us all, and should insist that retailers scrap absurd Challenge 25 policies in favour of common sense and common courtesy.

Endnotes

1 See Rebalancing the Licensing Act – a consultation on empowering individuals, families and local communities to shape and determine local licensing.

www.homeoffice.gov.uk/publications/consultations/cons-2010-licensing-act/

2 Mother is refused wine at Morrisons – in case daughter, 17, drinks it, Observer, 11 October 2009.
www.guardian.co.uk/society/2009/oct/11/morrisons-wine-ban-mother

3 The Manifesto Club received 71 reports from people who were experiencing regular age checking.

4 Man, 72, refused alcohol over age, BBC News, 19 September 2007. <http://news.bbc.co.uk/1/hi/england/merseyside/7003325.stm>

No ID grandmother refused alcohol, BBC News, 13 November 2007. <http://news.bbc.co.uk/1/hi/england/sussex/7092723.stm>

5 Brighton trader scared of selling alcohol after underage stings, The Argus (Brighton), 27 April 2009.
www.theargus.co.uk/news/4324242.Trader_scared_of_selling_alcohol_after_underage_stings/

6 www.wsta.co.uk/Retail-of-Alcohol-Standards-Group.html

7 www.wsta.co.uk/Challenge-25.html

8 Some stores have even experimented with Think 30 policies. See: Tesco stores adopt Challenge 30 policy, Off Licence News, 7 June 2007. www.offlicencenews.co.uk/articles/45255/Tesco-stores-adopt-Challenge-30-policy.aspx?categoryid=257

9 Ban on under-30s buying booze without ID, York Press, February 2008. www.yorkpress.co.uk/news/2049888.ban_on_under30s_buying_booze_without_id/

10 See Rebalancing the Licensing Act – a consultation on empowering individuals, families and local communities to shape and determine local licensing. www.homeoffice.gov.uk/publications/consultations/cons-2010-licensing-act/

11 Criminal Statistics: England and Wales 2008.
www.justice.gov.uk/publications/docs/criminal-stats-2008.pdf

12 www.opsi.gov.uk/acts/acts2003/ukpga_20030017_en_10#pt7-pb4-l1g146

13 In fact, retailers sometimes commission 'sting operations' of their own, bringing in private firms to see if staff are breaching store policies by selling alcohol (legally) to customers under 21, for example. In this sense, such policies have created an age check 'industry' quite independent of the actual law. See: www.think21.co.uk/aboutus.html

14 Paragraph 4 of the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010. www.opsi.gov.uk/si/si2010/uksi_20100860_en_1

15 First Delegated Legislation Committee, Monday 1 March 2010. www.publications.parliament.uk/pa/cm/cmtoday/cmstand/output/deleg/dg01100302-03.htm

16 On a Sainsbury's online bulletin board, a company representative even told a frustrated customer it is illegal to make a sale without ID, having asked for it. This is not true even under the incoming legislation, provided the customer looks over the given age. www2.sainsburys.co.uk/Yourideas/forums/showthread.aspx?PostID=15978

17 Woman asked for ID to buy quiche at Cannon Park Tesco, Coventry Telegraph, 3 February 2010.
www.coventrytelegraph.net/news/coventry-news/2010/02/03/woman-asked-for-id-to-buy-quiche-at-cannon-park-tesco-92746-25747177/

18 See the Manifesto Club's Campaign Against the Booze Bans. www.manifestoclub.com/boozebancampaign

19 Or at least as children were expected to until recently. It is surely significant that the infantilisation of young adults coincides with what has been described as a crisis of adult authority, a loss of the expectation that children will accept the authority of adults in general, whether in the classroom or in public places.

20 National Survey of American Attitudes on Substance Abuse XIV: Teens and Parents, Columbia University. www.casacolumbia.org/articlefiles/380-2009%20Teen%20Survey%20Report.pdf

Further reading

While there has yet to be substantial public debate about age checks, the following articles raise questions about them, discuss their significance and explore the wider cultural context.

Think 25 needs to think again, by Stuart Maconie, 2 May 2009 www.mirror.co.uk/news/top-stories/2009/05/02/think-25-needs-to-think-again-115875-21325535/

Choosing life, by Dolan Cummings, Culture Wars, 12 June 2009 www.culturewars.org.uk/index.php/article/choosing_life/

The first step: admit drinking is normal, by Dolan Cummings, spiked, 4 February 2010 www.spiked-online.com/index.php/site/article/8041/

Got any ID? These checks are out of hand, by Josie Appleton, Guardian Cif liberty central, 14 May 2010 www.guardian.co.uk/commentisfree/libertycentral/2010/may/14/identity-cards-passport-checks

Shootout at the checkout, jancisrobinson.com, 11 June 2010 www.jancisrobinson.com/articles/a20100611.html

Dolan Cummings is one of the co-founders of the Manifesto Club, and a member of the club's steering committee. He has written about alcohol regulation for a number of publications, and has taken a leading role in the Manifesto Club's Campaign Against the Booze Bans (www.manifestoclub.com/boozebancampaign). He is also an Associate Fellow of the Institute of Ideas in London, and edits its online review, Culture Wars, where he writes about books, films and theatre. He has edited two collections of essays, *The Changing Role of the Public Intellectual* (Routledge, 2005) and *Debating Humanism* (Imprint Academic, 2006).



The Manifesto Club campaigns against the hyper-regulation of everyday life. We support free movement across borders, free expression and free association. We challenge booze bans, photo bans, vetting and speech codes – all new ways in which the state regulates everyday life on the streets, in workplaces and in our private lives. Our rapidly growing membership hails from all political traditions and none, and from all corners of the world. To join this group of free thinkers and campaigners, see: www.manifestoclub.com/join

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