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Street-level alcohol policy: Assessing intoxication at drinking venues in Oslo

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Aims: This article examines liquor inspectors' assessments of intoxication at drinking establishments in Norway. It draws upon Lipsky's theory of street-level bureaucrats (1980) to study a situation where laws and informal norms seem to pull in opposite directions.

Methods: We conducted 26 ethnographic observations of liquor inspectors' visits to drinking venues in Oslo, as well as qualitative interviews and field conversations with liquor inspectors.

Findings: The study reveals that inspectors interpret the Norwegian Alcohol Act in four main ways that lead to lenient enforcement of the law. 1. Inspectors translate the wording of the Act into their everyday language. 2. They use significant discretion when assessing a patron's intoxication level. 3. The inspectors identify with patrons. 4. They find it hard to spot deviance when everyone is drunk.

Conclusions: Research on alcohol policy usually focuses on the national level. Decisions made at the 'street level', however, might also lead to over-serving, alcohol-related harm and violence. The street-level alcohol policy allows a level of intoxication far above that allowed by the law. In this way, the inspectors support and maintain a liberal drinking culture.

Keywords: Alcohol Act, law enforcement, liquor inspectors, on-premise drinking, drinking culture

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INTRODUCTION

Alcohol policy is typically studied at the national, regional and municipal levels. Regulation of on-site drinking, however, is heavily influenced by decisions made at the street level. In Norway, proprietors need a license to serve alcohol. According to the Alcohol Act, it is forbidden to serve people who are obviously under the influence of alcohol. Municipal control authorities have a crucial role in this process, and liquor inspectors visit drinking venues regularly. When a guest is obviously under the influence of alcohol, the liquor inspector is supposed to report it. The report might be the basis for future sanctions against the venue, such as revocation of the liquor license.

Liquor inspectors enforce the alcohol policy at street level. According to Michael Lipsky's (1980) classic description of street-level bureaucracy, the important decisions are not those made by law-makers at the legislative level; they are the everyday decisions made at the street level. Thus, when we study alcohol policy, it is not sufficient to look at the legislation and the political decision-making processes at the national or municipal levels. We should also focus on the everyday practices of key actors at the street level, such as how liquor inspectors assess intoxication.

Enforcement of the Alcohol Act is influenced by local context and informal norms. The Nordic countries have a reputation for heavy and boisterous drinking behaviour (Nordlund & Østhus, 2012). Premises where alcohol is served are arenas for intoxication (Buvik, 2013; Lund, 2007). Visible intoxication is accepted, and in some cases, it is also expected (Skog, 2006). Several Norwegian studies show that bartenders serve customers who are clearly intoxicated (Buvik, 2013; Buvik & Baklien, 2012a; Rossow & Baklien, 2010). International studies report similar results (Andreasson, Lindewald, & Rehnman, 2000; Freisthler,

Grunenwald, Treno, & Lee, 2003; Lang, Stockwell, Rydon, & Beel, 1998; Rydon, Stockwell, Lang, & Beel, 1996; Toomey et al., 2008; Toomey et al., 2004; Toomey et al., 1999; Warpenius, Holmila, & Mustonen, 2010).

At drinking establishments, the Alcohol Act confronts an established drinking culture that counters enforcement of the law. Different nightlife venues are characterized by different drinking patterns and drinking cultures. Graham and Homel (2008) describe how patrons may stumble, fall asleep or fall off bar stools with equanimity in some drinking establishments, whereas such behaviour would not be tolerated in others. It is in this complex social context that inspectors must make decisions about intoxication.

Street-level bureaucracies

According to Lipsky (1980), street-level bureaucracy is the subset of government institutions in which individuals carry out the actions required by laws and public policies. Lipsky's theory is most often used to analyse welfare state service occupations, but it has also been used in studies of police (Maynard-Moody & Musheno, 2003; Piore, 2011), parking guards (Marusek, 2012) and inspectors enforcing a ban on public drinking (Pennay, 2012).

Street-level bureaucrats perform their jobs with relative autonomy, and they behave in ways that are unsanctioned, sometimes even contradicting official policy (Lipsky, 1980). Maynard-Moody and Musheno (2003, p. 3) show how actors at the street level balance formal rules and regulations on the one hand with their own value systems on the other. Liquor inspectors are literally on the street, and they must exercise discretionⁱ in their assessments of intoxication. Similar to the parking guards described by Marusek (2012), they are frowned upon by those who are subject to their inspections and control. Although the rules specify duties and obligations, liquor inspectors have some freedom to act at their own discretion (Hupe & Hill, 2007, pp. 280-281). By using their discretion, they are not only actors in a policy process; they are also both makers and implementers of policy.

RESEARCH QUESTION

The legal term *obviously under the influence of alcohol* is open to interpretation. In this project, we study the inspectors' assessments of intoxication at drinking establishments where the law and informal norms seem to pull in opposite directions. Findings suggest that inspectors modify the Alcohol Act on a daily basis in their work. How does street-level practice deviate from the rules of the law?

STUDY CONTEXT

While it is the police which enforce compliance with liquor license legislation in most western countries (Wilkinson & MacLean, 2013), this responsibility is handed to the 428 local municipalities in Norway. Two thirds of them use private security firms to conduct liquor controls, the rest use municipal employees (Skjælaaen, 2012). According to the Norwegian Alcohol Act every license must be inspected at least once a year, and there shall be at least three times as many inspections as there are licenses.

A liquor inspector's task is to observe and report violations of the Alcohol Act. Special attention is paid to intoxicated individuals or to minors. Two conditions are important regarding intoxication; it is illegal to serve persons who are obviously under the influence of alcohol, and to let them stay at the venue.

The Alcohol Act does not, however, define levels of intoxication. In an attempt to ensure a unified practice in evaluation of intoxication, the authorities have published an overview of symptoms, illustrated with "smiley faces" symbolizing different levels. The crucial level, "Clearly intoxicated" is characterized by "inattention, difficulty focusing eyes, walking unsteadily, fumbling, often loud, speaking unclearly, and can disturb other guests" (Helsedirektoratet, 2012).

The inspectors further observe after-hours trading, if drugs are sold at the premises, alcohol advertising (prohibited in Norway) and accounting regulations.

Inspectors have no legal authority, but report all violations to the Inspection Division. The inspector's observation is the basis for the report, where individual intoxication must be described in-depth, to withstand a potential case in court. Lawyers at the Inspection Division decide which violations that should be sanctioned. The typical form of sanction is confiscation of the license for a (short) period.

For the last 20 years, Oslo has, as the only municipality in Norway, recruited students from The Police Academy as liquor inspectors. The Inspection Division regards the students as easy to recruit, motivated, well qualified and with good skills for observation and reporting (Naringsetaten, 2013). After taking a nine-hour course and passing a knowledge test on the Alcohol Act, they are approved as inspectors. The inspectors, typically between 21 and 30 years old, visit venues in pairs, and conduct between seven and twelve inspections per shift. In Oslo there are about one thousand venues with alcohol licenses, most of them are bars/pubs and a few large clubs. In 2012 more than 4,500 control inspections were conducted (Næringsetaten, 2013).

METHODS

This study is part of a larger project on drinking culture at venues in Oslo (Buvik, 2013; Buvik & Baklien, 2012a, 2012b). The data for this particular article include field observations of control authorities inspecting drinking venues in Oslo, qualitative interviews and field conversations with inspectors.

The ethnographic observations yield data about the venues and how the inspectors handle their tasks. We observed 26 inspections of drinking establishments in Oslo during the 2011/2012 winter. The research observations were made between 21.45 and closing time (03.00). Each observed inspection lasted between 10 and 90 minutes, most often about 20

minutes. Of the 26 observed venues, 13 were bars, 8 were clubs, and 5 had mixed profiles. Intoxication was categorized as “low” at 11 establishments, “medium” at 8 and “high” at 7. Three of the inspections resulted in formal reports for violations regarding intoxication.

Observations were based on a schedule developed by Graham, Bernards, Osgood, and Wells (2006) and later used in European studies by Hughes et al. (2012). The schedule comprises a range of variables designed to measure aspects of the bar environment: time of the inspection, the type of place (bar/club), crowding, intoxication levels among the guests, noise, lighting and cleanliness. In addition, the observer registered what attracted the inspectors’ attention, the length of each inspection, how they rated intoxication levels and how they defined violations of the Alcohol Act. Notes were made on cell phones in the public areas of the establishments, and in notebooks in the restrooms. More detailed field notes were written the next morning.

The observers were at all times welcomed in good manner by the inspectors, and they repeatedly asked for the observers opinions on the different situations. In particular if the observer regarded them as too strict or too liberal. We have, however, no reason to believe that the inspectors were more rigorous in their assessments because they were being observed. On the contrary, the inspectors seemed keen to demonstrate their flexibility.

We attended a course for new inspectors in September 2011, and this provided a gateway to recruit interviewees. Through the municipal office, we also recruited some inspectors with extensive work experience. We interviewed five men and two women who ranged in age from 21 to 29 years. They had between six months and two years’ experience as inspectors. The 60–90 minute interviews followed a semi-structured guide and were conducted in an office in Oslo during the autumn of 2011. They were digitally recorded and transcribed.

The interviews were intended to elicit specific stories about actual events (have you experienced that, what did you do), as well as attitudes, norms and values (what do you think

about what happened, why did you act as you did). The guide was only a checklist, as our purpose was to have ‘natural conversations’, and to include relevant themes and questions that emerged during the interview. Both interviewees and interviewers drew conclusions (Holstein & Gubrium, 1995; Shaw, 1999, p. 147). The inspectors were invited to be personal and subjective. A focus of the research was how inspectors perceived and understood the process.

In addition, we talked with inspectors during the training course and during their shifts (at the venues and in the street as they went from one place to another). Such field conversations were short interviews that were not arranged in advance; they were more similar to everyday conversations between people. The conversations focused on key topics, the most important of which was the assessment of intoxication.

An inductive approach was used to analyse the interviews and fieldwork notes. New topics appeared after reading through the notes several times. The four mechanisms we present below were not topics in the interview guide; rather, they emerged in our analysis of the data. When a theme appeared in several interviews, we looked for it systematically in the rest of the data. This style of coding is consistent with grounded theory (Corbin & Strauss, 2008) and general standards of qualitative research (Kvale & Brinkmann, 2009; Silverman, 2010).

As a final caveat: the purposive sampling created a selection bias, and our presence during inspections may have influenced inspectors. Thus, this article should be viewed as an early exploration of how liquor inspectors think and work and the study is limited in the generalizability of findings.

FINDINGS

The inspectors interpret the Alcohol Act in several ways. In the analysis below, we suggest four particularly important mechanisms by which the inspectors enforce the Act’s provisions more leniently than the law itself demands.

Changing the wording of the Act

The Alcohol Act uses the term *obviously under the influence of alcohol*,ⁱⁱ and the same term was used during the inspectors' training course. This term is not a part of everyday speech in Norway, and the inspectors hardly ever used it. They used concepts such as *obviously clearly drunk*, *visibly intoxicated* and *obviously intoxicated*ⁱⁱⁱ. When asked about intoxication levels, one inspector said, "You have the boundary cases, and then you have those who are obviously clearly influenced intoxicated". The terms were blended together with the lessons from the training course. During the inspections, when the inspectors talked about intoxication levels, they used more slang expressions such as *drunk*, *wasted* and *shitfaced*^{iv}. One of them said, "If a venue is crammed and noisy, it's more likely that the guests are drunk – very drunk". Another one said, "People can be wasted without you seeing it too".

The wording of the Act did not seem to be integral to their interpretation of intoxication. The young inspectors translated the legal term (*obviously influenced*) into concepts that reflected their experiences, norms and values (e.g., *wasted*). One inspector, commenting on a group of noisy and happy guests, said, "They might be rather drunk, but they are not obviously intoxicated". The way the inspectors spoke about drunkenness indicated that their conceptions of intoxication were more closely related to their everyday language than to the wording of the Act.

When they talked about people who were too drunk, the inspectors first used concepts they learned during training, but their behaviour was far more nuanced than that. Maynard-Moody and Musheno (2012, p. 516) reported similar findings for the street-level workers they studied: "... the same workers who told stories that revealed complex moral and identity-based reasoning provided only flat, stock definitions of justice and fairness".

Public policy percolates through several political levels before it reaches the street level (Evans, 2011). We found examples of this in our data, in the everyday language that the

inspectors use. As Bastien (2009, p. 665) says, “Policy formation does not come to an end when a bill becomes a law. Street-level bureaucrats also play a role in shaping public policies through their daily use of discretion”. Discretion is most important when the law can be perceived as ambiguous. The phrase *obviously influenced* is open to interpretation, and the language the inspectors used indicated a lenient assessment of intoxication. Such an interpretation of the Alcohol Act may lead inspectors to have a higher threshold for judging patrons to be intoxicated than the Act warrants.

Discretion in favour of the guests and licensees

Discretion is necessary when assessing a patron’s intoxication level. Our fieldwork showed that the inspectors’ use of discretion led to rather liberal and tolerant assessments. An example from the observation notes shows that the limit of intoxication can be quite high:

A man in a white sweater falls out from the toilet. He staggers and has to lean against the wall heading to his table. He has difficulty sitting down on the chair. He looks very drunk. His eyes swim and he looks emptily out into the air. He clings to his beer glass, holding firmly around it with both hands when drinking.

The observer considered this man to be way over the limit of “obviously under the influence” of alcohol. The inspectors discussed the matter, but concluded that he was more tired than drunk. The interviews confirmed such generous assessments of intoxication levels. Instead of spotting indicators such as slurred speech and staggering, the inspectors looked for people who were sleeping. One inspector said:

You have the obvious cases as well. If you walk into a place and then there’s this guy who is sleeping next to the loudspeaker... Then you are drunk, when you sleep next to a speaker and they are playing 100 decibels. You would never do that otherwise.

However, even sleeping was not always seen as a sure indication that someone was intoxicated. One inspector recalled that he had observed a man who was sleeping with his head on the table. There was a glass of water in front of him. In this case, the inspector used his discretion to conclude that the patron did not drink beer, just water. He decided that it was better to let the patron sit rather than asking him to leave. According to the Alcohol Act, however, intoxicated patrons should not be allowed to stay on the premises. The inspectors' assessments often favoured the patrons or the establishment.

Exercising discretion requires a normative evaluation. At the same time, the street-level bureaucrats' use of discretion is always balanced by management oversight, pressure from the public, and by feelings of duty to the law (Proudfoot & McCann, 2008). Pennay (2012) describes the dilemmas public alcohol law inspectors experience because of the demands of their professional role, which do not always correlate with their personal ideologies. She describes this as a "wicked problem", with no easy solution. Wilkinson and MacLean (2013) showed how liquor inspectors are required to negotiate conflicting views about appropriate approaches to regulating licensed establishments. Maynard-Moody and Musheno (2003, p. 4) have studied the police as street-level bureaucrats, and they argue that "law abidance and cultural abidance coexist in the everyday world of street-level work and their coexistence defines the tensions of street-level work".

Even though the inspectors are supposed to represent the legislative authorities, they appeared to identify more strongly with the patrons in the establishments they were monitoring. The inspectors said on several occasions that the patrons were just having fun and that no one was drunk, although the observers considered many patrons to be obviously under the influence of alcohol. Thus, the inspectors were less strict than the law requires.

Inspectors identify with patrons

The inspectors described the level of intoxication at establishments very differently depending upon the clientele, drinking patterns and social norms at each location. This was also evident during observations. Some places tolerated more intoxication than others, and the inspectors seemed to adjust their assessments to the local norms: “If you took all the regular barflies who are sitting in a dive bar^v and moved them over to a fancy restaurant with white tablecloths, then you would have to throw out everybody.”

The inspectors described how their judgments depended upon at which establishment the patron was. They found it easier to assess guests’ intoxication level at some places than others. One inspector said, “There are so many drunken patrons. But how you perceive it totally depends on what kind of place it is.” Dive bars were described as difficult to control.

Some bars have a rather old clientele: people that go there every day and sit and drink all day long. I find it hard to assess the level of intoxication in those places. You see people characterized by frequent and heavy alcohol use and stuff like that. It can be difficult.

At certain venues, the inspectors said they could write reports on almost all guests, but as one of them commented, “I guess that’s not the intention of the inspection”. Their descriptions of different drinking cultures is consistent with Graham and Homel (2008), who showed how a variety of violations may be committed with equanimity in some drinking establishments but not be tolerated in others. The inspectors seemed to be acting in accordance with the applicable norms of the various establishments. They did not treat the establishments equally; the limit of allowable violations was determined at the inspector’s discretion, even though the law was meant to be applied equally. Similar to bartenders who over-serve drunken patrons (Buvik, 2013), liquor inspectors did not want to ruin a good atmosphere, and they regarded flexibility as being an important part of the job.

The inspectors' lenient assessments of intoxication can also be understood in light of the fact that they are civilians. Wilkinson and MacLean (2013) have studied civilian inspectors assisting the police with law enforcement, and they concluded that civilians are more industry friendly and potentially less likely to report violations than are police officers. This is consistent with our findings.

In this study, the assessment of intoxication depended upon the characteristics of the inspectors. Most inspectors were in their early twenties, and both age and work experience appeared to influence their assessments of intoxication. One of them said of a new colleague, "This new guy does not have much basis for comparison. Then you may be stricter and assess level of intoxication differently". It may also be that the more drunkenness inspectors have observed, the more their attitudes have liberalized. One informant emphasized that young and inexperienced inspectors were more eager to reveal violations of the law, and that their criteria were stricter.

The limit can be somewhat different. If you're new, it's really fun to write a report. Then you can pounce on anything, as long as you have the statutory authority to do so. After a while, the decisions are based more on discretion. There are a lot of grey areas here.

The inspectors were a reasonably homogeneous group: they were young, fit and had quite similar dress codes, with sneakers and all weather jackets. They found it easier to assess young people at a club than older people at a dive bar. There also was an interaction between the context and the actors. The young Police Academy students conducting the inspections felt more at home in places where other young people were gathered – where they did not differ so much from the patrons, unlike in the dive bars with a mostly older clientele.

The inspectors' own nightlife experience also affected how they judged levels of intoxication. One inspector told of a colleague who drank quite substantially and spent much time in bars, concluding that she was much sloppier with inspections: "She lets nearly

everything pass”. We also heard the reverse about another colleague who did not drink and responded to every violation he observed: “But it’s only because he never goes out himself. He has no idea about nightlife. If you are used to going out on the town, you know that it’s a lot of drunkenness, so then you are used to it”. The discretion that inspectors exercise, therefore, cannot be seen separately from their own experiences, which are the bases for their norms and values. The young inspectors belonged to the group who frequently visit bars and clubs. It was natural for them to identify with the norms and culture of several of the establishments they inspected. Spending much time in environments where intoxication is normal (in both private and work-related settings) can raise one’s threshold for what is considered a violation.

It is hard to spot violations when everyone is drunk

Stories from the inspectors, together with our observations, revealed high intoxication levels at several premises and suggest it is likely that most over-serving of alcohol happen in crowded places. However, inspectors are supposed to look for individual intoxication, and reports should describe individuals, not establishments.

Violations were hard to spot in places that were crowded and in which everybody was drunk. At several bars and nightclubs, people stood shoulder to shoulder, dancing, shouting and laughing. In such situations, violations of the Alcohol Act were camouflaged and normalized. An inspector said on the way out of such a place, “No one stands out as obviously intoxicated, although everybody is. Not that they escape because all are drunk, but no one has fallen over”. Another inspector linked individual assessments to the general intoxication level at the establishments they visit.

Often there is a very high level of intoxication in those places, so very few people stand out in terms of being more drunk than the rest. All are equally drunk. And if we should write a report, we cannot write “all”; we must find a few that stand out a bit.

In a sea of vibrant, crowded patrons, it is hard to put your finger on something specific and find deviant cases, especially if the room is full of other festive patrons behind whom people can hide their violations. In places with few guests, it is easier to see if someone stands out from the crowd. Thus, the assessment of violations is highly relative.

The inspectors' focus also depended upon the time of the inspection. They assessed intoxication differently at eleven o'clock from three in the morning. Later in the night, they expected higher levels of intoxication. In a field conversation during the inspectors' training course, one participant commented, "At a club at two in the morning, all patrons are clearly intoxicated". Two other students standing nearby nodded and laughed, "You cannot throw out all of them".

Norway has an intoxication-oriented drinking culture in which a high proportion of alcohol is consumed in binges (Gmel, Rehm, & Kuntsche, 2003; Hibell et al., 2009). Several studies show that it is easy to buy alcohol, even if one is intoxicated (Buvik, 2013; Buvik & Baklien, 2012a; Rossow & Baklien, 2010). This happens in a culture with liberal norms for intoxication (Buvik, 2013). Licensed establishments are created as places where people do not have to feel constrained by the rules and conventions that govern everyday life (Graham & Homel, 2008). There can be a conflict between the laws about serving alcohol and the culture that exists at the establishment. Places differ with regard to their patrons' typical intoxication levels, and the inspectors adjust their assessments to the context. When everybody is drunk, they look for guests who are even more drunk.

The bureaucratic system requires that intoxicated individuals be reported, but when a place is packed and everyone is drunk, violations are camouflaged and hard to spot. When all the patrons are drunk, drunkenness is not deviant. The result is that fewer breaches of the law are reported to the authorities.

DISCUSSION

Inspectors at the street level do not only implement an alcohol policy that is determined at the national or municipal level; they develop their own alcohol policy. A traditional approach to this situation would problematize the fact that street-level alcohol policy does not match the policy set by elected officials and would seek stricter supervision of the inspectors. This would be a top-down approach to the implementation of alcohol policy. However, by identifying the inspectors as street-level bureaucrats (Lipsky, 2010), we take a bottom-up perspective on policy.

The four mechanisms described here involve several elements that should be understood in light of the theory of street-level bureaucracy. The first is *flexibility*. The inspectors adjust their judgments to the intoxication level at the establishment, and their judgments depend on the context and the actors. According to Lipsky (1980, p. 15), street-level bureaucrats have discretion because the accepted definitions of their tasks call for sensitive observation and judgment, which are not reducible to programmed formats. Certainly, we want equitable application of the law, but we also want, as Lipsky (1980) describes it, “the law to be responsive to the unique circumstances of individual transgressions.... To a degree the society seeks not only impartiality from its public agencies but also compassion for special circumstances and flexibility in dealing with them” (Lipsky, 1980, p. 15). The inspectors’ role is contradictory, and in the interaction with patrons and bartenders it is reasonable, and perhaps natural, that they use their own language and rely on their own identities, values and norms.

The second element is *individualization*, as the inspectors look for individuals who stand out from the crowd. In this sense, deviance is a social product. Unlike decision-makers in distant offices, the inspectors meet people directly and personally. In direct contact, people are individuals, not abstractions. Politicians and decision-makers sit in their offices and talk

about patrons who are obviously under the influence, whereas inspectors meet the man in the white sweater who has to hold on to the wall on his way back from the toilet. This also means that inspectors come into close contact with the prevailing drinking cultures in the establishments they inspect, drinking cultures in which many of the young inspectors participated in their leisure time. Our results indicate that inspectors identify more with these drinking cultures than with the law they are engaged to represent. Lipsky (1980, p. 9) claims that the reality of the work that street-level bureaucrats do could hardly be farther from the bureaucratic ideal of impersonal detachment in decision-making. Street-level bureaucrats work with a relatively high degree of uncertainty because of the complexity of the subject matter (people) and the frequency or rapidity with which decisions have to be made (Lipsky, 1980, p. 29).

The third element concerns *legitimation*. Our data show that the inspectors have a view of reality that justifies the way they exercise their discretion. Lipsky (1980) emphasizes that street-level bureaucrats believe themselves to be doing the best they can under adverse circumstances, and they develop techniques to salvage decision-making values within the limits imposed upon them by the structure of the work. In this way, they narrow the gap between their personal and work limitations and the wording of the law. When the inspectors say that there is not so much drunkenness, their perception of the situation justifies the decision to report relatively few violations.

Fourth, and perhaps most importantly, our findings show that the inspectors' judgments are *biased* in the sense that they look for people who are more drunk than what the law considers intoxicated. Thus, they raise the bar for defining someone as intoxicated. Biased judgments are typical among street-level bureaucrats, according to Lipsky, who argues that routines and simplifications are subject to workers' occupational and personal biases, including the prejudices that blatantly and subtly permeate society (1980, p. 85).

Our findings revealed that flexibility, individualization, legitimation and biased judgments are vital elements of the inspectors' daily job performance.

CONCLUSION

On-site drinking is easier to regulate than off-site drinking, but regulations must be enforced to be effective (Babor et al., 2010; Wilkinson & MacLean, 2013). Regulatory sanctions can be applied as a strong incentive to follow the law (Babor et al., 2010, p. 154). In studies of alcohol laws and regulations, enforcement has proved to be at least as crucial to reducing alcohol-related harm as are the laws or regulations adopted (Babor et al., 2010).

The Norwegian Alcohol Act must contend with a liberal drinking culture that opposes the law. We identified four mechanisms that encouraged inspectors to be more lenient than the law regarding intoxication levels allows. In many ways, the inspectors raised the bar for defining someone as intoxicated. It is hard to identify deviant intoxication in a crowded bar in which everyone is drunk, and the inspectors adapted their assessments to this context. As a consequence, establishments were not treated equally. However, it is not clear that dive bars and teen clubs should be treated in exactly the same way. Perhaps it is more important to closely regulate youth drunkenness than the drinking of old men in a neighbourhood bar. Rather than the strict enforcement of the law, a context adjusted liquor control may be more suitable in this very complex reality, with its many different drinking patterns, norms and cultures.

Street-level alcohol policy is made case by case and from nightspot to nightspot. Inspectors use their discretion when assessing intoxication – discretion that is exercised in an intoxication-oriented drinking culture and derived from their own norms and experiences. Maynard-Moody and Musheno (2000) describe how beliefs and norms are shadowy and often inconsistent, and more resistant to change than are rules and procedures.

Discussion and research on alcohol policy usually focuses on what is going on at the national level in parliaments and ministries. To understand alcohol policy, however, we must also listen to and observe what happens at the street level. In this study, we have applied a bottom up approach, seeing the situation from the liquor inspectors' point of view. We have revealed that the situations to be assessed by the inspectors can be complex and difficult to grasp. Our data also shows a street-level alcohol policy that sets the permissible limit for intoxication far above that set by the Alcohol Act. In this way, the inspectors support and maintain the liberal drinking culture. The inspectors' experience-based discretion is however a strength, but it seems that their training ought to focus more on the wording of The Act and on criteria of intoxication. We also recommend follow-up training where experiences could be shared and discussed. Both policy and training might also be less oriented towards individual intoxication and the ones who stand out, and open up for addressing the general intoxication level at a drinking venue. It is also important to focus on quality at every single inspection, not only on the quantity and number of inspections.

To develop an alcohol policy that is more in touch with reality and therefore also more effective in preventing, alcohol-related harm and violence at licensed establishments, we need more research on alcohol policy decision making. In particular more research is needed on how national and municipal decisions relate to the actual situation in many clubs and bars, and on how this influences alcohol policy implementation on street level.

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ⁱ We use the term discretion as “the freedom or power to decide what should be done in a particular situation” (OALD, 2013)

ⁱⁱ Åpenbart påvirket av alkohol

ⁱⁱⁱ Åpenbart tydelig full, synlig beruset, åpenbart beruset

^{iv} Full, dritings, sjanlgedrita

^v In Norway, we use the expression “brown bar” to describe a local pub with regular barflies. “Brown” may refer to the dirty walls after years of cigarette smoking. Here we use the expression “dive bar”, but other possibilities are “shady bars” or “a hole in the wall”.