

SUNDAY LIQUOR SALES

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Most adult South Africans will be familiar with the experience of receiving an invitation on Sunday morning to a braai that day, only to realize that one has no beers to take, or they may have invited friends to Sunday lunch, only to remember they are out of wine. Because it's Sunday, they cannot buy liquor from bottle stores or wine from supermarkets. But under the new Liquor Act the sale of alcohol on Sundays in Kwazulu-Natal will soon be legally permitted. Religious and social welfare bodies have objected to this, arguing that the scrapping of the Sunday liquor sales ban sends a message that the government does not care about the destructive effects of alcohol. As it happens, however, the government is right to revoke the Sunday alcohol sales law.

Sunday liquor laws were originally justified as an expression of the Christian aversion to alcohol consumption on the Sabbath. The apartheid state was biased in favour of Christianity, and its bias was reflected in laws that forced shops to close on Sundays, motivated by biblical verses such as Exodus 20: 8-10. These laws sent a message to other religious groups, for whom Sunday is not the Sabbath, that they were not full members of the political community. In post-apartheid South Africa, the state's endorsing of particular religions is correctly considered unacceptable because it violates a principle of political morality: the state should be neutral with respect to religion.

Although laws prohibiting the sale of alcohol on Sundays seem like unjustified pro-Christian state bias, some argue that nowadays they serve non-religious purposes, and are therefore justified. They claim that the legal prohibition on the sale of alcohol is justified because it enhances the recreational atmosphere of what has become a secular 'pause day'. But in fact alcohol may be conducive to

recreation, rather than an obstacle to it, as the host of an alcohol-free party may come to realize.

A second argument is that the government has a strong interest in curtailing the sale of alcohol to reduce the social evils of excessive consumption, including road traffic fatalities and damage to consumers' health. The selection of Sundays is justified as being likely to be more effective in curtailing the consumption of liquor than a restriction on any other day of the week, since Sunday is the day on which most South Africans do not work, and are therefore most likely to drink.

The question is whether prohibiting the sale of alcohol on Sundays is likely to be beneficial. Is restricting the sale of alcohol likely to curtail drinking and thereby reduce road traffic fatalities? In fact, it is not obvious that the law will reduce drunk driving, since the Sunday liquor law prohibits only off-premise sale of alcohol. If the law induces more people to consume alcohol in a bar on Sunday rather than in their homes, these restrictions could *increase* drunk driving. Some people may be induced by the ban to drink outside the home and then drive home drunk. The effectiveness of the prohibition is also reduced by forward-looking consumers consuming alcohol at home on Sundays by purchasing it on Friday or Saturday.

Recent studies do not reveal a connection between Sunday alcohol laws and important secular objectives. One important US study shows no significant public safety benefit with respect to traffic fatalities. Another study in Canada, examining the effects of Sunday sales restrictions on alcohol consumption, reveals no effect on drinking levels.

It has not been proved that there are health benefits attached to this sales restriction. There may, in fact, be health *costs*. One study of homeless people found that alcohol-related seizures occurred more frequently on Mondays, presumably due to a lack of commercial availability of alcohol on Sundays. There

may also be a health benefit to drinking being more evenly spread-out across the days of the week.

Sunday liquor laws, because they treat sales for on-premise and off-premise consumption differently, grant market power to licensed restaurants, hotels and bars to sell alcohol when liquor stores and supermarkets cannot. These laws thus distort the alcohol retail market by allowing a few types of liquor sellers near-monopoly power in alcohol sales on Sundays.

As a result, there is an increased cost for ordinary citizens, since a person wanting to buy alcohol will have to pay the higher price of alcohol at restaurants or hotels. Consumers may be forced to purchase food and pay service charges in an effort to drink what would otherwise be available at bottle stores.

Finally, Sunday alcohol sales could bring in tax revenue to the state, which could be used to uplift the poor.

There are no grounds for thinking that public interests would be served by the Sunday alcohol law. It's a good thing that this legal prohibition is coming to an end.