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Managing Drunkenness and Tobacco Use in Colonial America

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NOTE: The original 1,000+ page manuscript for *Slaying the Dragon: The History of Addiction Treatment and Recovery in America* had to be cut by more than half before its first publication in 1998. This is an edited excerpt that was deleted from the original manuscript.

While drinking was approved at all levels of colonial society, intoxication was not. Alcohol was for thirst and refreshment, not for pleasure. On a moral level, drunkenness violated the Christian responsibility to control one's physical appetites. On a social level, it conflicted with the Puritan values of emotional self-control, respectability, financial care, and hard work. To be drunk was to abuse a gift of God. Increase Mather declared: "The wine is from God, but the drunkard is from the Devil" (Mendelson & Mello, 1985, pp 10-11).

The image of "Demon Rum" had not yet arrived on the American scene. The early focus of attention was not on alcohol, but on the excessiveness of drunken behavior. It was the job of social institutions to bring this excessive behavior under control by rewarding moderation and civility, and by punishing excessiveness. The concern was not drinking, but how people acted when they were drunk. Note the following explanation from the preamble of a 1637 Massachusetts law against "loafing":

That much drunkenness, waste of the good creatures of God, mispence of precious time, have frequently fallen out in the inns . . . whereby God is much dishonored, the profession of religion is reproached, and the welfare of this commonwealth greatly impaired (Dorchester, 1884, p. 111).

Many practical matters also prompted society to try to control drunkenness. Drunkenness was associated with accidental deaths--most often from falling, freezing to death, or drowning--and with the idleness of servants and apprentices (Levine, 1983).

Colonial Alcohol Control Laws

The law was the primary mode of discouraging drunkenness in Colonial America. Laws governing the sale and consumption of alcohol emerged in the broader context of "Blue Laws"--statutes that defined appropriate personal and social conduct for men, women, and children. In this way, the laws targeting drunkenness

were part of a broader movement seeking to shape moral and social behavior. Other actions outlawed in the Blue Laws included violating the Sabbath, insufficient church attendance, adultery, fornication, gambling, swearing, and spitting (Baird, 1947, p. 274). Efforts to control public intoxication began early in colonial history and differed from colony to colony. The first laws against drunkenness passed in the early 17th century were modeled on a 1606 English Parliamentary statute that named penalties for habitual drunkenness (called "tippling") and for lingering over one's drink. The argument behind these forms of punishment are clear from the statute's preamble:

Whereas the loathsome and odious Sin of Drunkenness is of late grown into common Use within this Realm, being the Root and Foundation of many other enormous Sins, as Bloodshed, Stabbing, Murder, Swearing, Fornication, Adultery, and such like, to the great Dishonor of God, and of our Nation, the Overthrow of many good Arts and manual Trades, the Disabling of Divers Workmen, and the general Impoverishing of many good Subjects, abusively wasting the good Creatures of God: Be it therefore enacted . . . (Quoted in Ewing and Rouse, 1978, p. 25.)

Colonial penalties for drunkenness ranged from punitive measures--fines, social humiliation, social ostracism, political disenfranchisement, corporal punishment (whipping), and confinement in stocks (jails were still rare)--to demands for public service or restitution. Laws were also changed frequently, as part of a social experiment to see what measures would prove effective in discouraging drunkenness. Connecticut, for example, passed more than 80 different alcohol-related laws before 1779.

The range of colonial alcohol control measures was quite broad in scope. Many of the colonies started licensing systems, in order to encourage the development of enough public houses to accommodate travelers. These public houses served the combined functions of today's hotel, restaurant, bar, and community center. Licensing those sites brought in revenue and helped officials control the local drinking

practices. By 1650, colonial taxation of alcohol sales was already underway. Regulations governing the public houses set limits on the ages of those who could be served alcohol, the quantity of alcohol that could be served to a single individual, the hours of operation, and the types of amusements that could be provided.

License and tax laws also defined who could manufacture and sell alcohol. Tavern owners were chosen for their morals and their character. A late-16th-century law in Massachusetts required that tavern owners be church members. Tavern owners were viewed as important elements of social control--protectors of the community's interests. Tavern owners were often held responsible for the actions of their patrons. A 1647 Massachusetts statute levied a fine on the owner of any inn in which someone became drunk.

In the individual colonies, a number of specific laws were enacted to control the liquor trade. There were price-control laws that sought to prevent both price gouging and the excessive drinking that was often the result when cheap alcohol was available. There were laws that set standards for the quality of alcoholic products. There were laws that controlled the quantities of alcohol that could be sold and served. A 1714 statute in New York outlawed selling alcohol in quantities of less than five gallons. There were laws that controlled or prohibited the sale of alcohol to minors, Indians, sailors, slaves, and servants. Massachusetts (in 1651) and Connecticut (in 1686) were the first colonies to outlaw the sale of alcohol to minors.

Many of the colonies passed laws that prohibited taverns from selling alcohol to habitual drunkards. These laws were quite specific. The Plymouth Colony passed a law in 1675 forbidding the sale of alcohol to Thomas Lucas, who had distinguished himself as a habitual drunkard. There were laws that raised special concern about drunkenness in people in responsible positions. In 1664 Virginia enacted a law prohibiting ministers from "excess in drinking or riot, spending their time idly by day or night, in playing dice, cards, and other unlawful games" (Cherrington, 1920, p. 26, 28; Baird, 1947, p. 147)

There were laws governing when and where drinking could occur. In 1742 Massachusetts banned drinking at funerals, when it appeared that funerals were becoming an excuse for outrageous drunkenness. Many colonies eventually banned the sale of alcohol on Sunday. There were laws governing how much or how long one could drink. In 1645 the Massachusetts General Court decreed that no one could engage in "continued tipping above the space of half an hour" (Taussig, 1928). There were laws banning certain drinking rituals. In 1639 Massachusetts passed a law against drinking to one's health—a practice that tended to lead to buying rounds.

There were also laws governing the behavior associated with drinking. In 1654 Connecticut banned shuffleboard, "Upon complaint of great disorder by the use of the game called shuffle-board, in houses of common entertainment, whereby much precious time is spent unfruitfully, and much waste of wine and beer occasioned." Alcohol laws were often closely linked to laws against singing, dancing, games, cards, dice, and other forms of gambling. There were laws that declared liquor debts uncollectible, passed to discourage tavern keepers from encouraging drunkenness and serving alcohol on credit (Cherrington, 1920; Daniels, 1877; Dorchester, 1884; Hirsch, 1949; Earle, 1900; Rorabaugh, 1979, pp.28-32). Because the church and the tavern often stood as the two most significant social institutions, there were even laws governing their relationship, like the laws requiring that taverns be placed in walking distance of the church and a Massachusetts law that required tavern keepers to ask all patrons to go to the church when services were being held (Paredes, 1976).

Laws to control drunkenness were seen as so important in keeping public order that they often overruled what today would be called the right to privacy. A 1659 Connecticut statute, for example, allowed constables to search private homes where they suspected there were "disordered meetings of persons . . . to tipple together." At one time, Boston even appointed inspectors

to visit homes and monitor the drinking of people who tended toward drunkenness.

Penalties for Drunkenness

When people broke the colonial alcohol-control statutes, what were their consequences? Most of the laws imposed fines as penalties, but there were special consequences designed for the drunkard. These responses fell into several categories.

First-time offenders were often referred to the clergy. This action might be considered the earliest diversion of alcoholics from the criminal justice system. It reflected the conviction that drunkenness was a moral vice of excess, and therefore within clergy's arena of responsibility. However, ministers were not expected to perform any counseling functions as we know them today. Instead, wording of the laws demanded that drunkards be publicly "reproved" or "rebuked" by a minister.

The second response involved a number of kinds of public humiliation. This humiliation could include social ostracism (banishment from church), political disenfranchisement (banishment from town meetings), or public declaration of one's status as a drunkard. In 1633, Robert Coles of Massachusetts was fined for drunkenness and ordered to place a white sheet of paper on his back with "A DRUNKARD" written in large letters for "abusing himself shamefully with drink." A year later, the same Robert Coles, again convicted again of drunkenness, was politically disenfranchised and ordered to wear a Red "D" (for Drunkard) on a white background for a year. Other forms of humiliation used included sentencing drunkards to be whipped—a penalty received by Thomas Savery of the Plymouth Colony—and removal of the title "Mr." (Baird, 1947, p. 125 & 126).

The third offense usually led to a period of confinement. In 1633, John Holmes of Plymouth Colony was fined 40 shillings and ordered to "sit in the stocks" for public drunkenness (Mendelson & Mello, 1985, p. 7). In 1658 in Maryland, people who were convicted of drunkenness were required to lie in the stocks for six hours and pay a fine of 100 pounds of tobacco

(Cherrington, 1920; Daniels, 1877; Dorchester, 1884; Hirsch, 1949).

Experiments with Alcohol Control

One of the more novel attempts at managing drunkenness in colonial America took place in Georgia. James Oglethorpe founded the Georgia Colony with a promise of forty-four gallons of beer for each settler, but later blamed alcohol for the widespread disease that plagued these early settlers. Between 1733 and 1742, Governor Oglethorpe banned the importation of "ardent spirits" into Georgia, but careless enforcement and widespread smuggling made the law ineffective. This ineffectiveness and "the desire to take part in the lucrative rum trade" led to the end of this earliest prohibition experiment in America (Austin, 1978, p. 100; Fleming, 1975, p. 50).

The large number of colonial legal experiments in alcohol control should not lead one to conclude that alcoholism as we know it today was rampant in colonial America. In spite of the fact that daily drinking became a cultural norm, drunkenness was not common, and it was not considered a major problem. For the most part, early court records reveal a small number of repeat offenders. While most texts describing drunkenness in colonial America offer vivid descriptions, they nearly always report the same cases. The names of Robert Cole, Thomas Savery, and John Holmes appear in almost all of these texts (including this one).

Drinking was widespread, but drunkenness was not. Perhaps the most effective form of control over alcohol intoxication was the sense of unity and community that was common in the early colonies. The fear of social disapproval, social ostracism, and excommunication from the church served to discourage drunkenness, as did the social values of sobriety and discipline.

There was little recognition of alcohol-related illness, except for the discovery of lead poisoning in the 1740s caused by drinking rum made in lead stills (Rorabaugh, 1972, p. 38). In the 18th century, chronic drunkenness was not considered a medical

problem, and doctors played no significant role in either the social control or the treatment of excessive drinking. The exception to this striking lack of influence was the early lobbying of Dr. Benjamin Rush to change the role of alcohol in the Continental Army.

Managing Excessive Drinking and Alcoholism in the Military

In 1776, General George Washington issued an edict ordering officers to keep soldiers from frequenting "tippling houses." The alcohol ration provided to each soldier was also reduced from a half pint of rum to one quart of beer a day. The Continental Congress banned the sale of liquor to soldiers by civilians, to restrict soldiers to the daily ration provided by the army.

In 1777, Dr. Benjamin Rush issued a strong statement on the use of distilled spirits by soldiers of the United States Army. He declared that there was no medical reason for using alcohol to ward off heat, cold, and fatigue, and encouraged soldiers not use distilled spirits while serving their country. His statement was approved by the War Board of the Continental Congress and distributed to all soldiers in the United States Army--the first government pronouncement of its kind (Cherrington, 1920).

The idea of abolishing the soldier's daily grog ration grew more and more popular as it became clear that most of the military personnel's disciplinary problems and non-combat injuries and disabilities were linked to alcohol. The Army's whiskey ration was abolished in 1830; two years later the Congress began providing coffee and sugar as a substitute. (Wilkerson, 1966, p.117)

There was similar concern about the excessive drinking by soldiers stationed in the forts of the westward frontier. Alcohol was the central commodity of value at these forts--a commodity that provided some relief from the loneliness, boredom, periodic dangers, and exposure to harsh weather. In his review of drinking by soldiers on the Western frontier in the early 1800s, Winkler notes that guard-house punishment and court martials were almost all related to whiskey. Many efforts were made to reign in

drinking at these outposts, but all of these early efforts failed. Even a ban on daily liquor rations only led to flourishing bootleg operations (Winkler, 1968). Doctors who worked at the forts in the 1860s reported that three quarts of whiskey a day was not an uncommon amount for the frontier soldier to drink (Cassedy, 1976).

Tobacco Control Measures

Colonial lawmakers tried to pass anti-tobacco legislation, but economic need, both for tobacco-generated income and for tobacco-generated tax revenues, quickly crushed those efforts. A few measures did pass that set controls on smoking. Examples include laws naming categories of people who could not smoke (Connecticut citizens under age 20 who did not have a doctor's statement declaring that tobacco was medically useful for them), places where smoking could not occur (in public), and the number of people who could smoke in a room at the same time (two). Most of these provisions were short lived and widely ignored (Wagner, 1971).

These early responses to excessive drinking and smoking were not sufficient to check a rising use of alcohol and tobacco. The newly created Republic was about to go on a sustained alcoholic binge between 1790 and 1830 that would give rise to many alcohol-control initiatives in the 19th century.

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