Social reformers and regulation: the prohibition of cigarettes in the United States and Canada

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Abstract

Anti-smoking legislation in North America reached its peak early in the last century. In 1903, the Canadian Parliament passed a resolution to prohibit the manufacture, importation, and sale of cigarettes. Fifteen states in the United States banned the sale of cigarettes and 37 states considered prohibitory legislation. In both the United States and Canada, prohibition was part of the Progressive Movement. Cigarette prohibition was special interest regulation, but it was also the means by which crusaders sought to alter public behavior. In the United States, the cigarette lobby opposed cigarette prohibition while in Canada the French-Canadians offered the most vociferous opposition. An active Progressive Movement was the necessary condition for generating interest in prohibition, while the anti-prohibition forces played a significant role later in the legislative process.

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1. Introduction

Although smoking has become a stigmatized activity in recent years, the apogee of anti-smoking legislation in North America was reached early in the last century. In 1903, the Canadian Parliament passed a resolution calling for the prohibition of the manufacture, importation, and sale of cigarettes. Around the same time, 15 states in the United States banned the sale of cigarettes. In both the United States and Canada, prohibition was part of a broad political, economic, and social coalition termed the Progressive Movement. The movement aimed at reform broadly conceived but was not tightly orchestrated, nor was there a consensus among its adherents as to priorities. Activities that fall under the rubric of reform included trust busting, women's suffrage, direct primaries, workers' compensation, minimum wages for women and children, and prohibiting perceived immoral behavior (including drinking, smoking, and gambling).

Contrary to what is happening today, the anti-smoking episode that we chronicle has been mostly overlooked, no doubt due to the greater attention paid to the prohibitions of alcohol that were occurring at the same time. The temperance reformers saw drinking and smoking as a combination of reckless behavior and moral weakness. In their pursuit of a good society, they asked the state to protect people against themselves. Then and now, this paternalistic impulse touches upon a fundamental and universal issue raised in 1859 by John Stuart Mill in *On Liberty*:

> The only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others. His own good, either physical or moral, is not a sufficient warrant. He cannot rightfully be compelled to do or forbear because it will be better for him... because it would be wise, or even right. These are good reasons for... reasoning with him, or persuading him... but not for compelling him... Over himself, over his own body and mind, the individual is sovereign. (Mill, 1956, p. 13)

Prohibitionists justified their actions on the grounds that abstinence would liberate drinkers and smokers from their addictions, allowing them to have better and freer lives. Reaching this outcome voluntarily was preferred, but many prohibitionists believed that human nature was too weak and, consequently, had to be strengthened by the law. This belief led some ardent reformers, like F.S. Spence, Canada's most prominent prohibitionist in the early 20th century, to describe prohibition as part of "the great gospel of liberty" (Allen, 1971, p. 264). One century later, the question of the extent and nature of individual freedom regarding alcohol and tobacco is debated more in health than in moral terms, and the focus has shifted from alcohol to smoking.

The Progressive Era was a particularly fertile period in which new ideas, projects, and actions emerged to confront the perceived problems of a
modern industrial urban society. American historians devoted considerable attention to the period, but fewer economic historians, legal scholars, and political scientists have given it attention. As a result the jury is still out concerning the causes and impacts of Progressive Era policies. In his book on egalitarianism in the United States, Fogel (2000) claims that the social reformers were key to Progressive legislation and later to the New Deal. In contrast, studying the origins of workers’ compensation, Fishback and Kantor (2000) raise doubts about the impact of the reformers. They argue that workers’ compensation was one of the few durable pieces of legislation out of a panoply of proposed reforms. The success of workers’ compensation was due to the major interest groups (workers, employers, and insurance companies) all anticipating gains from it. Fishback’s (1998) study on labor market measures for children and women points in the same direction. By themselves, reformers could get their concerns on the political agenda but were not able to obtain permanent adoption or enforcement. We find this view particularly appealing for regulation over personal behavior, especially for adults. Cigarette prohibition provides a good case to test this proposition further.

We compare the effectiveness of the anti-cigarette prohibition movements in the United States to Canada. There have been very few international comparisons of the Progressive Movement or of some of its specific measures. The Progressive Movement in the United States has been studied extensively but almost exclusively in domestic terms. Yet, much the same Progressive fervor, with similar causal factors at play, occurred in Canada. In both the United States and English Canada, evangelicalism dominated the religious Protestant landscape. Social reformers on both sides of the border pressed for similar forms of government intervention: social security, political reforms, and the prohibition of alcohol, cigarettes, gambling, and prostitution. Though the reform efforts were similar in Canada and the United States, the political institutions and cultural backgrounds differed. Surprisingly, although the conventional view of Canada is that it was interventionist because of its double Tory and French heritage, the government responses were very similar to those in the United States for most policies, except for the prohibition of alcohol. In the case of alcohol prohibition, the United States policies were more, not less, stringent, and here, the cultural environment was crucial. French-Canadians, who represented 30% of the population in 1900, were strongly anti-prohibitionist. They tipped the balance, enabling prohibitionists of alcohol only to succeed at the Provincial level.

We begin with a brief history of anti-smoking sentiment and compare the special interest groups that lobbied for and against prohibition. The development of the anti-smoking movements differed between the two countries, leading to special interests that were organized, and must be measured, in
Finally, we test the importance of the various interests on voting outcomes, with results that are largely consistent with the narrative developed in the earlier sections.

2. History of cigarette prohibition in Canada and the United States

2.1. History of cigarettes

Tobacco has had a long history of regulation since its introduction by Columbus. King James I wrote in his 1604 treatise “Counterblast to Tobacco”:

A custom loathsome to the eye, hateful to the nose, harmful to the brain, dangerous to the lungs and in the black stinking fume thereof, resembling the horrible Stygian smoke of the pit that is bottomless.\(^2\)

Under his reign, England prohibited the use of tobacco. So did many other countries and cities during the 17th century, including Japan, the Ottoman Empire, the Mughal Empire, Russia, China, Naples, Sicily, Sweden, and Denmark. The penalties for smoking could be spectacular and included sliced noses in Russia, beheadings elsewhere, and excommunication under Pope Urban VIII.\(^3\)

In 19th century America, almost all men used tobacco, but the form differed according to social position. Affluent businessmen and politicians smoked cigars. Urban dandies fond of European manners used dry snuff. Country folk and poor workingmen chewed tobacco, while traditionalists puffed on pipes (Sobel, 1978, pp. 5–6). Cigarettes, at first made from cigar scraps in Seville, spread to other European countries in the second half of the 19th century. British soldiers began to smoke them during the Crimean War. From Britain, cigarettes made their American debut in New York City and remained for some time an exotic and mostly urban novelty. The status of the product changed in the 1880s. The increase in cigarette consumption was partly a response to public health measures against chewing and the accompanying cuspidor. More importantly, the mechanization of the rolling process and lower taxes reduced the price to consumers. It is hard to imagine a product more typical of a modern industrialized 20th century than the

\(^1\) For instance, the alcohol temperance organizations seem to have been much more strongly involved in cigarette prohibition in Canada than in the United States. The general pattern, however, is that the proponents of prohibition were members of the Protestant reform movements, while opponents included smokers and cigarette producers.

\(^2\) Cited in Sobel (1978, pp. 50–51).

\(^3\) There are many accounts of this first wave of prohibitions and extravagant penalties around the world. For instance, see Bouant (1901), Brecher (1972, pp. 209–213), Wagner (1971, pp. 3–13), or the fascinating history of Kierman (1991).
cigarette. It was mass produced, heavily advertised, and spread across all social classes.

Fig. 1 shows the rise in the per capita consumption of cigarettes beginning in the 1890s in Canada and the early 1900s in the United States. This rise mobilized reform and religious groups, who viewed cigarette smoking as evil and destructive of the physical and moral fiber of society. These groups pressured the various levels of government to put an end to cigarettes through regulation, though there were countervailing forces at work as well.

2.2. Prohibition in Canada

In Canada, the provincial governments of New Brunswick (1890), Ontario (1892), and Nova Scotia (1892) adopted the first restrictions on cigarette smoking.\(^4\) These provincial laws forbade the use of tobacco by

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\(^4\) A bill came very close to be adopted in Quebec, so close in fact that some federal deputies a decade later referred to Quebec as having such a law. Through our research, we found that a bill went through three readings, was passed in the Legislative Assembly, and was sent to the Legislative Council in February 1893. It seemingly never became law as a similar bill by the same deputy was introduced again in 1893, in 1894, and 1895, all to no avail.
minors (under 16 or 18 years old) and imposed fines on people supplying tobacco to the young. According to all commentators, these laws were practically a dead letter as they provided for little or no enforcement. The failure in the enforcement of the provincial policies led to pressures on the federal government to step in and to ban the manufacture and importation of cigarettes. Bickerdike (Montreal St-Laurent) made the first move on April 1, 1903 when he introduced the following resolution:

That the object of good government is to promote the general welfare of the people by a careful encouragement and protection of whatever makes for the public good; and by equally careful discouragement and suppression of whatever tends to the public disadvantage.

That the smoking of cigarettes has been proved by overwhelming testimony to be productive of serious physical and moral injury to young people; impairing health, arresting development, weakening intellectual power, and thus constituting a social and national evil.

The legislation licensing and restricting the sale of cigarettes has not proven sufficient to prevent these evils, which will continue while the public sale of the cause of the mischief is permitted to go on.

That this House is of the opinion, for the reasons hereinbefore set forth, that the right and most effectual legislative remedy for these evils is to be found in the enactment and enforcement of a law prohibiting the importation, manufacture, and sale of cigarettes.5

The resolution was adopted by a large majority of 103 to 48. However, a month later it was withdrawn on the ground that it had not been introduced according to the rules.

Almost exactly a year after Bickerdike’s first resolution, Maclaren (Huntingdon, Que.) reintroduced the same bill, which passed 52 to 28, but later stalled in committee. Prime Minister Laurier opposed the bill for several reasons, one of which foreshadowed enforcement issues with all anti-cigarette legislation in Canada and the United States. “I have always been opposed to prohibition, simply because the experience of mankind shows that if you prohibit a thing, which is not in itself an evil, your law will not be observed.”6

There followed two years of total silence on the question. In January 1907, Blain (Peel, Ont.) asked the Prime Minister a question—which became an annual one—as to when and what the government intended to do with the Bickerdike resolution. Laurier’s reply was that the government had not come to the conclusion that this should be pursued, but that it was open

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5 House of Commons Debates (hereafter HCD), April 1 1903, p. 820. Born in Kingston, Robert Bickerdike, the Liberal deputy of Montreal St-Laurent, was a prosperous Montreal livestock merchant involved in many commercial and social organizations including the Anti-Alcoholic League (Morgan, 1912, p. 98).

6 Laurier in HCD March 23, 1904, p. 363.
to Blain to introduce such legislation as he saw fit. Blain responded to the PM's invitation a few months later in March 1907 when he moved the same resolution with the same results. Tenaciously, Blain tried again a year later in March, and once again, after a very long debate, the bill died on the floor.

In May 1908, the government, via the Minister of Justice Aylesworth, initiated a much-watered down version of the original Bickerdike resolution. The legislation, Bill 173, forbad the use of tobacco by persons under 16 years of age. Both tobacco and temperance interests accepted it as a compromise solution. The bill passed both houses (without a recorded vote) and became a law in July 1908. In addition to penalties for the seller or supplier of cigarettes, the bill imposed a slight penalty on the person caught smoking (reprimand on first offense and a $1 fine on the second offense). However, the forces of prohibition were still on the march. In March 1914, Broder (Dundas, Ont.) returned with the same Bickerdike bill. Prime Minister Borden used almost exactly the same arguments that Laurier had used ten years before to oppose the bill:

Paternal influence would be, or at least ought to be, of more value than all the legislation we could pass here so far as young persons are concerned. I have inquired of why it is that any further legislation is required. The only answer that I have received is that the statute is not enforced... possibly for the reason that it is not properly supported by public opinion.8

Although a committee of inquiry held hearings, this was the last time the issue of the prohibition of cigarettes was heard in the House of Commons.9

2.3. Prohibition in the United States

Beginning in the late 1890s, cities and states in the United States passed acts to prohibit the sale, manufacture, and use of cigarettes (but not pipes or cigars). Cigarette laws took five forms. In order of prevalence were laws restricting use by minors, restricting sales, restricting manufacture, prohibiting giving away cigarettes, and regulating use by the general public. The earliest cigarette laws prohibited sales to minors. By 1890, 26 states prohibited sales to minors and in 1940, all states except Texas had such laws (Gottsegen, 1940, p. 155). For instance, the 1909 Kansas law concerning minors read:

Every minor person who shall smoke or use cigarettes, cigars or tobacco in any form on any public road, street, alley, park or other lands used for public use, or in any public place of business, shall be guilty of a misdemeanor. (Laws of Kansas, 1909, Chapter 257, p. 623)

7 In HCD January 21, 1907, p. 1801.
9 At that time at least: we checked the period from 1914 to the end of the 1920s and found nothing.
The laws concerning minors came in a variety of forms. Some merely prohibited the sale of cigarettes, while others included an outright prohibition on cigarette and other tobacco use. Laws concerning adults were focused on the sale of cigarettes and did not ban tobacco use in general. By 1922, 15 states had passed laws prohibiting the sale of cigarettes, while another 21 state legislatures had considered such laws (see Table 1).10

As was the case in Canada, even in states where laws were in effect, enforcement was lax.11 "Tobacco manufacturers sent cigarette papers through the mails; retail dealers sold matches for 20 cents or so and gave cigarettes away" (Warfield, 1930, p. 246). A Wisconsin study showed that, "the law is flagrantly violated," and that, "local officials will not enforce a law in the face of a popular demand."12

The turning point in the legislative war against cigarettes came during World War I. During the war, the YMCA, Salvation Army, and Red Cross distributed billions of cigarettes to soldiers fighting in Europe and the federal government supplied 425 million cigarettes a month to soldiers fighting in France (Tate, 1999, pp. 75–82). Patriotic organizations in Kansas sent

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10 West Virginia taxed cigarettes so steeply that they were de facto prohibited. In our regression, we consider West Virginia as having prohibited cigarette sales but our results are insensitive to this classification. The states that considered prohibition legislation are listed in Tate (1999, p. 160).

11 Seltzer (1993) finds that another piece of the Progressive agenda, minimum wage legislation, also had weak enforcement capabilities.


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Table 1
The adoption and repeal of cigarette prohibition

<table>
<thead>
<tr>
<th>State</th>
<th>Enacted</th>
<th>Repealed</th>
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<tbody>
<tr>
<td>Arkansas</td>
<td>1907</td>
<td>1921</td>
</tr>
<tr>
<td>Idaho</td>
<td>1921</td>
<td>1921</td>
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<tr>
<td>Illinois</td>
<td>1907</td>
<td>1907a</td>
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<tr>
<td>Indiana</td>
<td>1905</td>
<td>1909</td>
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<td>Iowa</td>
<td>1896</td>
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<tr>
<td>Kansas</td>
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<td>1927</td>
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<td>Minnesota</td>
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<td>1913</td>
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<tr>
<td>Nebraska</td>
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<td>North Dakota</td>
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<td>Oklahoma</td>
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<td>1911</td>
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<tr>
<td>Wisconsin</td>
<td>1905</td>
<td>1915</td>
</tr>
</tbody>
</table>

Source: Gottsegen, p. 154.

a The Illinois Supreme Court declared the statute unconstitutional.
cartons of cigarettes to the front, even though their sale was illegal in that state (Warfield, 1930, p. 247).\textsuperscript{13} Anyone who questioned these shipments was deemed unpatriotic. Soldiers returning from World War I made cigarette smoking common and more respectable with the result that by 1920, seven states had repealed their anti-smoking laws. By 1927, all laws, except those regarding minors, had been overturned.

3. The political economy of smoking

In both Canada and the United States, the political economy of the legislative battles was quite straightforward: the same prohibitionists (social reformers) faced the same anti-prohibitionists (producers and consumers of cigarettes) plus in Canada, the French-Canadians. In Canada, the struggle was taken rapidly to the federal level. Provinces restricted smoking only for minors. In the House of Commons, we have recorded votes only for the first two of the five resolutions outlined in section II. We selected the first vote on the Bickerdike resolution in 1903 for our test because there were fewer abstentions. A significant number of legislators voted (151 of a total of 214 in the House) whereas only 80 voted on the subsequent bill a year later.\textsuperscript{14} Although the resolution was never implemented, this vote reflects the propensity of the legislators to consider prohibition before the tobacco lobby became involved. The fact that the bill was repeatedly reintroduced indicates that the temperance interests favoring passage continued their pressure on the legislature.

In the United States, the struggle remained at the state (and local) level. We examined two different types of actions: whether a state considered prohibition and whether a state passed prohibition. Both the temperance movement and the cigarette lobby operated at a national level, yet they had varying and predictable degrees of success in the American states and Canadian provinces. An active Progressive Movement was the necessary condition for generating interest in prohibition, while the anti-prohibition forces played a more significant role later in the regulatory process. We begin by describing these three groups of actors and then turn to a statistical analysis of the voting patterns.

\textsuperscript{13} Only a few years earlier, Kansas was so strongly anticigarette that a traveling Chautauqua company staging Bizet’s opera \textit{Carmen} presented a cast against a backdrop showing a dairy rather than a cigarette factory, and Carmen herself walked on stage carrying a milk pail (Wagner, 1971, p. 41).

\textsuperscript{14} Interestingly, very few MPs who voted on both bills changed their votes. Six MPs changed their votes; 5 from yes to no. The impact of the lobby appears to have shown up in abstentions.
3.1. The prohibitionists: the social reformers

Cigarette prohibition was special interest regulation, but its proponents were not seeking to redistribute wealth in the usual way. It was the means by which a group of crusaders sought to alter the behavior of a much larger section of the population, thereby gaining a large “moral” rather than “monetary” payoff. The catalysts behind regulation were the temperance organizations, largely consisting of Protestant women, and their allies, who included anti-trust adherents and other Progressives. Mancur Olson provides insight into why a relatively small group with no common economic interest can have such a large political effect. Part of the strength of a moral reform movement is that it can overcome the collective action problem cited by Olson by appealing to a “higher cause,” or in Fogel’s words, by focusing on the distribution of “spiritual” rather than “material” assets.15

Social reform was part of the thriving Evangelical movements of the late 19th and early 20th centuries. Fogel (2000) has described the development of these movements and their political effects. Cigarette prohibition falls squarely into the political phase of the Second Great Awakening (SGA), which focused on the struggle against personal sin and whose unifying goal was conversion to Christianity.16 Some proponents of prohibition also derived their ideology from the Third Great Awakening (TGA), which overlapped with the SGA during the first twenty years of the 20th century. The TGA focused more on “social sin,” with its modernist branch believing that “the value and truth of religion were shown by the capacity to create God’s kingdom on earth rather than in the hereafter. The essence of religion became the elimination of poverty and inequality” (Fogel, 2000, p. 121).

The philosophy of the SGA dominated abolitionism, women’s suffrage, and prohibition of both alcohol and cigarettes, while the TGA had its greatest political effect in the New Deal. However, there was considerable overlap and mixing of these ideologies during the period of cigarette prohibition. Many evangelist communities believed in societal as well as personal salvation (Cook, 1995, p. 10). In order to achieve this social order based on Christian and family values, they condemned and fought “frivolous” activities such as dancing, drinking, smoking, and gambling. Therefore, smoking prohibition was an issue for both those reformers wanting to stamp out “personal sin” and those reformers hoping to “improve health, safety and family life” (Cooper, 1990, pp. 128–129).

15 Though Olson (1965, pp. 159–162) was one of the first to clearly articulate the free rider problem, he also recognized the ability of religious organizations to influence legislation.
16 Proponents of the SGA were mostly pietists who demanded that “government remove the major obstacle to the purification of society through revivalistic Christianity, institutionalized immorality” (Jensen, 1971, p. 67). McLoughlin (1977) offers a detailed view of religion’s impact through revivals and awakenings on American culture.
One political manifestation of Evangelicalism was the Progressive Movement. Its adherents, a loose coalition, took to reforming the economic, political, and moral arenas. Not all reformers supported reforms in all areas.\(^{17}\) The heyday of the Progressive Movement roughly fell between two wars - the Spanish American War of 1898 and the entry of the United States into World War I in 1917, the period in which most cigarette prohibition was considered in Canada and the United States. Progressivism both “spawned and then undercut” opposition to cigarettes (Tate, 1999, p. 8). Opposition was spawned because cigarettes clashed with the Progressives’ “admiration for rational control,” and was undercut because bigger, and in some sense conflicting, concerns arose for the movement during World War I.\(^{18}\)

The Woman’s Christian Temperance Unions (WCTU), as its name indicates, was a reform organization of Christian women that was firmly grounded in the religious morals of the SGA and the political reforms of the Progressives.\(^{19}\) It and its splinter organizations were the requisite forces behind the initial cigarette prohibition movement in both the United States and Canada. The influence of the WCTU in Canada clearly stands out in the frequent references to the organization in the Canadian House Debates and in the *Canadian Cigar and Tobacco Journal*, a monthly periodical devoted to the interests of the tobacco trade. One can hardly be more explicit than Maclaren, the initiator of the second Canadian prohibitionist bill in 1904, when he stated:

I do not see why the women of the WCTU asked me to take charge of the Bill this year; but they did and I at once consented. I am not the maker of the Bill. It was framed at the request of those promoting it, by a firm of solicitors in this city.\(^{20}\)

The first local Canadian union was set up in Picton, Ontario, in 1874. In the period of our concern, the Canadian WCTU had some 400 local branches and 12,000 members, more than half of whom, and seemingly the most active, came from Ontario. Although multi-denominational, the majority of the members were Methodist middle-class women in small town and rural areas (Cook, 1995, pp. 7, 61, 218). They literally besieged the Parliament with petitions, letters, and delegations to press for prohibition of

\(^{17}\) For example, one of the most well-known Progressives in the United States was Robert La Follette from Wisconsin. La Follette was a staunch supporter of railroad regulation and a driving force behind popular participation in government, but he shied away from supporting the regulation of social behavior. La Follette’s strong stand against alcohol prohibition was seen by some “as a bow to his notoriously ‘wet’” Wisconsin constituents (Cooper, 1990, p. 129).

\(^{18}\) According to Tate (1999, p. 72), “The new priority was to ‘make the world safe for democracy,’ and to do so with an army that was clear-eyed and undebauched—the first military force in history to be swept clean of alcohol and prostitution.”

\(^{19}\) One can read in Rawlyk (1990, p. 122) that some men claimed that WCTU stood for “Women Constantly Tormenting Us.”

\(^{20}\) Maclaren in HCD June 20, 1904, pp. 5143 and 5146.
cigarettes. Unfortunately, we do not have WCTU data at the riding level. To capture the evangelical movement in Canada and the impact of the WCTU lobbying, we use as a proxy variable the proportion of Protestants in the population of the riding. We break out the Protestant denominations that were most likely to favor government regulation of personal behavior. In Canada, these were the Methodists, Baptists, Presbyterians, and Congregationalists.

In the United States in 1909, the WCTU, with 137,000 members, was considerably larger in absolute terms than in Canada but roughly equal in per capita terms. The WCTU sponsored the first national petition to outlaw cigarettes and encouraged the passage of anti-cigarette laws in states (Tate, 1999, p. 13 and Report, 1909, p. 358). However, cigarette prohibition was never more than a secondary issue for the WCTU in the United States. The larger issues of alcohol prohibition and suffrage were much more important. The most outspoken proponent of cigarette prohibition was Lucy Page Gaston. Gaston was born to a reform-oriented family in 1860 and was influenced as a youth by WCTU leader Frances Willard, a family friend. As a schoolteacher, Gaston became aware of a symptom of smoking among the boys called “cigarette face.” She had found her cause.

Gaston was a member of the WCTU and operated within that organization for a number of years. In 1899, she formed the Chicago Anti-Cigarette League, which quickly grew into the National Anti-Cigarette League. In 1911, it was renamed the Anti-Cigarette League of America in order to include Canadian members. Besides publishing a monthly anti-cigarette magazine titled *The Boy*, Gaston petitioned states and cities to pass strict anti-cigarette laws. As the title of her publication indicates, her goal was to reduce the use of cigarettes among youth. However, she believed that the only way to achieve this result was to ban adults from setting bad examples. Unfortunately, we do not have membership data for the Anti-Cigarette League.21

In the regression analysis, we capture the strength of the reform movement with two proxies that capture the broad sentiment towards reform: the vote for the Progressive Party candidate in the 1912 presidential election and the percentage of the church-going population belonging to one of the more socially active Protestant churches.22 These churches are the Episcopal

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21 We have WCTU membership from 1909, but it does not have a reliable effect on voting patterns, and we do not report the regression results. As stated above, the WCTU in the United States did not have smoking as its first priority. It was an organization whose goal, first and foremost, was to prohibit alcohol. WCTU membership per capita is correlated with our measure of Protestantism, with a correlation coefficient of .53, indicating that WCTU members were likely to be concentrated in states with higher concentrations of Protestants.

22 Since the strength of the Progressive movement lay in the middle and upper middle class, we also used income per capita as an independent variable. Since it was not statistically significant and did not affect the other coefficients, we do not report these results.
Methodist, Northern Baptist, Presbyterians, Congregationalists, Disciples or Christians, and United Brethren.\textsuperscript{23}

3.2. The anti-prohibitionists: cigarette producers

Cigarette production and consumption grew rapidly in the United States and Canada during the early 20th century. In 1900, cigarette production per capita in the United States was approximately 49, while in Canada it was 22. The United States exported cigarettes valued at $2,290,876 in 1900, while cigarette exports in Canada were negligible. In both countries, trusts appeared that promoted and defended manufacturers’ interests on the national level.

In Canada, the presence of the tobacco lobby was much less conspicuous in the debates than the WCTU. We found only one reference to the cigarette lobby in 1904 when Clarke (Toronto West) said that he had the honor of introducing a deputation of men engaged in the tobacco trade to the Minister of Justice the year before. He added that they were not opposed to legislation prohibiting the sale of cigarettes to minors but that they felt that the 1903 bill would have been a great injustice to them.\textsuperscript{24}

In her study of the WCTU in Ontario, Cook reports that the militants of the WCTU felt that they had been defeated by the Tobacco Trust of Montreal (where close to 100% of Canadian cigarettes were produced) who put, according to them, some $20,000 in the fight (Cook, 1995, p. 115). The Canadian Cigar and Tobacco Journal published some 18 articles on the anti-cigarette campaign during our period of concern. At first, they were very condescending and treated Bickerdike’s resolution as a “little grand-stand play for the benefit of the ladies of the WCTU and as such is, we hope, perfectly harmless.”\textsuperscript{25} From 1908, the tone changed. They seemed to be much more worried because of the success that the temperance movement was beginning to have with alcohol. In the September 1909 issue, there is information on a new association, the National Allied Tobacco Trades Association, one objective of which was to protect the tobacco trade against any legislation. The article ends with, “It is useless to begin to lock the stable doors after the enemy has emptied all the stalls.”\textsuperscript{26}

Cigarette production was more widespread in the United States than in Canada. In 1910, 21 of the 48 states produced cigarettes, although production was highly concentrated in New York and Virginia. James “Buck” Duke’s American Tobacco Company dominated cigarette production until

\textsuperscript{23} The choice of these denominations is based on the reading of Edel (1987), Gorrell (1988), and Jensen (1971). No denomination was unified in its support of all reform, but these denominations had the greatest propensity to favor the regulation of moral behavior.

\textsuperscript{24} Clarke in HCD, June 20, 1904, p. 5130.

\textsuperscript{25} Canadian Cigar and Tobacco Journal, April 1903, p. 14.

\textsuperscript{26} Canadian Cigar and Tobacco Journal, September 1909, p. 23.
1911, when it was dissolved under the Sherman Act.\(^{27}\) Only one state that had significant cigarette production, Illinois, passed a prohibitory statute. This was Lucy Page Gaston’s home state and she lobbied for twelve years before the law was passed. The Illinois Supreme Court struck down her anti-cigarette laws twice, for which Gaston held the cigarette industry responsible.\(^{28}\)

American Tobacco’s efforts at lobbying were national in scope. Although the company was headquartered in North Carolina, its efforts at combating the anti-smoking movement spanned the country on both the legislative and legal fronts. The American Tobacco’s chief counsel filed “dozens of lawsuits” challenging statutes prohibiting the sale of cigarettes (Tate, 1999, p. 33). Duke was active in state legislatures, bribing legislators to vote against anti-cigarette bills.\(^{29}\) Finally, he gave generously to charity, most importantly the Methodist Episcopal Church South and Trinity College (now Duke University), hoping to improve the company’s public image.

For our econometric analysis, we would ideally like a measure of the lobbying expenditures by cigarette interests across Canadian ridings and American states. Unfortunately these data are unavailable. As a proxy in our econometric tests, we use data on cigarette production, which represents only the strength of the industry in terms of employment within a region, not in terms of its lobbying efforts. In the Canadian case, as all cigarettes were produced in Montreal, we have to use tobacco production by electoral district as a “second best,” recognizing that tobacco production was not synonymous with cigarette production.\(^{30}\) In the late 19th century, the province of Quebec was by far the most important producer of tobacco in Canada (4 million pounds in 1891 vs. 300 thousand pounds in Ontario).

3.3. The anti-prohibitionists: cigarette consumers

Ideally, we would like to have data on cigarette use across states and ridings for the early part of 20th century. Because the data are not available, we will have to rely on urbanization as a proxy measure. Throughout the literature on the history of tobacco, cigarettes are characterized as the epitome of the modern 20th century industrialized world. As Wagner (1971,

\(^{27}\) In 1910, the Tobacco Trust controlled 86.1% of the market share in cigarettes (McGowan, 1995, p. 15).

\(^{28}\) The bill was passed by the Illinois legislature with a vote of 125 to 3.

\(^{29}\) Several attempts that became public, including bribing legislators in Indiana, New York, Tennessee, and Washington, are recounted in Tate (1999, pp. 33–35).

\(^{30}\) The Report of Inland Revenues provides cigarette production data by province. In his study of the industry in 1850–1918, Lewis (1994) states that the whole provincial data refer to Montreal. Of the four districts in Montreal with a representative voting on the 1903 resolution, two voted for prohibition and two against. Of the two that voted for prohibition, St. Laurent was Bickerdike’s riding.
p. 34) wrote, this was a product “attuned to a nervous urban civilization.” Contemporary commentators agreed:

The puffing of cigarettes differs from smoking; such can scarcely be considered. It is a form of slight excitement; . . . It is more like, in its effects and practice, the smoking of opium than of tobacco; the cigarette is a variety of the craving for absinthe and morphia. Its popularity is a sign of the national craving for brevity, weakness and mild excitement, and of dislike for all that is solid and substantial, whether it be in food, literature, religion or amusement. Indeed, the cigarette emphasizes in one aspect, the most striking phase of modern life and thought (Penn, 1901).

For the association between urbanization and cigarette use, there is considerable anecdotal and statistical evidence. A regression of the log of the percentage of the state living in urban areas on the log of cigarette use in 1951 indicates that a 1% increase in the urban percentage leads to a .41% increase in cigarette consumption per capita. For both Canada and the United States, we measure the interests of urban consumers by the percentage of the population in the riding (Canada) and state (United States) that is urban.

3.4. The anti-prohibitionists: French-Canadians

Perhaps the most striking feature of the Canadian vote on Bickerdike’s prohibitionist resolution is the sharp ethnic divide. Seventy-one percentage of the legislators with French-sounding names voted against while 81 percent of their colleagues with English-sounding names voted in favor. This outcome is consistent with the French-English division over alcohol prohibition at the same time. In the 1898 Canadian plebiscite on alcohol prohibition, the outcome was so close (51% for: 49% against) and the ethnic division so sharp (with the yes votes predominantly from the English-speaking provinces and the no votes from Quebec) that Prime Minister Laurier decided to ignore the results in order to preserve national unity. Later on, alcohol policies also differed sharply between Ontario and Quebec. In Ontario, the Act of 1919 allowed the prohibition of alcohol while Quebec

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31 Specifically, the equation is \( \log(cig) = 4.945 + 0.42 \log(urban) \); where \( \log(cig) \) is the log of the cigarette consumption per capita in 1951 and \( \log(urban) \) is the log of the percentage of the state’s population living in an urban area in 1950. \( \log(urban) \) has a \( t \) statistic of 3.6 and the regression’s \( R^2 = .25 \). The cigarette data are from Licari and Meier (1997).

32 To the extent that cigarette consumption was considered rebellious, one might argue that young urban males dominated the consumption of cigarettes. To test this possibility in the econometric work that follows, we ran separate regressions for the United States substituting urban male ages 18–30 as a percentage of the population for urban as a percentage of the population. Our results were almost identical, including the calculated marginal effects. Furthermore, the substitution does not influence the coefficients of the other variables in the regression. For this reason and for the comparability with Canada, we discuss only the results with our broader urban measure in the regression.

33 Our information comes from Hayler (1913, p. 254) and Cook (1995, p. 116).
chose to nationalize the alcohol business in 1921, creating the first public liquor board.

Thus, French Canadians appeared much less likely to favor regulating social behavior than their English counterparts, a difference that seems to still exist today. For example, there is a sharp ethnic divide between Quebec and English Canada regarding tolerance towards personal behavior: abortion, media censorship, smoking, drinking, and pornography. Accounting for this difference is a complex question and outside the scope of this paper, but one leading candidate is undoubtedly religion. French Canadians were mostly Catholic and Catholics may have been less prone to use the state to regulate personal behavior. The official position of the Quebec Catholic Church was certainly without ambiguities, as can be seen in the following excerpt from the Bishop of Rimouski’s letter to his priests just before the 1898 Plebiscite on alcohol prohibition:

Total prohibition of alcohol is an essentially Protestant and sectarian doctrine, entirely opposed to the natural law and the spirit of the (Catholic) Church. A prohibition law would be an attack on natural freedom because it would forbid the use of a good *per se* licit, a good created by God. It is not the use of alcohol beverages that should be restricted, but its abuse... Satan hides behind this mask of virtue... People should make it their duty to go to the polls and vote against prohibition.34

Whatever the reasons behind this different taste for prohibition, there seems to be a cultural difference. To test this variable, we use a dummy variable, indicating whether the MP had a “French-sounding” name.35

### 3.5. Regression results

Table 2 contains a summary of the regression variables that we use in our econometrics and Tables 3 and 4 contain our probit regression results. For the United States, we use two separate dependent variables: whether a state voted on a bill to prohibit the sale of cigarettes and whether a state passed a law to prohibit cigarettes. For our independent variables, we also have two measures of demand for legislation.

The econometric results should be viewed as a package with the narrative. Alone, they are not completely convincing because of the nature of our data. For both Canada and the United States, our proxies for the independent variables are imperfect. For the United States, our most serious econometric problem is that our dependent variable covers a span of 25 years but our independent variables come from data around 1910. This is not as bad as it may seem at first because nine of our 15 states that passed legislation did so between 1905 and 1910. In addition, we tried some alternative temporal measures for our independent variables, including urbaniza-

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34 Quoted in Voisine et al. (1984, p. 198). Translation from French is our own.
35 We relied on Ruth Dupré for making the judgments.
tion in 1900 and cigarette production in 1905, and our results were substan-
tively the same. Furthermore, we have not attempted to measure changing 
political "supply" side influences as causal factors, such as, changes in po-

Table 2
Regression variables

<table>
<thead>
<tr>
<th>Canada</th>
<th>United States</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dependent variable: VOTE1903 = 1 if the MP voted for the prohibition of cigarettes in 1903</td>
<td>Dependent variables: law considered = 1 if between 1895 and 1922 the state voted on an anti-smoking law aimed at adults; and Law Passed = 1 if between 1895 and 1922 the state passed an anti-smoking law aimed at adults</td>
</tr>
<tr>
<td>Independent variables:</td>
<td></td>
</tr>
<tr>
<td>1. Percentage urbanization in 1900</td>
<td>1. Percentage of the 1912 presidential vote for the Progressive Party</td>
</tr>
<tr>
<td>2. Tobacco production per capita in pounds in 1900</td>
<td>2. Percentage Protestant in 1910</td>
</tr>
<tr>
<td>3. French MP: FRMP = 1 if MP has a &quot;French-sounding&quot; name, zero otherwise</td>
<td>3. Percentage urbanization in 1910</td>
</tr>
<tr>
<td>4. Percentage Protestant in 1900</td>
<td>4. Cigarette production per capita in 1910</td>
</tr>
</tbody>
</table>

Sources: Vote data for Canada from the House of Commons Debates; Canadian urbanization, religion and tobacco production data from Canadian Census, 1901; Vote data from the United States from Gottsegen (1940, p. 154) and Tate (1999, pp. 259–260); United States religion data from US Bureau of the Census (1910); Progressive presidential election results and urbanization data from US Bureau of the Census (1975); and cigarette production from US Commissioner of Internal Revenue (1910).

Table 3
Impact of the variables on the probability of voting yes on the 1903 vote on prohibition of cigarettes in Canada

<table>
<thead>
<tr>
<th>Mean (SD)</th>
<th>1903 Vote</th>
</tr>
</thead>
<tbody>
<tr>
<td>Baseline probability</td>
<td>75.26%</td>
</tr>
<tr>
<td>Urbanization</td>
<td>−10.37*</td>
</tr>
<tr>
<td>Tobacco production</td>
<td>−36.21</td>
</tr>
<tr>
<td>French MP</td>
<td>−29.09*</td>
</tr>
<tr>
<td>Protestant</td>
<td>14.04*</td>
</tr>
<tr>
<td>Observations</td>
<td>150</td>
</tr>
<tr>
<td>LR statistic</td>
<td>58.52*</td>
</tr>
</tbody>
</table>

Note: Estimated probabilities were computed from probit regression results. To compute the baseline probability, all variables are set at their means, except French MP, which was set to zero. The marginal effect reported is the impact of a one standard deviation increase in the independent variable on the probability of voting for prohibition, except French MP, which is the effect of moving from zero to one. Z statistics are given in parentheses.

* Significant at the 5% level.

...
political party in either house or the party of the governor, but we have looked at these issues and there is remarkable stability in the dominance of one party within states.36

Our results for Canada are consistent with our narrative. Urbanization, our proxy for cigarette consumption, increases the probability of an MP voting against prohibition. A one standard deviation increase in urbanization in the riding of an MP increases the probability of voting against the 1903 bill by 10 percentage points. Given our historical evidence that the tobacco lobby was caught off-guard by the initial vote on the Bickerdike resolution, we did not have high expectations for the impact of our proxy. The coefficient on our tobacco measure is negative, but it is not reliably different from zero. Our two measures for the pro and con forces for moral reform produced the predicted results: a one standard deviation change in the percentage Protestant in the riding of an MP increases the probability of voting for the prohibition by 14 percentage points, while MPs with a French name had

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Table 4
Impact of the variables on the probability of considering a law (a) and passing a law (b) to prohibit the sale of cigarettes in the United States

<table>
<thead>
<tr>
<th></th>
<th>(1a) Laws considered</th>
<th>(1b) Laws passed</th>
<th>(2a) Laws considered</th>
<th>(2b) Laws passed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Baseline probability</td>
<td>78.82%</td>
<td>39.87%</td>
<td>79.46%</td>
<td>38.88%</td>
</tr>
<tr>
<td>Progressive vote</td>
<td>25.06</td>
<td>10.97**</td>
<td>8.68</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(9.73)</td>
<td>(1.85)</td>
<td>(1.20)</td>
<td></td>
</tr>
<tr>
<td>Urbanization</td>
<td>41.49</td>
<td>–8.08</td>
<td>–8.37</td>
<td>–6.03</td>
</tr>
<tr>
<td></td>
<td>(21.60)</td>
<td>(–1.10)</td>
<td>(–1.31)</td>
<td>(–0.92)</td>
</tr>
<tr>
<td>Cigarette production</td>
<td>44.52</td>
<td>–7.75</td>
<td>–39.87**</td>
<td>–6.72</td>
</tr>
<tr>
<td></td>
<td>(174.10)</td>
<td>(–1.35)</td>
<td>(–1.82)</td>
<td>(–1.21)</td>
</tr>
<tr>
<td>Protestant</td>
<td>24.94</td>
<td>11.23*</td>
<td>7.79</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(14.23)</td>
<td>(2.06)</td>
<td>(0.92)</td>
<td></td>
</tr>
<tr>
<td>LR statistic</td>
<td>6.91**</td>
<td>14.6*</td>
<td>6.63**</td>
<td>16.05*</td>
</tr>
<tr>
<td>Observations</td>
<td>48</td>
<td>48</td>
<td>48</td>
<td>48</td>
</tr>
</tbody>
</table>

Note: Estimated probabilities were computed from probit regression results. To compute the baseline probability, all variables are set at their means, except cigarette production, which is set to zero in equations (1b) and (2b). Setting cigarette production at its mean in these two equations leads to a predicted 0% probability of adopting. The marginal effect reported is the impact of a one standard deviation increase in the independent variable on the probability of adopting or considering prohibition. Z statistics are given in parentheses.

*Significant at the 5% level.
**Significant at the 10% level.

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36 We have also tested the length of time that cigarette prohibition was in force using a tobit regression. These results are very similar to the probit results reported above. Given the fact that political entrepreneurs were important and took up the issue of cigarette prohibition in non-systematic ways (e.g., Lucy Page Gaston’s lobbying efforts across states do not seem to have a clear pattern), we do not explicitly test the importance of the date of adoption.
a 30 percentage point lower probability of voting for prohibition. Our measure of Protestantism is strongly negatively correlated with the proportion of the population that is Catholic.\textsuperscript{37} Therefore, being French seems to have an effect above and beyond the Catholicism associated with it.

Our results for the United States are more nuanced than for Canada because we ran separate tests for whether a state considered legislation and whether it passed legislation, and because we have two separate measures for the demand for regulation. Our results for consideration of legislation indicate that the strength of the support for the Progressive candidate was important in getting a bill to the floor. In regression 1a, the coefficient on Progressive is the only one reliably different from zero, increasing the likelihood of consideration by 11 percentage points. Apparently, neither the cigarette consumers nor the cigarette lobby was instrumental in blocking legislation at its conception, but the producers of cigarettes mattered for passing a bill. In regression 1b, the likelihood of passage quickly fell to zero as cigarette production increased.\textsuperscript{38} Similar statistical results are generated in columns 2a and 2b. Urbanization and cigarette production have comparable effects to those in columns 1a and 1b. The Protestant variable is also significant in both consideration and passage of laws, increasing the likelihood of consideration by 12 percentage points.\textsuperscript{39}

Comparing the results across the two countries adds some additional insights. The coefficient on urbanization in the United States is small and not reliable whereas the degree of urbanization in Canada had a fairly large impact on the probability of voting against the prohibition. The differing results could be due to the level of aggregation in the two samples: Canadian ridings are smaller and more homogeneous, while the United States’ states are larger and more heterogeneous. Additional study of the adoption pattern in United States’ states supports the importance of urbanization. In Illinois, the only three legislators voting against prohibition were from Cook County (Chicago). In Massachusetts, the population density of the county of the legislator strongly influenced the vote on cigarette prohibition.\textsuperscript{40} The coefficient

\textsuperscript{37} The correlation coefficient between the two variables is \(-.95\).

\textsuperscript{38} Having even a small level of cigarette production has a large effect on the predicted probability of passing a prohibitory statute. For instance, increasing production from zero to one cigarette per capita reduces the likelihood of passage by 21 percentage points in regression 1b. We also ran these regressions with cigarette production as a dummy variable and received very similar results.

\textsuperscript{39} We also use two alternative measures of the strength of the Progressive sentiment within states, the first designed by Fishback and Kantor (1998) and the second designed by Savage (1978). Both of these measures are based on the actual passage of laws and therefore incorporate political supply and demand side factors. However, both yield results similar to those reported in Table 4.

\textsuperscript{40} An additional probit regression was run to test this hypothesis. The vote of the legislator was the dependent variable. County population density per square mile and a measure of Protestantism similar to that used above were the independent variables. Population density was negative with a \(Z\) statistic of \(-2.42\) and the variable measuring Protestantism was positive but small and not reliably different from zero.
on religion is large (and reliable) in both the United States and Canada, indicating that legislation had broadly-based religious roots. Finally, our results for the strength of the cigarette lobby are unsurprising, but in Canada the evidence suggests that the tobacco lobby either did not care what happened to cigarettes, or, more likely, that it was not sufficiently organized to oppose the initial vote.

4. Conclusion

We provided a descriptive and quantitative history of cigarette regulation in the late 19th and early 20th centuries in Canada and the United States. The qualitative evidence and its supporting statistical analysis led us to reach several conclusions for this regulatory episode. Cigarette prohibition was an element of the broader social reform movement of the Progressive Era, which in turn was spawned by the religious awakenings of the late 19th and early 20th centuries. Social reformers were a necessary condition for getting prohibition on the legislative agenda, but once on the floor, the advocates of consumers and producers made their voices heard. For Canada, the voices of producers did not articulate their opposition until passage of restrictions was imminent. However, no cigarette prohibition for adults was ever implemented at the national level. For the United States, 36 states considered legislation to prohibit the sale of cigarettes, but in the end only 15 states adopted legislation. The common forces at play suggest that neither United States' consumers and producers of cigarettes nor French-Canadians offered sufficient initial opposition. Yet, in the end, they won the day. The “moral reformers” succeeded when they faced little opposition because few constituents smoked and few jobs were at stake because there was no cigarette industry. In other words, reform is easy when you are preaching to the converted.

References

Report of the National Woman’s Christian Temperance Union, Thirty-Sixth Annual Convention, 1909.