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She Makes a Beast of Man, a Martyr of Woman: Absinthe in France, 1908-1922

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Bard

She Makes of Man a Beast, of Woman a Martyr:

Absinthe in France, 1908-1922

Senior Project submitted to
The Division of Social Studies
of Bard College

by

Celia Faux

Annandale-on-Hudson, New York

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Dedication:

For Tabetha Ewing: Thank you for being so tremendously inspiring, and for always pushing me to be a good historian. I could not have had a better mentor at Bard.

For Chris Butler, Bill Sutton, John Garvey, and Mme. Lopez: Thank you for giving me the background in history and French that has allowed me to write this.

For Aurora, Hunter, Corrina, Niko, and all the many many other people who have kept me company while I was working: Thank you for the conversations, the hugs, the faith, and the unconditional support.

For my family: Thank you for giving me the opportunity to have the experiences I've had here at Bard. You've been hearing about this project for the last four years. Here it is.

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Introduction

In the Spring of 2011, the French Senate voted to lift a century-old ban on the highly alcoholic wormwood- and anise-flavored liquor known as absinthe. Absinthe, which has had a reputation for driving drinkers mad since the 1860s, was banned in France in 1915, ostensibly because of the dangers it posed to the French population. The *Académie de Médecine*, a convention of scientific and medical professionals first instituted in 1820 to advise the French State about matters of national medical crisis, joined non-governmental temperance groups such as the *Ligue Nationale Contre l'Alcoolisme* to lobby for the prohibition of absinthe in the mid-nineteenth century. Physicians from the *Académie* argued that the presence of the alkaloid thujone in absinthe made it a toxic and addictive chemical that affected the human body quite differently from other distilled liquor, and moreover, was leading to “racial degeneration” within the French population by encouraging debauchery and disease and by tearing families apart.¹

Interestingly, a pair of scientific studies published in the *Journal of Agricultural and Food Chemistry* in 2008 and 2009 refuted earlier claims of toxicity in absinthe when they found that thujone, an alkaloid derived from wormwood thought to give the drink its psychoactive effects, was not present in nineteenth-century absinthe in large enough quantities to have any effect on the human body. This contradiction between medical scientists of the nineteenth and

¹ W. Scott Haine, *The World of the Paris Café: Sociability among the French Working Class, 1789-1914* (Baltimore: Johns Hopkins University Press, 1999), 96.

Nina Salouâ Studer, “The Green Fairy in the Maghreb: Absinthe, Guilt and Cultural Assimilation in French Colonial Medicine,” *Maghreb Review* 49, no. 4 (2015): 501.

Cordelia Hebblethwaite, “Absinthe in France: Legalising the 'Green Fairy,'" *BBC News*, May 4, 2011, accessed April 30, 2019, <https://www.bbc.com/news/world-europe-13159863>.

twenty-first centuries raises questions about the context of the French absinthe prohibition. Was absinthe ever actually psychoactive, or as dangerous to society as the records of the *Académie de Médecine* suggest? Differences in scientific techniques between the mid-1800s and the early 2000s might account for the disparity between the chemical analyses of absinthe, but they cannot explain why the *Académie de Médecine* undertook its study of absinthe in the first place.²

Understanding the context of the absinthe ban becomes important when it is viewed in the light of other intersections between medical science and governmental power. Such intersections are much older than absinthe, and many of them continue to be highly relevant today. Regulation of scheduled substances in the United States continues to bring the relationship between science and the state into question.³ Tracing the absinthe ban from discussions in the French Senate in 1908 to court records from the trials of individuals arrested for making or selling the drink provides evidence that the prohibition of absinthe was part of a larger movement in the government to control the market of food and drink in France, and that by the late 1910s and early 1920s, absinthe was no longer treated by the government as a dangerous substance at all. Why, then, does absinthe retain its mid-nineteenth-century reputation for driving its consumers mad?

Part of the answer has to do with how interesting the stories of absinthe consumption become if readers imagine that their actors moved under the influence of a surreal or mysterious

² Dirk W. Lachenmeier et al., "Chemical Composition of Vintage Preban Absinthe with Special Reference to Thujone, Fenchone, Pinocamphone, Methanol, Copper, and Antimony Concentrations," *Journal of Agricultural and Food Chemistry*, no. 56 (2008): 3073.

Dirk W. Lachenmeier et al., "Long-Term Stability of Thujone, Fenchone, and Pinocamphone in Vintage Preban Absinthe," *Journal of Agricultural and Food Chemistry*, no. 57 (2009): 2782.

³ Adam Davidson "Learning from History in Changing Times: Taking Account of Evolving Marijuana Laws in Federal Sentencing." *The University of Chicago Law Review* 83, no. 4 (2016): 2126, 2145.

drug. Writers such as Doris Lanier and Phil Baker have made good use of the uncertainty around whether the drink is actually hallucinogenic by examining lurid details of the lives of painters such as Vincent van Gogh, whose relationship with absinthe reputedly continued until and even metaphorically after his death.⁴ Baker vividly describes Van Gogh's heavy absinthe consumption in his last few years of life, which offered possible explanation for his habit of eating his own cadmium-based paints and attempting to drink turpentine, and writes that Van Gogh's friend Dr. Gachet very fittingly supplied a thuja tree for the artist's grave after his suicide. When Van Gogh's body was disinterred fifteen years after the lease on his gravesite expired, the roots of the tree had wrapped themselves around the coffin "as though they held him in a strong embrace."⁵

Absinthe has rarely been the subject of extensive serious scholarly writing, and the popular histories written on the subject tend to present fragmented anecdotes about the cultural importance of the drink. This is partially because such histories capitalize on the rich mythology surrounding absinthe in order to build mystery or suspense into their stories and partially because many of the primary sources that deal with absinthe, particularly advertisements circulated by distilleries in the 1890s and the work of painters and poets who drank it were involved



⁴ Doris Lanier, *Absinthe: The Cocaine of the Nineteenth Century* (Jefferson: McFarland and Company, Inc., Publishers, 2004), 23.

Phil Baker, *The Book of Absinthe: A Cultural History* (New York: Grove Press, 2001), 183.

⁵ The thuja tree, a giant evergreen often used for privacy screens, is a known source of the same psychoactive compound found in wormwood. Baker 191.

in the creation of this mythology.⁶ The history of the drink since its invention in Switzerland in the 1790s has frequently been divided between its rise to popularity in France in the mid-1800s,



its position as a symbol of “*la vie Bohème*” exemplified in the works of Charles Baudelaire and Vincent van Gogh, and its decline in popularity and eventual ban in France on March 16th, 1915. The debate about whether or not the drink is hallucinogenic continues to play out on internet forums and in restaurants over the dinner table.⁷ This project will not lay that debate to rest. It will, however, demonstrate the ways in which primary literature surrounding the absinthe ban, namely records of senatorial discussions and legal reports

from the trials of individuals accused of dealing in absinthe after the ban, challenge the notion that absinthe was banned as a part of a movement toward scientific progress on the part of the French State. Records from the *Ministère de la Justice* in France, preserved in two separate locations in Series BB in the *Archives Nationales* in Paris, document senatorial *séances* and debates regarding absinthe use from 1908 to 1922, when the ban was updated to provide a specific definition of the illegal liquor. The same locations also house records dating from

⁶ Vincent van Gogh. *Glass of Absinthe and a Carafe*. 1887.

Marie-Claude Delahaye, “Grandeur et Décadence de la Fée Verte,” *Histoire, Économie et Société* 7 no. 4 (1988): 479.

Nover. *Absinthe Blanqui*. In *L’Absinthe au Féminin* (Equinoxe, St-Remy-de-Provence, 2007), 91.

⁷ Giggicknickers to Ask MetaFilter web forum, “Is absinthe a hallucinogenic or not?,” November 5, 2007, accessed April 30, 2019, <https://ask.metafilter.com/75546/Is-absinthe-a-hallucinogenic-or-not>.

between 1915 and 1922 of court cases that followed absinthe-related arrests, as well as appeals written by accused individuals to their local Departments of Criminal Affairs making pleas to be pardoned for the crime of selling absinthe, or arguing that they were never guilty at all.⁸ My thesis uses a sample of these documents to show a connection between the absinthe ban and a rapid increase in legal regulation of the French commestibles market after 1905. Such a connection refutes the idea that absinthe fell out of favor only because advancing medical expertise found it to be toxic, as well as the more recent triumphalist narrative that congratulates the French State for updating the law in 2011 because twenty-first-century scientists have discovered that absinthe was never particularly dangerous at all.

The first chapter of the project, “Absinthe: An Overview,” touches on the drink’s origins, production, consumption, aspects of its social and cultural history, and its changing reputation. It is loosely chronological in its demonstration of absinthe as a touchstone substance for issues as diverse as national identity, French colonialism, and gender and class relations, because although any of these topics could inform the study of absinthe at any point in its history, they surfaced at different moments and are therefore more important at particular times. This chapter draws heavily on secondary sources, primarily using the work of twentieth- and twenty-first-century scholars who have made historical arguments concerning select episodes and facets of its history. It aims to draw these episodes together in order to ground the absinthe ban in its historical and cultural context.

⁸ The two locations in question were BB/18/6844: *Correspondance de la Division Criminelle du Ministère de la Justice. Dossier banaux. Première série. 1890-1940*, and BB/30/1698/24. *Législation : matières diverses. 1906-1939*.

The second chapter, “A National Threat: Senatorial Discussion Preceding the Absinthe Ban,” explores two documents published in 1908 and 1911 by the French Senate describing absinthe as a national medical threat and propose solutions for widespread absinthe use. The senators who submitted these propositions cited the *Académie de Médecine* heavily, and used scientific studies from members of the *Académie*, or *Académiciens*, to argue that absinthe was a danger to the whole of French society because it was a poisonous and addictive drug masquerading as a normal alcoholic drink. The authors of these two documents, Senators de Lamarzelle and Poulle respectively, were particularly concerned with the inclusion in absinthe of herbal extracts, or *essences*, that had previously been found toxic by members of the French medical community. The laws they proposed, however, prioritized the regulation of retailers who sell absinthe rather than the complete eradication of toxic *essences*, indicating even before the 1915 absinthe ban was passed that the motivations behind it were not purely for the protection of the French population from absinthe.

The third chapter, “*Débitant(e)s* and Their Defense: Early Enforcement of Absinthe Prohibition,” uses the records from six different legal cases in which *débitants*, or the owners of small liquor stores, were accused of selling absinthe after the ban. This chapter draws on information about the locations of these trials and the demographics of the people involved to show the localized nature of the enforcement of the absinthe ban and to demonstrate that by the time that the ban was passed, the French national government did not consider the drink to be a serious threat. Many of the individuals were arrested for violation of the absinthe ban were women, indicating that gender continued to play a role in the history of absinthe even after the

drink ceased to be a fashionable “ladies’ drink.”⁹ This chapter also uses statistics about the variation in concentration of absinthe-related trials across France and Algeria to show that the issue of absinthe suppression was located primarily around the Mediterranean Sea, suggesting that colonialism continued to play a role in the history of absinthe even after the drink’s popularity peaked in the late nineteenth century.

The fourth and final chapter, “*Distillateurs* and their Defense: Vagueness in the Absinthe Ban,” examines five legal cases in which absinthe-makers, or *distillateurs d’absinthe*, were accused of violation of the 1915 ban and defended their products by arguing that imprecise language in the ban itself had led them to believe that they were within the law. This chapter also uses a *Proposition de Loi* submitted by a certain M. Barthe, who was a member of the French Chamber of Deputies in 1922. This proposition recommended that the 1915 law be updated to specify characteristics of the liquor it prohibited in order to prevent confusion among liquor-makers and members of the law enforcement. The wording of Barthe’s *Proposition* and the response it received from absinthe companies as well as from other members of the French national government, as well as the records of the trials and appeals of *distillateurs*, further indicate that absinthe was banned as a part of a movement in French government toward the regulation of the markets of food and drink in France rather than to curtail the spread of a medical crisis.

This thesis is primarily based on my research in the *Archives Nationales* in Paris, France, from January of 2019. The eleven legal cases cited in the third and fourth chapters were selected from over 100 cases that I read as part of this research. My sources were state-generated records

⁹ Marie-Claude Delahaye, *L’Absinthe au Féminin* (Saint-Remy-de-Provence: Equinoxe, 2007), 47

from a judicial archive, and were therefore subject to inherent bias toward the representation of state motivations. Although some of the court appeals were written and signed by the individuals involved in those cases, and served as their own testimony of their actions, they were written for the benefit of a judicial audience and therefore present their writers in positive legal standing. They are limited as historical sources in their description of the thoughts or motivations of ordinary French citizens going about their everyday lives and serving their individual interests. However, evidence not covered in this sample of sources might be found in business archives or in the personal papers of any of the individuals involved with the absinthe ban.

In the future, I hope to pursue this subject in the *Archives nationales d'outre-mer* in Aix-En-Provence, France, as well as in the regional archives in Nimes and in the institutional records of the *Académie de Médecine* and the Pernod Fils absinthe company, in order to further explore the ways in which absinthe history has intersected with gender relations and French colonialism in addition to medical and scientific history. I also hope to return to the *Archives Nationales* in Paris to study statistics and methods of law enforcement and trials of fraud in the early twentieth century in France, because an understanding of the mechanics of law enforcement from the perspective of governmental agents in combination with the appeals of accused individuals will help to put the absinthe-related trials into perspective. This project will serve as a groundwork for my future study of the material history of absinthe and the way in which this history intersects with and can inform issues of governmental power and the relationship between scientific study and the state.

Chapter 1

Absinthe: A National Passion

Absinthe was invented in the late 1790s in Couvet, Switzerland, near the border of Switzerland and France. Though it would become one of the most popular social drinks in France between 1970 and its ban in 1915, it was reputedly invented as an herbal remedy for gastro-intestinal parasites and other digestive problems. Leading absinthe scholar Marie-Claude Delahaye writes in her 2001 book *L’Absinthe: Son Histoire* that the original recipe for a distilled alcohol flavored with wormwood and anise was a vermifugal tonic made by a certain Mme. Henriod who was known to be an herbal healer. This tonic was made by adding wormwood to distilled alcohol and re-distilling it so that some of the essential oils of wormwood, that share the same level of volatility as ethanol, would be collected in the distillate, dissolved in high-proof alcohol. Henriod gave her recipe to a French expatriate doctor named Pierre Ordinaire, who was living in Couvet at the end of the eighteenth century. Before Dr. Ordinaire died, he passed the recipe to a certain Henri Pernod, who was from France himself and who set up distilleries in Couvet and in Pontarlier, France, in order to produce the drink. His French distillery was especially successful, and he opened several more in order to produce the drink called “*Absinthe Pernod*.” The company he founded, *Pernod Fils*, has been producing this flagship product again since the ban was lifted in France in 2011.¹⁰

¹⁰ Marie-Claude Delahaye, *L’Absinthe: son Histoire*. (Auvers-sur-Oise: F. Paillart, 2001), 30. Hebblethwaite, "Absinthe in France." Haine, *The World*, 95-97.

Jad Adams' popular history *Hideous Absinthe* suggests that variation in the story of the invention of absinthe in records from the mid-nineteenth century might have to do with gender-based or nationalistic bias on the part of their authors. Though Delahaye identifies the inventor of absinthe as a Swiss woman, Adams points out that a number of accounts dating from the time of absinthe's popularity credited Dr. Ordinaire, the French expatriate, with the invention in 1792. Similar variation among secondary sources are likely due to this discrepancy in source material.¹¹ Adams suggests that French proponents of the drink might have wanted make it seem more legitimate or less alien by writing that it was invented by a male doctor from France.¹²

Absinthe gets its name from the herb *Artemisia absinthium*, known as greater wormwood in English and *absinthe* in French. It is characterized by high alcohol content and by the wormwood and anise that give it its primary flavor. Different absinthe-producing distilleries use slight variation in additional botanicals used to create the drink, but lemon balm, lesser wormwood, hyssop, and sage are commonly included as secondary flavors. Absinthe is also characterized by a chemical reaction known as a *louche*, or emulsion, that occurs when cold water is added to absinthe.¹³ Because the essential oil of anise is more soluble in ethanol than it is in cold water, the addition of cold water to the liquor causes the anise oil to form an emulsion instead of remaining dissolved. This creates the visual effect of a translucent cloud in the transparent liquor, that grows as water is added until the whole drink goes from clear to opaque. The same effect can be found in any liquor with a high enough concentration of anise oil, and is

¹¹ Iain Gately, *Drink: A Cultural History of Alcohol* (New York: Gotham Books, 2008) 334.

Françoise Labalette, "L'absinthe: les sortilèges de la fée verte," *Historia* no. 773 (2011): 53.

¹² Jad Adams, *Hideous Absinthe: A History of the Devil in a Bottle* (Madison: University of Wisconsin Press, 2004), 21.

¹³ The first translation of the French *louche* as "sleazy," or "shady," perhaps speaks directly to the associations that absinthe carried from the advent of its use in France.

also characteristic of ouzo, and other *pastis*, or *anissette* liquors.¹⁴ The swirling *louche* is especially striking in *verte*, or green varieties of absinthe, and was the origin of the nickname “*la fée verte*,” or “the green fairy.”¹⁵

There were two methods used to produce most of the absinthe consumed in France in the nineteenth century, and both methods are still in use today in absinthe-producing countries around the world. The hot method, used to create high quality absinthe, involved adding fresh herbs to distilled alcohol, re-distilling the mixture of alcohol and flavoring herbs together so that some of the essential oils of the herbs are extracted and combined with the stronger distillate. The resulting product was macerated with more herbs that imparted additional flavor and the chlorophyll that gave the *verte* varieties of absinthe their characteristic green color. The cold method of absinthe production was much less cost- and time-consuming, because it involved steeping herbs in alcohol without any re-distillation process. Variations on the cold method included one wherein the fresh herbs themselves were substituted with herbal extracts mixed directly into the alcohol before it was bottled.¹⁶ Absinthes produced using either method could be any of several different colors, but *vertes* were the most eye-catching and green thus became the most characteristic color. Absinthe produced using the hot method could be colored simply by leaving the herbs from the second maceration in the liquor long enough to impart the color from their chlorophyll into the drink. *Blanche* absinthes, completely clear before the addition of water,

¹⁴ *Pastis* and *anissette* are synonyms: both words describe liquors flavored with anise.

¹⁵ Delahaye, *L’Absinthe: son Histoire*, 65.

Delahaye, *L’Absinthe au Féminin*, 10.

¹⁶ Archives Nationales, BB/30/1698/24 Poulle, Guillaume, *Rapport*, Paris, 1911, 29.

were made by limiting the length of this second maceration. In absinthe produced using the cold method, coloring was changed by changing the amount of colorant added to the flavored liquor.¹⁷

Mme. Henriod's wormwood "elixir" may well have been among many herbal extracts that she prepared for their medicinal uses, and Delahaye reports that her customers used it to cure "a good number of illnesses." Wormwood, the primary herbal ingredient in absinthe, had been used to cure intestinal worms since the time of Pliny the Elder, who included a description of its use in his *Natural History*, so it seems likely that Henriod first created her tonic to fulfil this same purpose, but it is possible that the liquor was consumed as much for its flavor and alcohol content than it was as a vermifuge.¹⁸ Although the herb wormwood causes mildly psychoactive effects when ingested, Henriod's tonic, the original absinthe liquor, was unlikely to have been a hallucinogenic drug. Scientific studies from 2008 and 2009 have found that although thujone is present in trace amounts in the distillate of wormwood macerated with alcohol, the thujone concentration is not high enough to produce these effects in humans.¹⁹

Some of absinthe's popularity in France in the mid-nineteenth century was due to the medicinal use of the drink as a cure for gastro-intestinal parasites. In the 1830s, three decades after Pernod brought Mme. Henriod's recipe across the border between Switzerland and France and started his own absinthe distilleries, the French army took casks of the liquor with them during their occupation of Algeria. Accounts of the army's use of absinthe vary, with some sources describing the drink as antimalarial and some accounts describing it being used to kill or

¹⁷ In twenty-first-century terms, this addition of sugar at the bottling stage turns any alcoholic drink from a liquor (such as whiskey or gin, bottled without added sugar) to a liqueur (such as limoncello or Cointreau.)

¹⁸ Pliny, *Libri XXIV-XXVII*, trans. W. H. S. Jones, vol. 7, *Natural History* (London: William Heinemann, 1938), 417. Delahaye *L'Absinthe: son Histoire*, 30.

¹⁹ Lachenmeier et al., "Chemical Composition," 3073.

at least mask parasites in drinking water.²⁰ As soldiers returned to the metropole after deployment in the colonies, they brought their taste for absinthe with them. Secondary sources describing absinthe's rise to popularity have mostly focused on Paris, where the association between absinthe and the victorious French military started a fashion that was quickly adopted by the *bourgeois* class. Between the 1830s and the 1870s, the drink was popular primarily among wealthy consumers, who incorporated it into their developing culture of social drinking. Absinthe producers reflected the fashion of French imperial expansion with advertisements that declared: "Absinthe: Sold *Everywhere*."²¹

The new culture of social drinking, started by the fashionable class of Paris, would bloom in the 1860s and 1870s into a phenomenon of French drinking culture that continues today: the *apéritif*. Characterized by one late-nineteenth century French writer as "aphrodisiacs of the appetite," *apéritifs* were highly flavored and often highly alcoholic beverages normally consumed at around five o' clock, at the end of the working day but before dinner. Parisian *bourgeois* frequently spent "*l'heure de l'apéritif*" socializing in public spaces on the *grands boulevards*, and the practice grew into a ritual that continues in France to this day.²²



²⁰ Delahaye, *Absinthe: son Histoire* 84. Studer, "The Green Fairy," 496. Haine, *The World*, 96.

²¹ Delahaye, *Absinthe: son Histoire*. 90. Studer, "The Green Fairy," 494.

²² Haine, *The World*, 96. Lefève, Lucien, *Absinthe Mugnier*, 1895, In *l'Absinthe: son Histoire* (Auvers-sur-Oise: F. Paillart), 2001.

Though Angostura bitters, amer-picon, and vermouth were all popular *apéritifs*, *absinthe au sucre* the most popular. This drink was made by pouring several ounces of absinthe into the bottom of a glass, and then perching one or two sugar cubes on a slotted absinthe spoon balanced on the rim of the glass and dripping ice water over the spoon so that the sugar dissolved into the absinthe. The addition of ice water to absinthe formed a *louche* and the clear liquor became first translucent and then opaque as up to ten parts of water were added. Over years of popularity, the action of preparing an *absinthe au sucre* took on several euphemistic names, including “*étouffer le perroquet*,” or “to smother the parrot,” because of this color change.²³ Already in the mid-1840s, with its incorporation into the culture of the *apéritif*, or “*apéro*,” consumers treated absinthe slightly differently from other liquors. No other drink required quite the ritual of preparation as an *absinthe au sucre*, and steps in the preparation of other drinks did not carry names.

Between the early 1850s and the late 1890s, a blight decimated the crop of wine-grapes in many of the viticultural hubs of France. Alsace-Lorraine, Bordeaux, and Bourgogne were all threatened by this “*maladie de la vigne*,” and suffered huge losses in their harvest. After a period of confusion, two separate causes for the blight were discovered. One was a fungal infestation that was exacerbated by a particularly cold and rainy farming years in 1852 and 1853, and the other was a certain plant louse known as *phylloxéra*.²⁴ Both of these infections persisted in vineyards through the 1980s, and the consequent devastation in the grape harvest caused the price of wine in France to rise beyond affordability for working-class people. In search of an

²³ Émile Goudeau, *Paris qui Consomme*, illus. Pierre Vidal (Paris: Henri Beraldi, 1893), 94.

²⁴ Archives Départementales du Bas-Rhin 11M272, *Questionnaire*, Paris, 26 septembre 1853. Haine, *The World*, 95.

affordable beverage to replace the wine to which they were accustomed, the French turned increasingly to hard alcohol. Although the original recipe for absinthe, popularized by the Pernod Fils company, was based on *alcool de vin*, or distilled alcohol made from grapes, absinthe can also be made using a base of *alcool d'industrie*, or grain alcohol manufactured in large quantities. This meant that it was still possible to make absinthe inexpensively even during a wine and wine-alcohol shortage, and absinthe became the drink of choice among those who could not afford to buy wine at high prices.²⁵

Absinthe consumption steadily increased between 1880 and 1914, and between 1885 and 1895, it was the second-most-popular alcoholic drink in Paris after wine.²⁶ As the practice of afternoon drinking in cafés and clubs became more popular among the working class, many such establishments were open to respectable women as well as men and performers or prostitutes.²⁷ Companies that made absinthe seized on this new market and designed advertisements for absinthe featuring beautiful women raising glasses of swirling green liquor. Women were also increasingly employed by public houses and cafés as servers. One photograph, taken in France around 1900, shows the owner and employees of a bar standing outside the its doors. On the window is printed a selection of the apéritifs offered by the bar: among them are wines, Pernod absinthe, vermouth, and bitters. Some of their male contemporaries resented what they saw as an intrusion into a previously male-dominated alcohol culture, but by the late nineteenth century in urban France, women were in higher demand as servers than men in establishments that sold

²⁵ Michael R. Marrus. "Social Drinking in the 'Belle Epoque.'" *Journal of Social History*, no. 2 (1974): 128.

Baker 125, 189.

Haine, *The World*, 96.

²⁶ Haine, *The World*, 96.

²⁷ Goudeau, *Paris Qui Consomme* 97.

Maxime Rude, *Tout Paris au café* (Paris: Maurice Dreyfous, 1877), 37.

apéritifs. Women contributed significantly to absinthe's popularity in France in the last few decades of the nineteenth century by increasing the number of participants in drinking culture.²⁸

Although absinthe companies capitalized on the drinking habits of *bourgeois* women, the drink's reputation plummeted when women began to enter French social drinking culture in the 1870s and 1880s. This was especially the



case for women of the working class, who were shamed for either introducing their young children or neglecting them entirely. Opponents of middle-class alcohol use wrote in the 1860s and 1870s that bourgeois *absintheurs* were operating within the realm of reason but that working-class consumption of alcohol was “in defiance of good sense.” Many observers blamed absinthe for drawing women into the world of alcohol consumption, regardless of the many other factors that combined to give women an ever-increasing role in public life.²⁹

Critics of *absintheuses*, or female absinthe drinkers, varied their attacks based on the social class of the women they disparaged. In a comic sketch published in 1874 in the satirical magazine *La Polichinelle* a woman in the foreground wearing a waistcoat, jacket, and fluffy cravate gestures wildly, startling a server holding drinks beside her. A woman in the background smokes a pipe and aims a billiard cue. The image is titled *Le club des femmes*, and captioned

²⁸ *Carte-photo montrant le patron et son épouse, au centre, entourés de leurs employés*. c. 1890. In *L’Absinthe au Féminin* (Saint-Remy-de-Provence: Equinoxe, 2007), 67.

Goudeau, *Paris Qui Consomme* 99. Delahaye, *L’Absinthe au Féminin* 67.

Andrew Israel Ross, “Serving Sex: Playing with Prostitution in the Brasseries à Femmes of Late Nineteenth-Century Paris,” *Journal of the History of Sexuality* 24, no. 2, (May 2015): 290.

Delahaye, *L’Absinthe: son Histoire*, 120.

²⁹ Haine, *The World*, 96-97.



“...çon, un verre d’absinthe et ma pipe.” The absinthe and the pipe mentioned in the caption both invoke masculinity as the punch line of a joke at the expense of women who tried to recreate the masculine experience of spending time in a club or bar.³⁰ Other cartoons depicted poor or working-class mothers neglecting their children in favor of “just a drop” of absinthe. In the hands of poor women, the drink was portrayed as a destructive vice that wreaked havoc on families and

resulted in delinquent children.³¹

During the 1860s, as the popularity of absinthe began to climb steeply, absinthe became a subject of scrutiny within the French medical community. Medical theses from the 1860s and through the end of the nineteenth century argued that absinthe was unlike any other alcohol, and that it was toxic and addictive in a way that normal hard liquors were not. Drinkers of absinthe, or *absintheurs*, put themselves in danger of this addiction as soon as they tasted absinthe for the first time. These theses suggested that the effects of frequent



³⁰ Lafosse. *Le club des femmes*. 1874. In *L’Absinthe au Féminin* (Saint-Remy-de-Provence: Equinoxe, 2007), 56.

³¹ Édouard Bernard, *Tiens, une petite avec un peu d’eau, ça ne fera pas de mal !* 1906. In *L’Absinthe au Féminin* (Saint-Remy-de-Provence: Equinoxe, 2007). Haine, *The World*, 96.

absinthe use were different than the effects of drunkenness, and that symptoms of repeated absinthe use included bouts of delusion and illnesses such as tuberculosis in addition to the violence, increased sexual desire, loss of interest in life, and premature death caused by alcoholism.³²

Medical professionals were not alone in their opposition to absinthe. An 1860 monograph titled *Absinthe et Absintheurs*, published by a certain journalist and playwright Henri Balesta, described a scene in which an aging father tries to persuade his son not to succumb to the lure of absinthe. The son tries to break his absinthe habit for his father's sake, but ultimately fails and is eventually destroyed by the drink he cannot escape.³³ Absinthe faced international opposition in addition to opposition from within France. An article published in the journal *Scientific American* in 1861 described absinthe as a distinctly French problem, and expressed gratitude that the drink had not become as popular in America as it had in France, although it warned that absinthe had already reached American shores. According to one of this article, written on April 20th, 1861,

“The nervous system of a person addicted to [absinthe] becomes disorganized, the knees tremble, the skin becomes the color of green coffee, the mucous membrane assumes a violet hue, the hair falls off and the man becomes prematurely old, with a diseased brain, which nothing can cure. We trust this terribly injurious poison may never be used by our own people, but we are credibly informed that many of the French residents in several of our cities are much addicted to it.”³⁴

³² Maurice Gourmet, "Alcoolisme et Absinthisme" (master's thesis, Université de Strasbourg -- Faculté de Médecine, 1875), 23, 29.

Léon Gauthier, *Étude Clinique sur l'Absinthisme Chronique* (Paris, 1882), 2, 18.

³³ Henri Balesta, *Absinthe et Absintheurs* (Paris, 1860), 70.

³⁴ "Absinthe," *Scientific American* 4 no. 16 (April 1861): 242

American opposition to absinthe combined issues of gender with national identity because, especially between 1840 and 1860, the primary motivation of the temperance movement was to protect women both from violence at the hands of alcoholic men and from becoming alcoholics themselves. The same article from *Scientific American*, decried that “many ladies of distinction” in France had “fallen victim” to absinthe. Three decades later in Great Britain, author Marie Corelli wrote in her 1890 novel *Wormwood: A Drama of Paris* that she intended to publish a fictitious account of the destruction caused by absinthe in France in the hopes that such problems would never disturb her native England.³⁵ When propositions for a law to ban absinthe were put forward in the French Senate in 1908 and then again in 1911, the legislators in question compared absinthe use in France to the rates of absinthe consumption in other countries, making the issue of absinthe consumption a matter of national identity in addition to one of gender, social class, colonialism, and the relationship between science and the state.

³⁵ Marie Corelli, *Wormwood: A Drama of Paris* (New York: National Book Company, 1890), xii.

Chapter 2

A National Threat: Senatorial Debate Preceding the Absinthe Ban

The French government banned the creation, sale, transportation, and importation of absinthe on March 16, 1915. The law drew on several years' worth of discussions in the French Senate, including propositions submitted by senators for laws that might curtail the national threat posed by growing levels of absinthe consumption. Response to this threat was complicated in part by the related issue of alcoholism, which was considered to be a serious problem within the French medical community and by a temperance movement composed of non-governmental temperance groups such as the *Ligue Nationale contre l'Alcoolisme*.³⁶

Previous attempts by the government to curtail alcohol addiction had been ineffective, in part because circulation and consumption of alcohol was linked to French commerce as well as French culture. Physicians and scientists disagreed over whether absinthe should be regulated as one part of a larger effort to end alcoholism, or whether absinthe could be considered different enough from other distilled alcohol to merit specialized legal action. Senate discussions eventually concluded with a law that singled out absinthe among other liquors, but records of Senate sessions and the trials resulting from the ban indicate that this was an ongoing debate up to the passage of the 1915 law and even through the years after the law was passed. This chapter

³⁶ Action Populaire, *Pornographie, alcoolisme : plaies sociales* (Paris: A. Noël, 1913), 31. *Bulletin de l'Académie*, (1873), 56.

uses records from before the ban, including a *Proposition de Loi* from 1908 and a *Rapport* of a Senate session in 1911, as evidence of governmental perspectives.³⁷

The issue of absinthe regulation was difficult for the Senate to approach from a legislative perspective because there was no precedent of positive regulation of the food market in France in the early twentieth century. While there were legal penalties for the crime of fraud, and certain substances that were known to be poisonous were illegal to sell, commestible commodities were not routinely inspected before entering the market.³⁸ The Senate compensated for this lack of regulation by suggesting legislation targeting the sale of absinthe rather than its purchase. This tactic placed most of the responsibility of absinthe circulation with merchants rather than with consumers and allowed law enforcement to handle absinthe sale in a similar manner to other market-related crimes.

In their analysis of the problem of absinthe abuse, the French Senate made frequent reference to the *Académie Royale de Médecine*, a group of medical professionals and researchers who, in addition to publishing their own research about medical study in France, were consulted by the government in times of medical crisis. The *Académie Royale de Médecine* had been founded in 1820 during the reign of Louis XVIII. It replaced both the *Académie Royale de Chirurgie*, instituted in 1731 by Louis XV, and the *Société Royale de Médecine*, founded in 1778 under Louis XVI. Like its two predecessors, the *Académie Royale de Médecine*, frequently abbreviated to *l'Académie de Médecine*, was intended to organize physicians and medical

³⁷ In a future project, I hope to explore Senate reports of meetings concerning absinthe between 1911 and 1915 in order to connect Poulle's report with the law banning absinthe that was eventually passed in 1915.

³⁸ Pierre-Antoine Dessaux, "Chemical Expertise and Food Market Regulation in *Belle-Epoque* France," *History and Technology* 23, no. 4 (December 2006): 352.

scientists on a national basis. In a dedicating *Ordonnance* to open the *Académie de Médecine* on December 20th of 1820, Louis XVIII declared “This *Académie* is henceforth instituted to respond to the demands of the government regarding everything concerning public health,” and laid particular emphasis of the matters of epidemic, vaccination, expert testimony in legal cases involving medicine, and diseases originating in lands outside of France.³⁹

The last area of focus in the dedicating *Ordonnance* echoes the strongly colonial aspects of the *Société Royale de Médecine* and the *Académie Royale de Chirurgie*, both of which received reports of diseases in the French colonies. Though the *Académie Royale de Médecine* was largely independent from French leadership since its foundation, had its own hierarchy of leaders, and published bulletins independently, it was called upon by the French State for advice about epidemics such as tuberculosis that threatened France as a country, and in response to medical crises that arose both in the metropole and in the colonies. Its involvement in the case of absinthe indicated that the Senate regarded widespread absinthe use to be a crisis that threatened the whole of the French empire.⁴⁰

Legislative discussion preceding the French government’s 1915 ban on absinthe began as early as 1908. During a senatorial meeting on March 8th, 1915, some 114 senators led by Senator De Lamarzelle proposed a law to prohibit the production, circulation, and sale of absinthe. In a section explaining the motivation behind their proposition, the senators referred to Article 13 of a law from 1900 which banned the creation and sale of any herbal essences or

³⁹ Académie Nationale de Médecine, "Missions" [Mission Statement], Académie Nationale de Médecine, accessed April 30, 2019, <http://www.academie-medecine.fr/missions-et-statuts/missions/>.

⁴⁰ James E. McClellan III, and Francois Regourd, “The Colonial Machine: French Science and Colonization in the Ancien Regime,” *Osiris* 15, no. 1 (February 2000): 34. AN BB/30/1698/24 De Lamarzelle, *Proposition de Loi*, Paris, 1908, 2.

extracts that the *Académie de Médecine* found to be dangerous. The proposal stated that the *Académie de Médecine* sought to restrict the sale of absinthe due to its toxicity, and the senators wrote that the medical report of one *Académicien* in particular, that of Docteur Labord, was particularly convincing regarding the dangers of “*le poison vert*.” Labord’s report demonstrated with facts and figures that absinthe was a danger to the “whole human race” as well as specifically to the individuals who drank it, and his evidence was convincing enough to garner the support of the entirety of the *Académie de Médecine*.⁴¹ Additionally, De Lamarzelle cited a *Ligue Nationale contre l’Alcoolisme* petition, submitted to the Senate, demanding that some legal action be taken to repress absinthe because it made “man into a ferocious beast, woman into a martyr and child into a degenerate, brings disorder and ruin upon families, and thus threatens the future of the country.”⁴² The *Ligue Nationale contre l’Alcoolisme*, a non-religious temperance group that was active in the late-nineteenth and early-twentieth centuries, was one of many organizations attempting to persuade the French people, via education programs in schools, that alcoholism was a dangerous vice and should be abandoned.⁴³

The senators’ citation of the *Ligue Nationale contre l’Alcoolisme* ostensibly demonstrates their concern for the effects of absinthe on the individuals who consumed it regularly. However, the language in the rest of their proposition pointed rather to their concern about the threat absinthe poses to the strength of French society as a whole. Apart from that single quotation from the *Ligue*, the explanation the senators gave for introducing a law regulating absinthe was based on the statistics of French national absinthe consumption. They wrote that between 1901

⁴¹ AN BB/30/1698/24 De Lamarzelle, *Proposition de Loi*, Paris, 1908, 2.

⁴² AN BB/30/1698/24 De Lamarzelle, *Proposition de Loi*, Paris, 1908, 3.

⁴³ Action Populaire, *Pornographie, alcoolisme*, 31.

and 1904, the annual French consumption of absinthe had grown from 297,000 hectoliters (about 7.8 million U.S. gallons) to 359,000 hectoliters (nearly 9.5 million U.S. gallons). Based on these numbers, the senators concluded that France was responsible for the consumption of more absinthe than the whole of the rest of Europe. They consider this “unacceptable.” Their focus on comparisons between France and other European countries was placed after their citation from the temperance movement, but was given far more emphasis in their argument, indicating that their proposal was formulated more as an appeal to national identity among competing European countries rather than as a motion to protect individual people. After explaining their reasoning, De Lamarzelle and his colleagues proposed a law in the following three articles:

- Article 1: The creation, circulation, and sale of the liquor called absinthe is prohibited throughout the territories of France, Algeria, and the French colonies.
- Article 2: Anyone found to be guilty of violating the terms of Article 1 is subject to the same manner of punishment carried by the fraudulent sale of comestible commodities, per a law passed on August 5th, 1905.
- Article 3: Any tobacconist or liquor store found to be selling absinthe will be closed for six months. Upon further infraction, the closure will be permanent.⁴⁴

The 1900 law concerning the herbal extracts banned on the *Académie de Médecine*'s recommendation and the 1905 law regulating fraudulent sale of food and drink were the only two pieces of legislation cited by De Lamarzelle and his colleagues in their *Proposition de Loi*. The 1900 law contextualizes the senators' call for absinthe regulation in a movement on the part of the French government to assign increasing credibility and authority to scientists in general and to the *Académie de Médecine* in particular. Though De Lamarzelle and his colleagues did not write that absinthe itself falls under the category of *essences* and should therefore be banned under the 1900 law, the mention of *essences* appealed to a previous case in which the experts of

⁴⁴ AN BB/30/1698/24 De Lamarzelle, *Proposition de Loi*, Paris, 1908, 4.

the *Académie* had been taken into account and also associated absinthe with substances held by those experts to be toxic. The reference to this law also helps to explain why absinthe was considered to be distinctive even from ordinary distilled alcohol, let alone the French staple *boissons hygiéniques* of beer, cider, and wine.⁴⁵

Reference to the 1905 law concerning fraud in the market of comestible commodities indicates the difficulty of legally regulating absinthe, as well as the senators' lack of any positive regulatory procedure concerning food. Though the proposal did not describe absinthe as a fraudulent product in itself, the senators' suggestion that the punishment for circulating absinthe should be the same as the punishment for selling fraudulent food and drink suggested that absinthe might by nature be a noxious substance which producers and salespeople disguised as a normal *apéritif* in order to take advantage of French consumers. The reference to the 1905 law concerning fraud also recalled the governmental motivation behind those laws, which seem to protect the economy surrounding the market rather than the consumers who are potentially victims of poisoning from the foods they buy. Associating absinthe with fraudulent comestibles by proposing the same punishment for their sale suggested that absinthe should never have been sold in the first place rather than indicating that market had failed consumers through its liberal view of sales as based on free will.⁴⁶

In 1911, the French Senate published a 216-page report building upon Senator De Lamarzelle's proposed law from three years before. This *Rapport* was written by a certain

⁴⁵ The term *boissons hygiéniques*, or "hygienic drinks," was used by the French parliament in the 1880s to describe alcoholic drinks which were created by fermentation rather than distillation. The term originated as part of a governmental movement to encourage the consumption of wine after growing consumption of *boissons alcooliques*, or drinks made from distilled alcohol, threatened the blight-weakened wine market in France.

Haine, *The World*, 97. Marrus, "Social Drinking," 128.

⁴⁶ Dessaux, "Chemical Expertise," 352.

Senator Guillaume Poulle in the name of a Senate-assembled *commission* to examine De Lamarzelle's proposition to ban absinthe. It is clear even from the brief 1908 proposition that the prohibition of absinthe was a complicated undertaking, bringing together issues of public health, economics, and French culture.

Poulle's *Rapport* of the senators' discussion began with a reprint of the entirety of Lamarzelle's 1908 four-page proposition. Senate acknowledged that *absinthisme*, or addiction to absinthe, is part of the much larger problem of alcohol addiction in France. However, they referred to public health experts' statements that absinthe was the principle cause of *alcoolisme* in order to argue that absinthe consumption must be curtailed as a necessary part of decreasing alcoholism. Poulle wrote that the *commission* commended the *Ligue Nationale contre l'Alcoolisme* for their efforts to protect families from the dangers of alcoholism by educating school-children about the dangers of excessive drinking, but that despite these measures, absinthe remained a pernicious threat.⁴⁷

The *Rapport* made it clear that the *commission* he represented was aware of the growing economic value of *apéritif* culture. Senator Poulle writes that in their pursuit of absinthe, the Senate was not trying to punish the winemakers and distilleries who were merely trying to satisfy the regional tastes of their customers, but merely to prevent the spread of the illness menacing the French population.⁴⁸ His reluctance to alienate the producers of wine and non-absinthe *boissons alcooliques*, and his insistence that the Senate only intended to target one particular product, suggest that such a governmental project to regulate a single commodity was unusual. Poulle was careful not to affront alcohol producers in his attempt to protect the public from a

⁴⁷ AN BB/30/1698/24 Poulle, Guillaume, *Rapport*, Paris, 1911, 8.

⁴⁸ AN BB/30/1698/24 Poulle, Guillaume, *Rapport*, Paris, 1911, 9.

product that would not normally be scrutinized. The value he placed on the well-being of the producers shows that he considered the issue to be an economic one as well as a matter of public health.

In addition to wine producers and the *Ligue Nationale contre l'Alcoolisme*, movements to curtail French consumption of absinthe included a number of requests to the Chamber of Deputies made by the *Commission Parlementaire d'Hygiène*. During a Parliamentary session on June 24th, 1907, this *Commission* proposed to ban absinthe completely, but Parliament decided that further research was needed before such drastic action could be taken. In 1911, a new proposal for a law was submitted, which stated that there could be no absolute solution to alcoholism, but that it might be possible to remedy the absinthism as a specific type of alcoholism. This 1911 proposition defined *absinthisme* not specifically as the abuse of or addiction to absinthe, but rather the addiction to any of the *essences* or botanicals used in the production of absinthe or other herbal liquors such as gin. Of these botanicals, wormwood was described as especially problematic, but other flavoring herbs were also considered addictive or toxic.

Aside from the danger of herbal essences as acutely poisonous substances, the Senate's *Rapport* also discussed the tendency of absinthism to produce disease among its consumers and their families. The link between absinthe and sickness had been established already several decades before in theses published through the *Académie de Médecine*, and M. Poulle wrote about it in his *Rapport* as though it was common knowledge among his readership. Though the physicians who were consulted for the investigation into Lamarzelle's proposition acknowledged that excessive drinking of any alcohol was cause for health-related concern and assert that

alcoholism in parents was likely to lead to degeneracy in their children, they associated epilepsy and tuberculosis in particular more with absinthe than other alcoholic drinks. Tuberculosis had been identified in 1871 by the *Académie* as one of the three primary causes of death among the French people at that time, so the statement that absinthe use was known to be linked to the spread of this disease gave yet another reason for doctors to call on the Senate to regulate absinthe.⁴⁹

The senators reference to absinthe as a trigger for epilepsy, presented by the senators as a well-known fact, was very likely based on research done in the 1860s and 1870s and published in medical theses in Paris. This research studied the effect of *Artemesia absinthium* on laboratory mice and guinea pigs and found that the essential oil could cause seizures when ingested. One 1975 study found that similar effects could be produced in dogs in the same way.⁵⁰ In his 1860 monograph *Absinthe et Absintheurs*, Henri Balesta reported that absinthe users frequently suffered from nervous fits and became increasingly delusional as they became addicted to the drink. Balesta's work has become a common source for twenty-first-century works on absinthe. While Balesta himself was a journalist and a playwright, and not a scientist, all of the accounts he recorded came from interviews with anonymous physicians. Regardless of whether the interviews Balesta described took place, his work drew on an understanding of absinthe that was common to his contemporaries and therefore not unbelievable.⁵¹

Though tuberculosis might have been an indirect effect of absinthe because excessive drinking weakened the immune systems of its consumers, epileptic seizures were thought to be a

⁴⁹ *Bulletin de l'Académie*, (1873), 56.

⁵⁰ Gourmet, "Alcoolisme et Absinthisme," 14.

⁵¹ Balesta, *Absinthe et Absintheurs*, 70.

direct result of ingesting trace amounts of the *essences* which gave the drink its flavor. Poulle suggested that the connection between absinthe and physical sickness might be related to the presence of thujone, and that it might be enough to simply ban thujone itself in order to prevent this danger. However, he came to the conclusion that any herbal liquor similar to absinthe might have the same effect, since thujone was only one of many potentially dangerous ingredients, and that banning the chemical thujone alone would not solve the problems caused by absinthe.

Poulle and his fellow senators also argued that absinthe should be banned because its increased consumption correlated to increasing levels of crime in France. That correlation is not surprising from a twenty-first century perspective, because the direct proportionality between alcoholism and violent crime is well-studied today.⁵² Nor is it surprising that a governmental body tasked with the well-being of French society would find links between absinthe and crime rates to be a compelling argument for the suppression of absinthe. Poulle wrote in both the first and second chapters of his report of the Senate's discussion that "absinthe is a cause of tuberculosis, epilepsy, and crime." The Senate's *Rapport* therefore did not differentiate between the social ill of crime and the physical ills of epilepsy and tuberculosis, indicating that the writers of this document were less concerned with the remedies to individual effects of absinthe than they were with accumulating a list of arguments to prove that absinthe was dangerous to society as a whole, and criminal activity is merely another disease which absinthe exacerbated in France. This suggests again that Poulle and his colleagues were more focused on the detrimental effects of absinthe on the country as a whole than they were on its effects on individual people.⁵³

⁵² Garland F. White, Randy R. Gainey, and Ruth A. Triplett, "Alcohol Outlets and Neighborhood Crime: A Longitudinal Analysis," *Crime & Delinquency* 61, no. 6 (2012): 852, 853.

⁵³ AN BB/30/1698/24 Poulle, Guillaume, *Rapport*, Paris, 1911, 11, 51.

At the end of the first chapter, Poulle proposed a law similar to the one proposed by Lamarzelle and his fellows three years earlier, prohibiting the production, importation, and sale of every liquor of the “*type absinthe*.” Infraction would be punishable by three months in prison and a fine of between 500 and 1000 francs, or up to over \$4000 today.⁵⁴ He specified that if the person breaking the law should be a tobacconist or liquor-shop keeper, their establishment would be closed for three months, and then permanently upon further infraction. Like De Lamarzelle’s proposition, Poulle’s suggestion targeted small businesses rather than either the large distilleries that manufactured the *alcool de base*, or base alcohol, to which herbal flavoring and coloring was added to make absinthe, or the bars and cafés where *apéritifs* tended to be consumed. Owners or workers at those institutions would still be punished by a fine or prison if they were found to be breaking Poulle’s suggested law, but his wording suggests that root of the absinthe problem lay in the merchants who distributed absinthe by retail.

Poulle began his second chapter by explaining the different ways to make absinthe, and describing the arguments within the medical and scientific communities about the relative benefits and dangers of the hot and cold methods. Some of the absinthe-makers who used the cold method added mineral colorants in order to achieve the desirable green hue of absinthe, some of which were considered by the *Académie de Médecine* to be toxic. Additionally, absinthes produced through the cold method could have a wide variety of concentrations of herbal *essences*, because the extracts or oils were added in concentrated form rather than via distillation of the herbs themselves. Some *Académiciens* considered absinthe produced by this method to be more dangerous because of the presence of mineral coloring agents such as

⁵⁴ AN BB/30/1698/24 Poulle, Guillaume, *Rapport*, Paris, 1911, 12.

malachite as well as the potential for dangerously high levels of the herbal essential oils that set absinthe apart from normal *alcools*. This opinion was shared by Paris distilleries that used the hot method of absinthe production, and Poulle wrote that some of these distilleries sent representatives to the Senate to request regulation of their competitors who used the cold method in order to protect the standard of quality in the absinthe on the market.⁵⁵

Other physicians and members of the *Académie de Médecine* argued that absinthe produced by the hot method was nearly always more highly alcoholic than absinthe produced by the cold method, and was therefore more toxic. They stated that this higher alcohol content made hot-method-prepared absinthe more dangerous both because alcohol was dangerous in its own right and because thujone and other chemicals contained in the botanical oils were present in higher quantities due to the oils' high solubility in pure ethanol. Although some *Académiciens* were never convinced one way or the other, the *Académie* as a whole came to the consensus that both means of absinthe production yielded a dangerous product, and neither method could be set above the other in terms of toxicity.⁵⁶

Louis Pillet, a scientist and a chemist who worked closely with *essences*, accused some of the *Académiciens* of drawing erroneous conclusions about the dangers of herbal oils. He argued that his own research showed that thujone alone makes absinthe dangerous, and suggested that it might be possible to create a substitute absinthe-like drink without thujone. Such a drink would

⁵⁵ AN BB/30/1698/24 Poulle, Guillaume, *Rapport*, Paris, 1911, 35.

⁵⁶ Interestingly, from a post-Prohibition perspective, drunkenness here does not seem to have any sort of moral stigma attached to it. The violence or failure to attend to responsibility which were associated with drunkenness carry some negative moral weight, but the act of drinking itself isn't the problem. This goes along with Poulle's reluctance to punish the producers or distributors of alcohol in general--he and the commission he represents are trying to curtail the spread of one toxic product (absinthe) which is masquerading as a perfectly normal comestible (alcohol.)

AN BB/30/1698/24 Poulle, Guillaume, *Rapport*, Paris, 1911, 37.

not contain wormwood, hyssop, sage, or tansy, all of which were botanicals characteristic of absinthe, and would therefore need to be sold at a much lower price in order to convince *absinthiques*, or absinthe addicts, that it was worth buying. He acknowledged that such a drink would not help alcoholics, but that it might stop more people from becoming addicted to herbal essences and therefore protect them from side effects such as epilepsy. In response to Pillet's suggestion, the commission in charge of investigating De Lamarzelle's proposition presented a more general idea: they proposed to prohibit the use of the extracts of wormwood and plants of the same family.⁵⁷

The third chapter of the *Rapport* presented three additional potential solutions to the problem of absinthe addiction in France. The first of these was a law proposed by the same Senator De Lamarzelle who had introduced the 1908 proposition in the first place, which would ban the production and sale of absinthe in entirety. The second, proposed by a certain M. Richard, was a law that would raise the minimum alcohol content of absinthe from 65% to 72%, in order both to limit the amount of *essences* that people could consume at one sitting and to prevent lower-quality absinthes from reaching the market. The third was a law proposed by a certain M. Ouvrier, which would ban any liquor or *apéritif* containing thujone. Poulle reported that in a Senate session in 1910, De Lamarzelle himself stated that he would vote for Ouvrier's proposal because it seemed likely to be effective than his own. The commission agreed that the proposition submitted by Richard was flawed both because raising the alcohol content might not do anything to curtail consumption and because of the hot method of production, which frequently yielded absinthes of over 72% alcohol by volume, did not definitively produce a safer

⁵⁷ AN BB/30/1698/24 Poulle, Guillaume, *Rapport*, Paris, 1911, 67.

product than the cold method. The commission agreed that Ouvrier's proposal seemed to be the most effective, once again citing Louis Pillet, who had stated in 1909 that per his research, "wormwood causes epilepsy, hyssop has a similar effect, sage causes convulsions, tansy causes tetanus in addition to violent convulsions. The active ingredient in all of these is thujone."⁵⁸

A list in the *Rapport* of other countries that had taken measures to restrict absinthe use further suggests that the question of absinthe suppression was an issue of national identity for the French Senate. Poulle wrote that France was preceded in banning absinthe by a number of other countries, indicating both that such a ban was known to be possible and also suggesting that France had fallen behind its neighbors through its failure to take action. The report cited laws from Belgium, Switzerland, and Holland. In a law passed in September of 1906, Belgium had banned the production, sale, and importation of absinthe, and Holland banned the drink completely in 1909. Geneva, Switzerland banned retail sale of absinthe in 1907 but did not pass laws to restrict the drink in any other way. This was met with some irony by defenders of absinthe against the ban, who asked Geneva politicians why, if absinthe was really a problem, it could be allowed at all. These opponents of the ban made the point that the government hypocritically gave some semblance of satisfaction to the temperance movement by prohibiting retail sale, even while they made sure that absinthe could still be available to those who knew how to get it.⁵⁹ Poulle did not pass his own judgement on the efficacy of the 1907 Geneva law, but his inclusion of the argument against the law from absinthe advocates in Geneva perhaps explains why the French Senate did not propose to overtly ban retail sale even though the laws they did propose prioritized the prosecution of retailers selling absinthe.

⁵⁸ AN BB/30/1698/24 Poulle, Guillaume, *Rapport*, Paris, 1911, 75.

⁵⁹ AN BB/30/1698/24 Poulle, Guillaume, *Rapport*, Paris, 1911, 21.

The last two chapters of the *Rapport* laid out the law which the commission for the investigation into De Lamarzelle's proposal hoped that the Senate will approve. This law prohibited production, transportation, importation, sale, and possession with intent to sell for any liquor or *apéritif* containing thujone. Any infraction of the law would be punishable by a fine of between 100 and 2000 francs, which could be raised to 5000 francs upon further infraction. Any liquor containing thujone found in the possession of a merchant would immediately be seized. These punitive measures would not be taken until two years after the Senate had accepted and published the law, except in the case of absinthe importation, and would be applicable in metropolitan France as well as in Algeria and the French colonies.⁶⁰

The Senate did not adopt the proposition from the end of the 1911 report, but that proposition laid the framework for the 1915 law banning the production and sale of absinthe and similar beverages. Their specificity concerning the absinthe's retail sale might suggest that the senators were hesitant to disrupt the commerce of large-scale *alcool d'industrie* or *alcool de vin* production, or maybe that they thought that the prohibition would be most easily enforced through the examination of liquor shops. Their focus on its retail sale also indicates their interest in taking on the problem of absinthe addiction from an economic angle which would not undermine the French economy in general. Accusing individual retailers who sold not only absinthe but also other liquor could allow for some variation in the enforcement of alcohol sales in general in addition to the absinthe sales regulated by law, without damaging economic links between grain farmers and producers of *alcool d'industrie* and other components of the alcohol production process. Additionally, targeting liquor retailers rather than the owners of cafés that

⁶⁰ AN BB/30/1698/24 Poulle, Guillaume, *Rapport*, Paris, 1911, 90.

sold absinthe could set a precedent for liquor regulation without harming the wine industry, which was trying to reclaim its powerful position on the market after the *maladies de la vigne*.

The writers of both the *Proposition de Loi* and the *Rapport* distinguished absinthe from other alcoholic drinks based on the *essences* of the botanicals that gave it both name and flavor, and that these ingredients were already considered to be toxic and addictive. However, their language regarding the dangers of absinthe emphasized the health of the society with respect to levels of disease and crime far more than the personal physical health of victims of *absinthisme*, suggesting that the Senate was primarily concerned with the health of France relative to its international neighbors than it was with those individuals who chose to drink absinthe. The movement to restrict the drink, then, was not a movement to prevent harm within the French population but rather to forward the national interests of France and to strengthen the population according to an international standard. Alone, the *Rapport* and the *Proposition de Loi* do not provide enough evidence to indicate that the March 1915 law banning “*absinthe et similaires*” was conceptualized with these same goals in mind. However, the legal case reports and appeals from individuals who were arrested and brought to trial for making or selling absinthe corroborate the suggestion that the ban of absinthe was primarily in an effort to regulate and strengthen both the French economy and the French population.

Chapter 3

Débitant(e)s and Their Defense: Early Enforcement of Absinthe Prohibition

After the sale of absinthe was prohibited in March of 1915, a large number of shopkeepers, or *débitants*, from all over metropolitan France and French Algeria were arrested for selling absinthe. Exploration of their legal cases and appeals not only indicates the manner in which the absinthe ban was enforced, but also gives a sample of demographic information about the individuals who were arrested for selling absinthe and where these arrests took place. The cases display further intersections between the history of absinthe in France and evolving notions of gender and national identity. They also corroborate the evidence from the senatorial discussions leading up to the ban in suggesting that the decision to ban absinthe was not the result of the perceived danger of the drink to individuals' health, but was part of a more general movement toward governmental control of the comestibles market.⁶¹

Legal records show that absinthe-related trials took place in all corners of France, but that they were concentrated around the Mediterranean Sea both in metropolitan France and in French Algeria. This situation of the majority of absinthe-related trials of *débitants* suggest that although many of the surviving artistic records of absinthe consumption originated in Paris, the question of absinthe-related law enforcement was predominantly a Mediterranean one and thus could have pertained to the control of trade in the French Empire as well as to protecting the French population and economy from the drink.⁶²

⁶¹ Dessaux, "Chemical Expertise," 353.

⁶² I hope to explore the connection between absinthe and French colonialism in another project. More information about the relationship between absinthe use in North Africa during the French occupation of Algeria and the perceptions of metropolitan French citizens about the drink can be found in Nina Studer's

In an article from March 10, 1916, the Paris daily newspaper *Gazette du Palais* reported the closure of a *débit de boissons* owned by a couple named Brias, and Madame Brias' arrest, on charges of selling absinthe. Readers were reminded that per a law passed on March 16, 1915, the sale, circulation, and production of absinthe and similar beverages had been declared illegal in France, and that shopkeepers charged with infraction of that law would be punished by having their establishments closed. The article went on to say that the March law banning absinthe had been preceded by a law passed in January of the same year that banned its transportation and retail sale. The January law, which limited the presence of absinthe on the market by making the drink illegal to transport from its place of origin and prohibited shopkeepers from stocking it, was passed for the purpose of “reducing the harm that absinthe addiction caused among the French people.”⁶³ This means of suppression did not achieve the desired effect, and was replaced by a law that banned absinthe altogether. The article suggested that this revision had been made because the escalation of World War I had caused the government to prioritize the protection of the French population from internal threats such as the effects of absinthe.⁶⁴

The laws from January and March of 1915 brought to fruition the discussions recorded in de Lamarzelle's 1908 *Proposition de Loi* and Poulle's 1911 *Rapport*. The wording of the article in the *Gazette du Palais* indicates that the primary motivation for the government to pass these increasingly strict laws was protection of the French population in the circumstance of World War I from the dangers of absinthe. However, the fact that the government acted first to remove the contentious drink from the French market by banning its transport and retail sale echoes the

article “The Green Fairy in the Maghreb: Absinthe, Guilt and Cultural Assimilation in French Colonial Medicine.” (See bibliography).

⁶³ AN BB/18/6844 *Gazette du Palais*, 10 March 1916

⁶⁴ AN BB/18/6844 *Gazette du Palais*, 10 March 1916

discussion in Poulle's *Rapport* of the Geneva law from 1907 prohibiting the retail sale of absinthe.⁶⁵ Poulle noted that the response of absinthe enthusiasts to the Geneva law had been somewhat scathing, because that law seemed to cater to the temperance movement by making small-scale liquor-sellers unable to make money off of absinthe even while it did not truly limit absinthe consumption at all.

The French law from January of 1915 that banned the retail sale and transportation did very much the same thing, and indicated that the priorities of the French government may have been with protecting the economy in general and appeasing the temperance movement rather than with banning absinthe altogether. Even after the March 1915 law banned all creation and sale of absinthe, court records from the trials and appeals of people accused of selling absinthe showed that the law was most strictly enforced with tobacconists and the owners of small businesses who were accused of the retail sale of absinthe. The primary consequence of breaking the March 1915 law was the closure of the *débit de boissons*, or liquor shop, in question, further indicating that the focus of courts regarding this particular law was with removing small-scale and previously unregulated liquor stores from the French economy.

A brief report from Paris made in February of 1916 included a list of cities and the number of *débites de boissons* that had been closed by the Court of Appeals in each one. There were 176 total closures spread over 20 cities during this first year after the ban. The most closures by far took place in Nimes, close to the Mediterranean coast of France: the court of Nimes 53 closed liquor shops, including shops in the city itself and in the surrounding area which remained under the same jurisdiction. Nimes was followed by Alger, which saw 28

⁶⁵ See Chapter 2

closures. Most of the towns with the highest concentration of closures were situated in the south-eastern France on the Mediterranean Sea and in Algeria on the northern coast. Only six *débits* were closed in Paris. Other cases during that first year were scattered around the rest of France, including three in Reims, three in Angers, and four in Toulouse.⁶⁶ It is impossible to know from this list whether the towns with the highest concentration of legal action taken against absinthe-sellers were identical to the towns in which the most absinthe was being sold, but the list indicates that the law was most commonly acted on in the parts of France bordering the Mediterranean. The geography of legal action regarding the absinthe ban relocates the history of this drink from the artistic hub of Paris to southern France, and expands it to incorporate the history of French Algeria.

During a court session in Dijon on December 29th, 1915, a man named Claude Dutroncy and his unnamed wife were brought to trial for selling absinthe out of their liquor shop. According to court evidence provided during the trial, Mme. Dutroncy had managed the illegal sales while her husband was out of the shop or occupied in his other job as a gardener. M. Dutroncy's lack of involvement in the crime had, in the couple's previous trials for the same offence, swayed the court in favor of allowing their shop to remain open. However, during the December 29 trial, the court ruled that the shop was to be closed and the couple was fined due to repeated infractions of the ban.⁶⁷

The case of the Dutroncy couple belonged to a trend in the documents of women implicated in absinthe-related crimes. Women were involved in 38% of the court records preserved in the National Archives in Paris, France, from the years immediately following the

⁶⁶ AN BB/18/6844, List of liquor-store closures after the absinthe ban, Paris, February 1916.

⁶⁷ AN BB/18/6844, Dutroncy, Dijon, 29 December 1915.

ban on absinthe, though more research is needed in order to determine whether or not the percentage of women arrested for such crimes as opposed to men was significantly higher than for other crimes. Much of the advertising imagery of absinthe between 1880 and 1915 portrayed women drinking absinthe, and writers describing Paris café culture in the late nineteenth century frequently portray the consumers of absinthe as female, so it is possible that women might have been more involved in the trade of absinthe because they preferred this particular liquor to other drinks. However, it is also possible that women were implicated and arrested so frequently simply because they were increasingly working as *cafétiers* and *débitants* both in their own right and alongside male partners.

Women were also frequently involved in those cases of absinthe sale brought against men. Or, they were implicated in illegal sales in order to provide male shop-owners with an alibi in response to charges brought against them. One such case was that of Messieurs Urbain and Toulouse, who co-owned a liquor store named “Les Comptoirs de Bourgogne” in Besançon, a small French town in near the Swiss border. In October of 1915, the Commissaire de Police in Besançon found that some soldiers had bought a litre of absinthe from their establishment. While the owners were away on business or traveling, a certain Mme. Michel managed the liquor store. In keeping with the law of March 1915, the court closed the liquor store. Neither of the owners were present in Besançon at the time the store was closed, but Urbain returned for the court hearing on January 18, 1916, and a lawyer represented Toulouse in his absence.

The case file included an unsigned and undated note reporting that Toulouse had a letter to the Court of Appeals protesting the verdict. In this letter Toulouse had argued that it had been Mme. Michel who had sold the absinthe and that he and Urbain should not be penalized because

of it. The report suggested that even after this protest, the court was more interested in the shop owners than the manager, and no record is made of any punishment dealt to Michel.⁶⁸ The court's priority of the business owners over the manager who actually sold the drink echoes the sentiments of the legislative publications preceding the law, in that the government seemed to be more interested in the economic element of absinthe sales rather than the individual one. Rather than punishing the woman who had done the harm by allowing this dangerous drink to circulate, the court closed the offending liquor store.

Another case in which a woman was implicated in absinthe sale even though she was never charged with the crime was that of Paul Silhol, a liquor-maker who was also the mayor of Les Mages in southern France. In May of 1915, a man named Noël Gustave had been caught transporting two liters of absinthe marked with the label "Paul Silhol, liquoriste à Sainte Ambroix." Gustave admitted to having bought the alcohol, and the police went to the residence of Paul Silhol. No one was at home except Silhol's mother-in-law, who admitted to having passed along the bottles half an hour before. A letter to the court from Silhol later protested his innocence, saying that he had no knowledge of the "delinquent" Gustave, and that his wife, who was also absent at the time of the sale, likewise had nothing to do with it. The court of Nimes shut down Silhol's liquor store, though they refrained from arresting Silhol himself because he was traveling abroad at the time and they were reluctant to try to track him down. The report justified their refusal to prosecute Silhol further by explaining that it later came to their attention that the illicit sales of absinthe were orchestrated by Silhol's wife and mother-in-law, and that these two women took full responsibility for their actions. The record does not indicate the final

⁶⁸ AN BB/18/6844, Urbain and Toulouse, Besançon, 18 January 1916.

verdict of the case, but once again the main motivation of the court seems to have been to shut down Silhol's liquor store rather to punish any one person for involvement in absinthe trade.⁶⁹

A letter to the Minister for Justice in Nimes, dated from June 22nd, 1916, written by a certain Veuve Roche, documented yet another case in which a woman was involved with the sale of absinthe. According to her letter, Roche ran a liquor store in Bessages, and was arrested and brought before the court of Nimes for possession of a bottle of absinthe. As the owner of a *débit de boissons*, she was accused of violating the absinthe prohibition, and she wrote the letter to plead her innocence and ask the Minister for mercy. In her letter, she explained that she had never meant to sell the bottle in her possession, but that she had been saving it to give to her son. In addition to her plea of innocence of the sale, Roche wrote that apart from a small amount of money given to her each year, she depended on her business to support herself and her sons, and she asked that it not be closed or taken away from her.⁷⁰

She focused much more on her misfortune and the hope that the Minister for Justice would take pity on her than she did on her innocence of the sale, though in her immediate assertion of innocence she seemed intent to cover all her bases. Whether or not she intended to sell the absinthe, her alibi of saving the bottle for her son suggests her belief that the Minister for Justice was more likely to think kindly of her story if she depicts herself as a caring but downtrodden mother rather than as a shrewd businesswoman. It also points to her understanding of the priorities of the court as economic, or at least focused more on the money generated by absinthe sale rather than eradicating absinthe itself: since possession of absinthe was not illegal, a private gift to her son would not break the law, and she could safely admit to owning a bottle as

⁶⁹ AN BB/18/6844, Silhol, Nimes, November 1915.

⁷⁰ AN BB/30/1698/24, Veuve Roche, 22 January 1916.

long as she had no plans to sell it. Her letter also gives evidence of her perspective on the drink itself, because her intention to save the bottle for her son indicates that she does not see absinthe as particularly harmful or dangerous.

Roche's case is representative of a large number of absinthe-related cases not only because Roche managed or owned a *débit de boissons*, which institutions were specifically targeted by the 1915 law, but because she was a woman. The ban on absinthe took place at a critical moment in the intersection of French commercial history and drinking culture, when women were beginning to join men as public purveyors and consumers of alcohol. In an 1903 report to the *Académie de Médecine*, the same Dr. Labord whose report about the dangers of absinthe would later be cited by Senator Poulle in his *Rapport* asserted that Parisian women of the early twentieth-century frequently enjoyed *apéritifs* in general and absinthe in particular despite seldom being intoxicated by wine or beer. He went on to say that for several years at the time of his report, women and men were intoxicated from drinking distilled liquor with equal frequency.⁷¹

A report from the Court of Appeals in Pau from January 6th, 1917, described another case in which the alibi of an accused *débitant* provides information about the specific case and also about the place absinthe held in French culture during the years following the ban. Monsieur Gracianette, co-proprietor of a liquor store in south-western France with his wife, was brought before the court because four bottles of absinthe were missing from his inventory between inspections in the summer and autumn of 1916. In his appeal, Gracianette denied selling the four

⁷¹ Labord. *Rapport à l'Académie de Médecine*. 1903. In *L'Absinthe: histoire de la fée verte*, (Paris: Berger-Levrault, 1987), 81.
Bulletin de l'Académie de Médecine, 1903.

bottles, saying rather than his wife had used them personally as toothpaste. Madame Gracianette corroborated her husband's statement. Gracianette would not have submitted a story to the court unless he thought it was likely to be believed. It is impossible to tell from the case report whether or not Mme. Gracianette used the missing absinthe for toothpaste, but their use of that story indicates that absinthe might have very well served this purpose as well as for an *apéritif*.

The report of the Gracianette case went on to say that after further investigation, only one of the four missing bottles could be proven to have been sold, to a man named M. Clavery, but that this bottle remained intact and was never consumed or even opened. A letter from Clavery to the court was included with the Gracianette case folder. In his letter, Clavery wrote that if he did buy a bottle of absinthe from Gracianette following the ban, it was only in order to use it for a model in a patriotic promotional poster that he was assembling. He stated that he himself did not drink alcohol, and that he never had any intention of opening the bottle he bought from Gracianette. He wrote that before the war, he was the foremost seller of absinthe made by the Pernod Fils company, and that he wanted to assemble a poster displaying bottles of some of the highest quality liquor produced in France because he was proud to have been involved in their sale.⁷² Before the ban, Pernod Fils was widely considered to produce the highest quality absinthe in the country. Clavery also cited the war itself as part of his motivation behind assembling the poster, which displayed the strength of French commerce in the face of German attempts to undermine the French economically. Clavery appealed to the national economic interests of the court and asked that the case be dismissed without consequences for any of those involved.

⁷² AN BB/30/1698/24, Clavery poster, Pau, 6 January 1917.

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The report ended with a suggestion from the Attorney General of Pau that due to the minor nature of the infraction, and given that Clavery never intended to consume the bottle of absinthe he bought, the Gracianettes' shop should not be closed and the couple should not be penalized. It is not clear from the records whether or not the Court of Appeals followed this suggestion, but it seems likely that the suggestion would only have been made if the Attorney General thought it was reasonable and might be taken. There is no indication that Clavery's appeal to national economic interests during a time of war provided any impetus for the suggestion that the Gracianette case be dropped, but it is clear that the Attorney General read Clavery's letter before writing the suggestion because the letter is mentioned in the report.⁷³

Not all of the arrests and court cases regarding absinthe sale went as smoothly as the Gracianette case. In Alger, in September of 1917, a woman named Coralie Lafon, née Calvet, was arrested not only for selling absinthe in the liquor store and café she owned with her husband, but for her violent response to the accusation that she was doing so. According to a report of her case, an agent of the police in Algeria named Ahmedould Yahia, who was charged specifically with the investigation of *débîts de boissons*, was passing by Lafon's establishment when he smelled anise. He entered quickly, and in a small side room of the shop he found a customer drinking an *anisette* liquor.⁷⁴

Even though it was the toxicity of chemicals extracted from wormwood that primarily concerned the government, wormwood was most popular as a liquor flavoring when combined with anise. The 1915 law prohibited "*absinthe et similaires*," and anise was a much more distinctive characteristic flavor of absinthe than wormwood was. Even beyond the flavor profile

⁷³ AN BB/30/1698/24, Gracianette, Pau, 6 January 1917.

⁷⁴ AN BB/30/1698/24, Lafon, Alger, September 1917.

of the drink, the *louche* effect that causes absinthe to turn translucent when combined with cold water is a result of the presence of anise oil, which is less soluble in water than it is in alcohol and emulsifies into droplets in a mixture of ethanol and cold water instead of dissolving into the solution. *Anisette* liquors were virtually indistinguishable from one another when they were prepared in the traditional manner with cold water. It is therefore easy to see how such a drink, through these similarities to absinthe, could come to be seen as an illegal liquor whether or not it contained wormwood or any of the herbal extracts categorized by the *Académie de Médecine* as dangerous.

The record of the Lafon case reported that after finding such a liquor in front of one of Lafon's customers, Yahia seized the drink and told Lafon that "you can't say this time that it is not true [that you are selling illegal alcohol]: here is the proof." In response to this pronouncement, Lafon threw herself at the agent and she and her husband tried to get the glass away from him. During a fight lasting some ten minutes, Coralie Lafon continued to do as much physical damage to Ahmed ould Yahia as she possibly could. Only with great effort, the report states, did Yahia escape from Lafon's café and retreat back to the office of the *Commissaire* in order to report what had happened. Lafon was arrested and held in prison, but was eventually provisionally released after several days. Her shop, which had been closed before due to repeated infractions of the law prohibiting absinthe sale, was closed again. According to the report, the court felt this action to be justified due to the gravity of the harm Lafon caused to an agent of the law.⁷⁵

⁷⁵ AN BB/30/1698/24, Lafon, Alger, September 1917.

Lafon's case is unusual among recorded arrests and court cases regarding absinthe sale after the ban because of the violence with which Lafon responded to Ahmed ould Yahia's accusation. The case raises questions about relations between Arab and French Algerians and how gender and legal status operated around alcohol. When the the French army invaded and took over Algeria in 1830, France immediately claimed all of the land that had been in the power of the crown and of Algerian religious authority. These lands, which had up until that point largely been farmland dedicated to wheat and other sustenance crops, were re-planted with grapes in order to strengthen the French economy through wine production and export. After the devastation of the grape blight in the mid-1800s in the metropole, French viticulture in Algeria intensified to the point of causing famine among Algerians because of the lack of staple grain crops. The use of Algerian land for wine production clearly indicated the complete lack of French regard for Algerians' beliefs as well as their well-being, because the use of lands that had been in the charge of religious authority to produce wine was a blatant violation of the Muslim alcohol proscription.⁷⁶

Absinthe consumption in Algeria between 1830 and 1915 exacerbated this tension both because of the history of its use among the colonizing French army as an antimalarial tonic, and because absinthe made by the original recipe popularized by the Pernod Fils company used distilled alcohol made from grapes as its base. This meant that while absinthe was becoming popular in France during the 1860s, partially due to its reputation as a favored drink of the French military, some of the base alcohol used to create it likely came from the same land that had been occupied in Algeria three decades before. There is no way to tell from the case report

⁷⁶ Phillip C. Naylor, *France and Algeria: A History of Decolonization and Transformation* (Gainesville, University Press of Florida, 2000), 7.

whether or not Yahia's lack of authority with Lafon stemmed from the conflict around alcohol caused by French colonialism, but the fraught relationship between France and Algeria regarding alcohol sheds light on the tense background against which this violent exchange took place. Additionally, alcohol consumption of any kind by North Africans was interpreted by French writers in Africa as a "tacit acceptance of French rule," and as a symbolic abandonment of Islam. Colonial sources report that the Muslims who did drink alcohol in Algeria at the end of the nineteenth century tended to prefer absinthe to wine or beer.⁷⁷

Nina Salouâ Studer's 2015 article "The Green Fairy in the Maghreb: Absinthe, Guilt, and Cultural Assimilation in French Colonial Medicine" in *The Maghreb Review* argues that this and other points of tension were at work around absinthe in Algeria between 1830 and 1915. The association between absinthe and the colonial French army not only contributed to the drink's glorification in the metropole, it also created a stereotype that French settlers in Algeria were all absinthe drinkers. In an attempt to maintain order, French army officials attempted to ban the drink in garrisons and barracks in the early 1830s, in 1845, in 1848, and in 1857, but the frequency of these attempts corroborate army doctors' reports that these bans were not effective. Absinthe was still available outside of soldiers' living quarters, and as French settlers moved to Algeria and acquired a taste for absinthe, availability increased. As the drink rose to popularity with working-class French people in the late 1860s and began to be the subject of medical theses decrying it as a cause of "racial degeneration," absinthe use had vilified French Algerians in the

⁷⁷ Studer, "The Green Fairy," 501.

metropole due to moral and physical weakness that had the potential to cost France its Algerian colony.⁷⁸

The cases mentioned here only represent a few of the dozens of *débitants* who were punished for selling absinthe following the 1915 ban. The geographic location of the court cases and the demographics of the people involved show that absinthe was still situated at the intersection of issues such as gender and national identity and that, true to the suggestions of the Senate in 1908 and 1911, the absinthe ban was largely directed at the retailers who sold absinthe. Along with the absence of any mention of essences or the dangerous nature of the drink, this indicates that the ban might have been part of a larger movement to regulate the food market in addition to a measure to protect the French people from a toxic chemical. The law itself prohibits the sale of absinthe but not its possession and consumption, and many of the cases are not concerned at all with how or if the absinthe was used after it had been sold, indicating that the primary motivation behind the law was to regulate the market rather than to prevent people from drinking absinthe.

⁷⁸ Studer, "The Green Fairy," 498-500. Victor Anselmier, *L'Empoisonnement par l'Absinthe* (Paris, 1860), 26.

Chapter 4

Distillateurs and their Defense: Vagueness in the Absinthe Ban

The March 1915 law banning “*absinthe et similaires*” prohibited the fabrication of absinthe and similar drinks as well as their sale, and a number of the individuals arrested in the years following the law were individuals who had been accused of making absinthe. Many of the accused *distillateurs* defended themselves in appeals to their local Departments of Criminal Affairs, saying that their products were not similar enough to absinthe to fall under the ban, and the ways in which they defend these products show what kinds of drinks were considered by local courts to be “similar” to absinthe. It was seven years before an update to the ban was passed in 1922 to codify the parameters defining which drinks could be considered similar to absinthe, even though citizens and court officials alike had complained in letters and court reports that the 1915 law was too vague. The long wait between the 1915 law and its 1922 revision indicates that the March 1915 law was intentionally vague, especially given that the prohibition of the transportation and retail sale of absinthe from January 1915 had been so quickly revised to include a ban on any creation or sale of the drink whatsoever. Additionally, the parameters set by the 1922 law defined “*similaires*” to be drinks similar to absinthe in appearance, but the new law did not mention the essences that had raised concern in the *Académie de Médecine*. The defenses of the *distillateurs*, in addition to the long wait between the legal update and the nature of the update itself, indicate that here again, the primary focus of the French State was to facilitate market regulation rather than to protect the French population from a dangerous chemical.

The vagueness of “*absinthe et similaires*” gave local courts an important role in the prosecution of liquor-makers and shopkeepers because it meant that each local court had the power to define what made a drink similar to absinthe. Placing this power in local courts meant that each local court had the capacity to interpret the ban as strictly as they judged it should be, with the result that two different local courts could come to different decisions even regarding the same individual or absinthe-like liquor. This situation of power over the interpretation of market-related laws in the hands of local courts followed a precedent set by laws passed in 1855 and 1867 which allowed towns and cities to establish their own control over the market of comestibles.⁷⁹ Allowing local courts and city governments to set their own standards for the interpretation of the market laws introduced an increased degree of variability into law enforcement, because towns had the option to interpret the law very specifically and to barely enforce it at all. This degree of variability is surprising in the case of absinthe, because it indicates that lawmakers were not as concerned about the dangers of the drink as they seemed to be. Instead of taking the recommendations from the *Académie de Médecine* and banning the toxic ingredients of absinthe, the law placed an increased degree of power over the doings of small businesses into the hands of city governments and set a precedent of governmental control over the market of comestibles.

Jules Pernod was the head of an Avignon distillery that specialized in the creation of *apéritifs*, and like many of his fellow *distillateurs*, he continued to make aniseed liquor resembling absinthe after the 1915 law prohibited absinthe itself. His liquor, which he called *Pernod anis oxygénée*, followed the court’s requirements for legality because it had an alcohol

⁷⁹ Dessaux, “Chemical Expertise,” 352.

content of around 30 degrees and a sugar content of more than the minimum 200 grams of sugar per liter. It formed a *louche* after the addition of seven parts of water to one part of liquor, due to the presence of aniseed oil. Pernod made white, yellow, and green varieties of this liquor, all with added sugar and 32 degrees of alcohol. He was questioned by the court about his product and defended its legality but had discontinued all but the yellow variety of this liquor by 1920.

On July 16, 1920, the same Senator De Lamarzelle who had initially proposed the ban on absinthe in 1908, brought an appeal against Pernod into court and accused him of the creation and distribution of a liquor “similar to absinthe” in defiance of the 1915 law. He specifically targeted Pernod’s factory in Montfavet, near Avignon, which was making *Pernod anis oxygenée*. Lamarzelle argued that any anise liquor was similar enough to absinthe to be covered by the ban. Pernod appeared before the court in Avignon in June of 1921 to contest this appeal, and the court declared his creation to be different enough from absinthe that it was not covered by the ban. However, he was arrested again on December 22nd of the same year and tried in Nimes for the making the same liquor. This time, the court found his liquor to be similar enough to absinthe that it defied the ban. Pernod was fined and forced to close his Montfavet distillery, and was further convicted for owning several stores in Marseille and Lyon which sold *Pernod anis oxygenée*.⁸⁰

The change of court ruling between June and December of 1921 had to do with the different measures of “similarity to absinthe” which were taken by the courts in Avignon and Nimes. The court of Avignon declared *Pernod anis oxygenée* to be safe from the ban because it was chemically different from absinthe based on its sugar and alcohol content. However, the

⁸⁰ AN BB/18/6844, Cour d’Appel de Nimes, 13 July 1922.

court of Nimes ruled that because Pernod's liquor was prepared in the same way and formed the same louche as absinthe, it was similar enough to absinthe that it could also be considered illegal. This change in the decision-making process might have been because of regional difference in the interpretation of the 1915 law that banned "absinthe and similar drinks" in vague wording. However, it could also have reflected reasoning behind the ban; any drink marketed to be consumed in a similar way to absinthe might have had the effect of perpetuating interest in absinthe among its consumers.

Pernod was not the only *liquoriste* to have problems with lack of specificity in the language of the absinthe ban. The vague wording of "*absinthe et similaires*," which did not specify any characteristics that might place a liquor in the same category with absinthe, caused controversy almost as soon as the law was published. In some cases, such as that of Pernod, reports of confusion or ambiguity in the law come directly from court notes or legal reports. In other cases, liquor-sellers took it upon themselves to ask for clarification in order to avoid legal trouble in the future.

Two liquor-sellers in Rouen, capital of the region of Normandy, lost little time in responding to the March 1915 law. In letters written to the French legislative seat in Paris in June of 1915, they asked for clarification regarding the "similaires" included in the absinthe ban, and about the specific characteristics that would qualify a liquor as being similar to absinthe. The writer of the first letter asked whether the law is meant to target liquors which looked like absinthe, or behave in the same way when mixed with cold water. The letter pointed out that even the purest and best-made liquor, if it is flavored with certain oils, turned cloudy when mixed with cold water because the oils are insoluble in water and emulsified instead of

dissolving. The writer went on to suggest that a new law be introduced to ban the specific plants that made absinthe dangerous and addictive. The writer of the second letter made a similar request for precision in the law, and asked directly whether the similarity between absinthe and the other liquors covered by the ban referred the inclusion of wormwood as an ingredient. The letter requested that if “*absinthe et similaires*” had been prohibited because of that herb in particular, that the law be updated to specify wormwood as an illegal additive. In this case, the letter-writer interpreted the ambiguous “similarity” to absinthe as the presence of wormwood in a drink, and hoped that the law could be updated to clarify whether or not this interpretation was correct.⁸¹

Nearly a year later, in May of 1916, a liquor-maker named Edmond Joanne, founder and head of a Paris distillery, wrote a letter to the Director of Criminal Affairs⁸² asking for assistance with some legal trouble that had arisen from the ambiguity in the March 1915 law. Following the absinthe ban, one of the products of Joanne’s distillery had been pronounced suspicious by the General Director of Indirect Taxation, whose office had been specifically charged with prosecution of absinthe makers and sellers. Joanne had asked for help from the administration of this office, and had received written and signed permission to sell his product. In addition to this permission, Joanne went to the Director of the Repression of Fraud with a list of all of the characteristics of his liquor, in order to make absolutely sure that it was legal to sell. In his letter, he repeated several times that he had done his best to demonstrate his good faith with the law, and that he was dismayed to find that he was nevertheless accused of selling an illegal drink.⁸³

⁸¹ AN BB/18/6844, Two letters, Rouen, June 1915.

⁸² The title in French is *Directeur des Affaires Criminelles et des Grâces*, signifying that this office takes charge of governmental pardon as well as criminal justice.

⁸³ AN BB/30/1694/24, Joanne, Paris, 24 May 1916.

A report typed in the office of Criminal Affairs recorded an interview with another government official, the *Directeur Général des Contributions Indirectes*, regarding Joanne's case. The report corroborated the information in the Joanne's letter, noting that Joanne had in fact received permission to sell his product but that he still found himself facing charges for selling something similar to absinthe. The liquor in question, labelled "*Liqueur Joanne*," was described as containing 23% alcohol and more than 200 grams of sugar per liter. It did not take on the characteristic opalescence of absinthe when it was mixed with water. The report acknowledged that Joanne himself never considered it to be a substitute for absinthe. The only similarity noted in the report was that *Liqueur Joanne* was frequently presented in the same glassware as was used to serve the notorious absinthe au sucre. The writer ended the report by asking the Director of Criminal Affairs to intervene on Joanne's behalf. Joanne was the head of one of the most important distilleries in Paris, which employs between 60 and 80 workers. Shutting down the distillery would deal an economic blow far exceeding any harm done through the production of the alcohol in question. Moreover, Joanne himself was 76 years old, and had been a well-respected figure in Paris for decades. The report expressed disgrace that such heavy consequences should fall on the shoulders of such a decent, upstanding man, when the events that prompted them were out of that man's control.⁸⁴

From the report written about Joanne's case and request for assistance, it seems likely that the *Liqueur Joanne* was subjected to scrutiny mainly because it resembled absinthe both in its anise flavoring and in the way it was presented. This is reminiscent of the case of Coralie Lafon, whose arrest only came about because Ahmedould Yahia, police agent in Algeria, had

⁸⁴ AN BB/30/1694/24, Joanne, Paris, 24 May 1916.

smelled anise liquor from outside of Lafon's establishment. Upon entering, Yahia had also narrowed his focus to the glass in front of Lafon's customer, and intended to use it as evidence of the illegal sale. It seems unlikely that Yahia intended to bring back whatever liquor remained in the cup for some kind of testing at the office of the Commissaire, and much more likely that he intended to use the glass itself.

The glassware used to serve absinthe, especially in the form of *absinthe au sucre*, was distinguishable among other apéritif glasses both by its shape and by its larger size. Many



absinthe glasses were designed to measure out one portion of absinthe, which was generally poured to the top of the marked section at the base of the glass. That absinthe could then be diluted with water to the drinker's taste. These glasses were much larger than the glasses used for other *apéritifs* such as vermouth or kirsche, because the alcohol content of absinthe was much higher than these drinks and it was typically diluted to many times the original volume. The association of absinthe with this particular style of glassware explains why in Joanne's case, the presentation of

his *Liqueur Joanne* in absinthe glasses might raise the suspicions of the governmental agents charged with the enforcement of the absinthe ban.⁸⁵

⁸⁵ Delahaye, *L'Absinthe: son Histoire*, 317.

There was no mention in the records of either of these two cases of *absinthe*, the herb that gave the drink its name. This is striking especially in Joanne's case, because the other characteristics of his liquor were listed in the letter written in the Department of Criminal Affairs reporting the case. It is possible that the conversation within the senate that focused on the inclusion of wormwood-derived thujone as being the most dangerous aspect of absinthe were not widely publicised through the local courts responsible for most absinthe-related trials. In that case, local criminal courts might have considered that the law was meant to cover any liquor that shared the anise flavor and the *louche*--the most distinctive and apparent traits of absinthe. No mention is made of wormwood flavoring being combined with any other flavor than anise, although different varieties of absinthe featured herbs such as sage which would contribute their own distinctive secondary flavors to the drink.

Although the vague language of the law was a problem for the efficiency of its application, legislators' decision to prohibit drinks similar to absinthe as well as absinthe itself was necessary in order to prevent merchants and distillers from simply re-branding their product to escape the ban. Lack of positive regulation of the comestibles market meant that there was nothing to prevent a *liquoriste* from re-inventing absinthe under a different name. Liquor sellers who were brought to trial for infraction of the ban sometimes contested any relationship between their product and absinthe, as was the case with Edmond Joanne. In other cases, there is no record of any such protest.

M. Marchand, who distilled spirits in Bordeaux, was arrested in April of 1919 on charges of making a drink similar to absinthe which he called "Anisado." A letter from the Attorney General in Bordeaux reported that he contested these charges, and went on to note that Marchand

was acting “in a nervous state” in court and in his protests. The Attorney General ascribed his behavior to personal misfortune, since at least two of his sons had “died for France” during the war.⁸⁶ Though the report noted his protest, the nature of that protest was not clear, and no mention was made about whether Marchand himself believed the arrest to be unjustified or not.

A February 1922 court hearing in Vesoul, near the eastern border of France, dealt with another case in which the distiller was accused of selling an absinthe surrogate. This case demonstrated the extreme variability of the absinthe ban enforcement, since the same court had pronounced the same liquor dissimilar from absinthe three years previously. M. Blanrue, the head of a distillery called *Maison Maurice*, had produced a liquor called “*Le Durgeon*,” after one of the rivers nearby the city of Vesoul. This liquor had been declared legal to sell by the regional Minister of Finances, and was mainly sold to hotels, cafés, and restaurants. The report of the hearing stated that the owners of these establishments had threatened to take legal action against anyone who questioned the legitimacy or legality of *Le Durgeon*, and no one had done so until 1922. In the resulting court hearing, attended by many of the shopkeepers and business-owners who had sold the liquor, *Le Durgeon* was found to be similar enough to absinthe that Blanrue was fined for producing it and the *Maison Maurice* was closed. The débitants who had sold it also lost their shops, causing some of them financial ruin. The report, which was not written until July of 1922 in the nearby city of Besançon, described these punishments as “terrible,” and the final passages of the report expressed a hope that the law from March 1915 could be modified to be more precise for the benefit of honest merchants who were trying to obey the law.⁸⁷

⁸⁶ AN BB/30/1694/24, Marchand, Bordeaux, 5 April 1919.

⁸⁷ AN BB/18/6844, Blanrue, Besançon, July 1922.

Seven years after the March 1915 absinthe ban, an update to that law was proposed in the Chamber of Deputies in Paris by a deputy named Barthe and 30 of his colleagues. The proposition started with a restatement of the earlier law, and an acknowledgement that the wording of the ban had caused a great deal of uncertainty regarding the definition of liquors considered similar to absinthe. It explained the mechanics of absinthe ban somewhat by stating that the *Administration des Contributions Indirect*, an office that had been designated specifically to take charge of and enforce the application of the 1915 law, usually sent any liquors that seemed suspicious to the laboratories of the Minister of Finance in order to examine their constitution. There was no detail given about specific characteristics or ingredients tested; in fact, the proposition declared that the law was silent on this subject and asked how the decisions could therefore be anything other than arbitrary. This silence was reflected not only in the letters from the liquor-sellers in Paris in 1915, but also in the requests from many of the distillers to know the criteria of the ban before they started making their products.⁸⁸

Barthe and his fellow deputies commended the zeal of the *Administration des Contributions Indirect*, but stated that they were in need of concrete criteria for the products to be declared illegal. The proposition recommended that the following characteristics should qualify an anise-flavored liquor as legal and allow it to be sold. Such drinks would have an ethanol content of no more than 30%, and would be bottled with a minimum of 10 grams of sugar per 1% alcohol, with an absolute minimum of 200 grams of sugar or glucose per liter. They might be any color except the typical green of absinthe. This reduction of alcohol content and addition of sugar might have been intended to prevent consumers from preparing drinks

⁸⁸ AN BB/30/1694/24, Barthe, *Proposition de Loi*, Paris, 1922, 2.

similar to *absinthe au sucre*, because the traditional preparation of the liquor using sugar and cold water may have been part of the appeal of absinthe. This remains speculation, however, because no rationale for these changes was given. The proposition also suggested that in order to escape prohibition, the addition of four parts of water to any anise-flavored liquor should not produce more than a small *louche*, and the effect should disappear completely upon the addition of three more parts of water.⁸⁹

The proposition did not mention wormwood, thujone, or *essences* at all, even though those ingredients featured heavily in the discussions leading up to the law of March 1915. The changes that Barthe and his colleagues suggested mainly focus on reducing the alcohol content of the drinks in question, and on limiting their visual similarity to absinthe through color and chemical behavior. It is impossible to tell from these records why the priorities of the law-makers might have shifted, but it is clear that they did. The original *Rapport* from the 1911 senate meeting emphasized the dangers of *absinthisme*, or addiction to herbal extracts, as a problem that endangered the French population much more immediately and severely than the larger problem of alcoholism. One of the original proposed laws even discussed prohibiting thujone itself, and thus rendering absinthe harmless. The fact that no references to thujone remained even in the original law when it was passed in 1915 suggests that either the legislators believed that banning absinthe would prevent the French people from coming into contact with thujone entirely, or that they came to the agreement that the thujone and other alkaloids from the *essences* used in absinthe were not a priority to address after all.

⁸⁹ AN BB/30/1694/24, Barthe, *Proposition de Loi*, Paris, 1922, 3.

The lower alcohol content and added sugar mandated by Barthe's proposition meant that any liquor that met those standards would not longer have needed to be sweetened and diluted to make it palatable. This, along with the suggestion that anise-flavored drinks should not be the same green color as absinthe, ensured that any drink that met these recommended criteria would neither resemble absinthe in the bottle nor be prepared in the same way. This might have had the effect of robbing *anisettes* of part of their symbolic power. They were no longer the same potent elixirs that transformed as they were tamed by sugar and water. It is difficult or impossible to tell from these records, and from the records of court cases, whether the legislators intended to specifically target the traditional way of serving absinthe, but they might have seen the preparation of *absinthe au sucre* as a physical aspect of the absinthe habit they were trying to eradicate in the French population.

Drinks banned by the update could also easily be recognized, because the new law made it illegal to make anisettes in the characteristic green of *absinthes vertes*. This is confusing from a medical perspective, since it would have been easy for any liquor-maker to color their product in however they chose with the same sorts of

mineral additives that were used to make some cold-method absinthes green. Additionally, absinthe before the ban had taken on colors ranging from green to yellow to clear, with certain distilleries even coloring their products red or pink.⁹⁰ Before the ban, the primary defining



⁹⁰ Camis. *Rosinette: Absinthe Rose Oxygénée*. In *L'Absinthe au Féminin* (Equinoxe, St-Remy-de-Provence, 2007), 90.

characteristic of absinthe had been the bitter flavor from wormwood. Again, the 1922 law does not mention wormwood at all, and it seems rather that the primary characteristic of absinthe as defined by law had become its appearance rather than the *essence* that had caused de Lamarzelle and his colleagues who proposed the first law so much concern. This shift in priorities could indicate that the legislators who passed the 1922 update found the ingredients of the drink less dangerous than the idea of “la fée verte” in popular culture, and that they aimed to make the drink less appealing by taking away one of its primary visual characteristics. It might also be a sign that part of the reason that the law was updated was because the original absinthe ban was difficult to enforce, and the specification that banned any drink which *looked* like the classic green absinthe was designed to make it easier for police agents to recognise.

After Barthe and his colleagues published their proposition of an update to the March 1915 law, the Minister of Justice responded with a note in two parts. In the first part, he pointed out that under the updated law, the codification of criteria for drinks considered similar to absinthe would prevent some of the arbitrary classifications made on the level of local courts. Samples of suspicious liquors would no longer need to be sent to laboratories to be tested for undefined qualities. This meant that distilleries would know beforehand whether their products were legal to sell, and would no longer have to write to their local Administration of Indirect Taxation to ask for permission on a case-by-case basis. The Minister for Justice suggested in this first section that it might be necessary to expand the definition for liquors similar to absinthe, because distillation and liquor production was a rapidly-evolving industry. He asked how it could really be possible, in light of the constant experimentation and modification present in these

industries, to know what constituted absinthe, and warned that companies were fully capable of creating a new absinthe substitute every day if they so chose.

The second part of the note responded to a part of the proposition not included in the document preserved in the National Archives. The Minister for Justice writes that Barthe's proposition would end the penalty of closure for shops found to be selling absinthe, and responded by saying that such a recommendation must be rejected. He argued that this penalty was the only effective sanction that both punished the offending débitants and prevented further circulation of absinthe, and that it would be illogical to stop using it as a consequence. He also made the point that following the proposed update to the law, it would be clear to shopkeepers and distilleries which of their products can legally be sold, so if they persisted in selling prohibited liquors in spite of this knowledge, their demonstration of bad faith could reasonably be punished.⁹¹

A company report from the *Reynaud Frères* distillery, near Nimes, described legal trouble in 1922, indicating that not all liquor-producers were contented with an updated absinthe ban. The report stated that the distillery had been producing an anise liquor since 1919, and representatives of the company had written to the *Directeur des Contributions Indirect* in order to find out whether or not this product could legally be sold. The Director responded that he was unable to tell one way or the other, but that the good faith of the company was plain to see. The report went on to defend the liquor by saying that it was not at all similar to absinthe. It was anise-flavored, and bottled with 250 grams of sugar per liter. It had an alcohol content of 34%, and therefore conformed to the new law passed on July 17, 1922, updating the ban from March

⁹¹ AN BB/30/1694/24, Barthe, *Proposition de Loi*, Paris, 1922.

of 1915. The only aspect of this drink not in compliance with the conditions of the new law was its formation of a *louche* upon the addition of seven parts of cold water. The writer ended the report by asking whether *Reynaud Frères* was really at fault, if the crime they had committed was not defined. There was no legal definition for anise liquor, nor any way to tell whether or not it could be considered similar to absinthe simply because it was flavored with anise. From the point of view of the company, Parliament seemed to have voted on the July 17, 1922 law mainly for the purpose of halting the large number of ongoing investigations and trials regarding absinthe sale. It had not, therefore, been introduced to curtail sales which had been considered legal before the new legislation was introduced.⁹²

The complete omission of wormwood or any *essences* in the 1922 update to the absinthe ban and in subsequent legal proceedings suggest that despite the indication in discussions leading up to the 1915 absinthe prohibition, the regulation of absinthe was primarily an issue of economic control and market regulation rather than one of public health and safety. In their reports to the Senate preceding the 1915 ban, the *Académie de Médecine* stated that the danger of absinthe came not from the anise oil that causes the *louche* effect, but from chemical compounds in the other herbs used to flavor the drink. As the report from *Reynaud Frères* suggests, the update to the law was not a means to further protect the French population but a means of expanding control over the food market in France.

⁹² AN BB/30/1694/24, Reynaud Frères, Nimes, 2 December 1922.

Conclusion

Examination of the mechanics of the absinthe ban of 1915, and its 1922 update, reveals that the legislators who passed it made use of the same mysterious reputation which that drink carries today in order to advance the related but separate cause of food regulation in France. The myth was a product of the many different social moments that absinthe brought together during its rise to popularity and then infamy between 1830 and 1915. The drink was associated with exoticism, French power, and military victory because of its introduction to fashionable metropolitan France at the hands of returning colonial soldiers after 1830.⁹³ Moreover, it became a symbol of the potential for working-class people to adopt the fashions of the *bourgeois* class, and took on a reputation as a catalyst for change in women's social roles and the resulting upset among male participants in drinking culture between the 1870s and 1890s.⁹⁴ Absinthe also intersected with a growth in consumption of hard alcohol and resulting alcoholism in France in the second half of the nineteenth century, linking it irrevocably to images of alcohol-induced misery and medical crisis regardless of whether or not the drink itself was specifically to blame. The myth of absinthe as a powerful substance was only helped along by nicknames such as “*la fée verte*,” which offered their own degree of mysticism to the drink.

This mysticism obscured and continues to obscure the effect of the absinthe ban on the French comestibles market. The vague wording that prohibited “*absinthe et similaires*,” resulted in a great deal of variability in court verdicts, because courts had to set their own precedents instead of relying on a standardized list of criteria. It also localised decisions about which

⁹³ Studer, “The Green Fairy,” 494.

⁹⁴ Goudeau, *Paris Qui Consomme*, 97. Haine, *The World*, 96.

retailers were allowed to sell alcohol, because local courts were responsible to establish how strictly they would enforce the precedents they set. This decentralization in market regulation had the effect of increasing the amount of power held by city courts over the market of comestibles, which allowed for increased governmental market intervention and established the beginnings of the positive regulation of food products.⁹⁵

Records of these local cases show the demographics of small-scale liquor-sellers in the years immediately following the ban, or at least the demographics of the individuals who were arrested for selling absinthe. They reveal that women were heavily involved in the absinthe trade after the ban, and also that sometimes their involvement in court cases prevented male *débitants* from being convicted of breaking the law. Absinthe's popularity, then, was certainly contemporaneous to the expansion of women's role in public and professional life, whether or not it caused this expansion. The cases also indicate that absinthe was not considered particularly dangerous by the accused *débitants* or the courts to whom they appealed. The Widow Roche, for example, declared that she was saving the absinthe in her store to give to her son, and expected this appeal to be accepted as reasonable by the Court of Appeal of Nimes.⁹⁶ The long wait between the passage of the 1915 law and its 1922 update also indicate that the French State did not consider absinthe to be as much of a threat as Senator De Lamarzelle described in his 1908 *Proposition de Loi*, both because the State made no immediate move to clarify the ambiguity of the 1915 law, and because even after the law was finally updated, the new list of criteria

⁹⁵ Dessaux, "Chemical Expertise," 352. This paragraph illustrates the point I made in the introduction about the way the myth of absinthe as a mystical material has perpetuated. Simply put, the myth of the green fairy is juicier than the history of French market regulation.

⁹⁶ AN BB/30/1698/24, Veuve Roche, 22 Jan 1916.

designating “similarity to absinthe” targeted drinks that looked like absinthe rather than those containing potentially dangerous *essences*.

The characterization of absinthe as an “injurious poison” allows for a narrative about the absinthe ban that centers around the idea of an inexorable progress of society and science together. Examples of this narrative might be “Once the French State started to pay attention to the scientists of the Académie de Médecine and realized that absinthe was toxic, they banned the drink in order to stop it from doing harm to French citizens and French society.” Or, “The French State responded to the growing problem of alcoholism by restricting a specific drink that they deemed especially harmful to their society.”

Either one of these narratives might have elements of truth, but they become problematic when they follow to their logical consequent: “Having made use of twenty-first-century technology to re-examine nineteenth-century medical studies, the French State could safely lift a ban on a substance that had been relatively harmless all along.” Generally, narratives of constant progress oversimplify the events of the past and conclude that the way things are in the present is their inevitable and positive outcome. In the case of absinthe, the debate over whether or not it is *actually* dangerous have obscured the complicated ways in which colonialism, gender, national identity, and the relationship between science and government have shaped and been shaped by the history of this strong green liquor.

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