



Labels, Brands, and Market Integration in the Modern Era

Corine Maitte

As structural market elements, brand names and labels are the source of research, debates, and political struggles. Historical perspectives are rare. Researchers have analyzed the significance of brands under the Ancien Régime, a system of collective obligatory labels marking the certification of qualities abolished by the revolutionary decisions of 1791. I show how the fluidity of brands continually subtends the fixity of what they signify. A “branded” product in the Ancien Régime is a polysemic utterance whose different understandings accumulate, cover each other, and sometimes intermingle. To grasp brands’ and labels’ multiple meanings among collective labels and individual brands, trademarks, and brand names and the ruptures and continuities in these terms, post-French Revolution, I examine brands in textiles, cutlery, and glass-making. These fields differ in the work involved, the scale produced, and the nature of the clientele, allowing us to deepen our understanding of the complex significance of brands.

As structural elements of markets, brand names and labels are everywhere. They have been the source of research, debates, and political struggles.¹ In any of these discussions, a moment comes when the

¹ See, for example: Jean-Noël Kapeferer and Jean-Claude Thoening, eds., *La marque* (Paris, 1989); Andrea Semprini, *La Marque* (Paris, 1995); Naomi Klein, *No Logo: No Space, No Choice, No Jobs* (London, 2000); Michel Chevalier and Gérard Mazzalovo, *Pro Logo: Plaidoyer pour les marques* (Paris, 2003); Danielle

Corine Maitte <Corine.Maitte@univ-mlv.fr> is professor of modern history at the University of Paris-Est Marne-la-Vallée, laboratoire ACP. This essay was translated from the French by Will Bishop.

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importance of history is underlined. Brands themselves often use historical depth as a sign of their legitimacy, and researchers often recall the long-standing aspect of brands, which were already in use during high Antiquity. Yet a historical perspective on the long-standing nature of this phenomenon remains rare.² Some researchers have analyzed the significance of brands under the Ancien Régime, but we all too often have a tendency to think of the whole of the Ancien Régime as a system of collective obligatory labels that marked the certification of qualities that were purportedly entirely abolished by the revolutionary decisions of 1791.³ Here, I will show just how the fluidity of brands continually subtends the apparent fixity of what a brand signifies. In other words, to say that a product is “branded” in the Ancien Régime is a polysemic utterance whose different understandings accumulate one atop another, covering each other up and sometimes even intermingling. This is particularly the case where in French the word “*marque*” is used to refer to a broad range of economic entities: trademarks, brand names, labels, seals, and so forth. As Alessandro Stanziani has recently reminded us, it is necessary to open this Pandora’s box to understand many discussions held during the early nineteenth century.⁴

In order to grasp the multiple meanings of brands and labels, the complex relationships among collective labels and individual brands, trademarks, and brand names, and the ruptures and continuities in the use of these terms after the French Revolution, I examined the role of brands in three different fields: textiles, cutlery, and glass-making. These fields differ in terms of the kind of work involved, the scale of what is produced, and the nature of the clientele, and thus deepen our understanding of the complex significance of brands during this period.

Labels and Brands in the Ancien Régime Textile Industry

The textile industry was one of the most regulated industries under the Ancien Régime; it was also one of the most important industries to its

Allérés, ed., *Marques de Luxe: Significations & contenu* (Paris, 2005); and Lucien Karpik, *L'économie des singularités* (Paris, 2007).

² Alain Beltran, Sophie Chauveau, and Gabriel Galvez-Béhar, *Des brevets et des marques: une histoire de la propriété intellectuelle* (Paris, 2001); Alessandro Stanziani, “Les signes de qualité: Normes, réputation et confiance (XIXe-XXe siècle),” *Revue de synthèse* 127, no. 2 (2006): 329-58.

³ Jean-Yves Grenier, *L'économie d'Ancien Régime* (Paris, 1996); Gérard Gayot, *Les draps de Sedan* (Paris, 1998); Philippe Minard, *La fortune du colbertisme: Etat et industrie dans la France des Lumières* (Paris, 1998).

⁴ Alessandro Stanziani, “*Marques, marques collectives*,” in *Dictionnaire historique de l'économie-droit, XVIIIe-XIXe siècles*, ed. Alessandro Stanziani (Paris, 2007), 229-38.

economy.⁵ As Philippe Minard has shown, this was certainly the case in France, but was also true for much of Europe in the “conventions of regulated quality” that were demanded by producers, trades people, and clients, and certified by different authorities. In this system, branding played an essential role in coordinating markets.⁶ The trust placed in certain brands and the reputations built based on this trust were fundamentally linked to public policy and to imposed quality norms. They were at work at several different levels and had varied characteristics. In his *Perfect Negotiator*, Savary des Bruslons crystallizes this idea when he indicates that any product can have different brands:

. . . either to indicate the place where they were produced, or to serve as a guarantee for the quality of the workers who made or prepared them, or to allow it to be known that they were seen and visited by those appointed to the police of their manufacturer, or yet again to serve as proof of the fact that the duties imposed upon the manufacturers were fully and duly accomplished.⁷

A commercialized textile product could receive four or five different marks (inscription at the top of a piece, on its edge, in an iron, and so forth), each of which carried different information. The problem is complex, and I cannot treat it fully here. I argue that labels and brands were constantly interpenetrating each other and often corresponded to very different realities; that it is largely arbitrary to impose distinct boundaries between the certificatory and commercial roles played by brands; and, finally, that the definition of a forgery shows the lasting power of certain uses of brands beyond the French Revolution.

Some collective brands identify the fact that a product comes from a certain place: “Rouen” for canvas, “Mazamet,” “Prato,” “Sedan,” “Louviers,” “Elbeuf,” and countless others for wool. These collective territorial labels are so extensive that it is likely that we have never had complete inventories. Certifying both the origin and qualities of certain products, these labels have been a structural element of commerce since the Middle Ages.

However, it is sometimes hard to know to what this indication of origin refers. This is the case for the name “*bretagnes*,” linen fabric made in the region between Saint-Brieuc and Pontivy. The name seems to follow from requests by manufacturers to indicate where the fabric is made. Yet in reality, the appellation was born from international commerce created by clients’ demands, not by those of salespeople, and still less of

⁵ Denis Woronoff, *Histoire de l'industrie en France, du XVIIe siècle à nos jours* (Paris, 1994).

⁶ Minard, *La fortune du colbertisme*, 277.

⁷ Jacques Savary des Bruslons, *Le parfait négociant* (Paris, 1675; rpt. Düsseldorf, 1993), entry “marque,” 2:301-9, quotation at p. 301.

producers. It shows one of the ways strictly geographic brands (*toiles de Quintin, de Pontivy*, and so on) can evolve into what André Lespagnol has defined as “a label,” which “designates in a precise, stable, clearly delimited way a certain kind of fabric which has only the appearance of being geographical.”⁸ The regulation adopted by major tradesmen certified the “*bretagne*” brand in 1676. There were three levels of verification, two of which carried official value. The fact that the “*bretagne*” brand was a label indicating certain defined and stable qualities is what allowed these fabrics to win out over fabrics from Silésie.

Therefore, regulatory definitions and certifications are certainly factors of stability, but they are not synonyms of rigidity; far from it. There are at least two major factors in play: first, the territory covered by these brands was constantly susceptible to renegotiation, although we know little about this subject; second, the qualities defined by the regulations were also susceptible to regular renegotiations, in the context of urban guild masteries or royal regulations. Changes in the clientele’s qualitative demands and the demands of fashion were more readily prone to integration into regulations than has been noted. The same brands signify sometimes-shifting qualities over the course of redefining norms. We see this clearly in the example of Prato in Tuscany.

Prato was an ancient center for the production of wool fabrics of middling to poor quality for the regional and interregional market.⁹ Their production continued into the eighteenth century, but Prato also began to produce sheets mixed with linen, cotton cloth, and various other products of relatively poor quality. There was constant pressure to adapt regulations to the demands of the modifications in production quality. Thus, the regulations were not fixed, but could be adapted to the demands of cost or of fashion, all the while justifying the existence of the Prato label, which was marked in capital letters on all the sheets. In Prato, the corporation’s representatives attempted to make the benefits of this system clear to those who would prefer it did not exist:

. . . the label of the Art is useful in authenticating the perfection of the work and largely facilitates commerce, in such a way that the fabrics of Prato are sold by the hundreds without paying attention

⁸ André Lespagnol “Des toiles bretonnes aux toiles ‘bretagnes’: Conditions et facteurs d’émergence d’un ‘produit-phare’ sur les marchés ibériques,” in *Echanges et cultures textiles dans l’Europe préindustrielle*, special issue of *Revue du nord*, hors série, Collection Histoire, no. 12 (1996), ed. Jacques Bottin and Nadine Pellegrin, 179-92, quotation at pp. 181-82.

⁹ Corine Maitte, *La trame incertaine: Le monde textile de Prato, XVIIIe-XIXe siècle* (Villeneuve d’Ascq, France, 2001).

to anything but the mark of the Art which gives this city's work its spirit and life.¹⁰

A brand is a quality label and a multiplier of sales. A label is all the more useful in encouraging, by extension, the sale of a whole range of unregulated products that are produced by the same merchant-producers. Merchant-producers in Prato reap benefits from this production at two different “speeds”: one free, the other regulated. This is a very different system than the one in place in Tuscany in 1775, when corporations were suppressed, or set by Necker in 1779 in France. Nonetheless, it is a system that worked to the advantage of Prato's factories, which were able to produce a little bit of everything: many freely made sheets, and a few that were regulated—just enough to maintain the benefits associated with the Prato label.

However, labels may have no qualitative significance, or almost none. Nîmes provides a perfect example of the constant renewal of silk fabric and stocking production under the guise of a 1682 regulation that officials had never actually applied. This is because in a center such as Nîmes, characterized by the low price of its products, constant adaptation is a part of the rules of the game. If the label still designates a place that is itself subject to certain modulations, it no longer guarantees any particular quality, but only the “reputation for being cheap” and sensitive to fashion.¹¹ Both characteristics are essential to the success of its products. Merchant-producers affix the physical labels themselves to the products in their own workshops and not at a central office, as the local authorities clearly state.

While these are some of the advantages of labeling and branding in products of basic quality, higher quality manufacturers use labels and brands very differently. In France, certain collective labels have very particular characteristics because they bear a “royal” title: this is the case in Sedan, Louviers, and Elbeuf, for example.¹² The producers at these manufacturers therefore have the right to brand their pieces of cloth with “royal manufacture of” Sedan, Louviers, or elsewhere. What are the distinctive characteristics of this label? There is strict enforcement of quality controls, but not any stricter than everywhere else. The label, above all, acts as a commercial argument of primordial importance that, in the client's mind, associates the products directly with the king, even if it is still set into place by individual manufacturers.

¹⁰ Ibid., 93.

¹¹ Line Teisseyre-Sallmann, *L'industrie de la soie en Bas-Languedoc, XVIIe-XVIIIe siècle* (Paris, 1995), 171, 306-12 (“le mépris des règlements”).

¹² Gayot, *Le draps de Sedan*; Alain Becchia, *La draperie d'Elbeuf (des origines à 1870)* (Rouen, 2000).

Of course, consumers covet these labels even more because of their prestige. All of them are susceptible to counterfeiting.¹³ Exchanges of labels and forged brands were a rampant practice from the Middle Ages on. In the modern period, the king's punitive sentences for the still-numerous forgers were severe: the application of these sentences merits further study. They had no effect, however, on foreign forgeries that occurred more and more often beyond the borders of France. The merchant Moccasy, while traveling to all the major wool manufacturers in Europe during 1766/67, noted these practices and gave a specialist's opinion on products with forged brands.¹⁴ Far from showing his appreciation for a copy certified as being in conformity, he scorns it, and one can easily understand why he would never order fabrics from manufacturers that are masters in the art of forgery. This harsh rejection no doubt reflects his conviction that regulations and norms guarantee a fair relationship between quality and price. Counterfeit products, of inferior quality to the model, run the risk of costing too much, not in comparison to the product they have copied, but in comparison to what he considers the product's intrinsic qualities. Thus, he calls the scale of values into question and the merchant no longer knows what he is to trust to avoid duping. This allows us to understand why the abolition of regulations was more a reason for lasting perplexity and embarrassment than it was the liberation desired by all of those involved in production and exchange.¹⁵ This becomes even more the case, as labels seem to disappear entirely with the revolutionary legislation abolishing corporations, regulations, and former brands and labels.

In fact, as far as brands are concerned, one can note a double movement: the abolishment of obligatory labels and certification, but relatively rapid registration and protection of individual brands. As Alessandro Stanziani noted, the consular and imperial government had to take account of the demands for protection coming from many manufacturers as a way of struggling against forgeries. The law of 22 germinal, year XI (1803) was therefore announced as a temporary decision that would be valid only until the recently inaugurated chambers of commerce pronounced on the subject. If the fourth article of the law indeed mentions "particular brands," which are the only ones to be protected, the eighth

¹³ Suzanne Abraham-Thisse, "La fraude dans la production des draps au Moyen-Âge: un délit?" in *Fraude, contrefaçon et contrebande de l'Antiquité à nos jours*, ed. Gérard Béaur, Hubert Bonin, and Claire Lemerrier (Genève, 2006), 446; Rémy Cazals, "Fraude de place dans la draperie languedocienne au XVIIIe siècle," in *Fraude, contrefaçon*, 457-69.

¹⁴ Corine Maitte, "Au coeur des manufactures de draps de l'Europe du Nord ouest," in *Wools: Products and Markets (18th-20th Centuries)*, ed. Giovanni L. Fontana and Gérard Gayot (Padua, 2004), 627-43.

¹⁵ Minard, *La fortune du colbertisme*, 356-61.

article actually seems more ambiguous in stating that “The label will be considered a counterfeit when one finds inserted words such as ‘*in the style of . . .*’ followed by the name of another producer or city.”¹⁶ “Of another city” is certainly a trace of the collective appellations linked to place names. The terms of the article are even more interesting when we consider that products “in the style of . . .” were not considered fraudulent under the Ancien Régime, so long as they presented themselves as such and did not bear any false brands.¹⁷ Consular legislation, therefore, seems to go even further toward protection than did the Ancien Régime’s. In fact, in the eventual discussion of modifications to the law in 1824, the examples given are even more precise. Unsurprisingly, they refer to textiles:

There are cities of production whose products also have an appellation that can be called collective, and this is still a property. Fabrics from Louviers or Sedan are distinguished in the business as particular kinds of cloth; and it is important to manufacturers in these cities to keep other, more or less similar, fabrics from being confused with their own thanks to a deceitful declaration that would have the double disadvantage of discrediting them and deceiving the consumer.¹⁸

Why this discussion if the 1803 law already declared the crime and its punishment? Because, as the law’s sponsor claims:

. . . the impunity results from the excessive severity of an assimilation that confuses and punishes as crimes of counterfeiting the avowal of an imitation and the supposition of place without distinction, or if you will, the supposition of a place and the direct counterfeit of a personal brand. This is why counterfeits have been easily hidden by materially avoiding the only maneuver described by the law, and cloths have been seen branded by such and such a house, near Louviers, or on Louviers street. And merchants, who are complicit with the supposition that has been prepared, cut the words near or street out of the fabric to make Louviers fabric which they then sell as such, etc. etc.¹⁹

This certainly seems to indicate that a label, even when deprived of its certification, nonetheless continued to play an extremely important commercial role. This is why, said the sponsor of the law, “The project for a law that the king has commanded us to present to you must put an end to these guilty abuses” according to “dispositions recommended as much

¹⁶ *Gazette nationale* (1803), 871-73.

¹⁷ This is the merchant Moccafy’s reaction to his travel in Europe; see Maitte, “Au cœur des manufactures,” 640-42. For the Middle Ages, see Abraham-Thisse, “La fraude dans la production au Moyen-Âge,” 447.

¹⁸ Chambre des Députés, session of 1824, no. 181, 18 June 1824.

¹⁹ *Ibid.*

by the experience of our manufacturing cities as by the General Councils of their departments. . . .”²⁰ Without going into a close commentary on this law, it is nonetheless clear that the experience and practice of labeling in eighteenth-century textile cities are fundamental to the reflections of parliamentarians and the restoration monarchy’s government.

If labels do not entirely disappear after the Revolution, are individual brands born with it? Labels are often the only ones taken into consideration when one speaks of the economy of the Ancien Régime, but we cannot dissociate them from the brands or personal names of the manufacturers. Following a desire for the identification (and “traceability”) of products, the person who produced it must first identify each piece by the brand or their name.²¹ This was already the case during the Middle Ages. This was a way to determine who made which mistakes and, therefore, owed fees. In addition, the manufacturer’s name attached to each piece was a distinctive commercial mark that allowed the product to be sold at a price calibrated to the reputation of the name. “The name of manufacturers is in some ways their inheritance,” explained the inspector of manufactures Goy in Grenoble in 1790.²² In effect, even in the context of regulated production, it is possible for two products of the same quality to differ from one another. From piece to piece and from one manufacturer to another, products produced according to the same norms will not be identical. In addition to the manufacturer’s label, commerce was also based on the names of the different producers. Each manufacturing site was rife with conflicts concerning the usurpation or imitation of the most famous manufacturers’ names for purposes of counterfeiting. The 1770 dispute described by Philippe Minard among manufacturers in Montauban was neither isolated nor anodyne; other examples can be found as early as the Middle Ages.²³ If the name of a niece or a cousin with a patronymic close to one of the more stolid houses was used, this was of course to attract the commercial benefits that came with the name.²⁴

It so happens that certain of these manufacturers could also vaunt a distinctive seal that they did not hesitate to place on their fabrics; this concerns all those who had received a personal *privilège* from the king. Such a brand was, to parody the words of its satisfied beneficiaries in Sedan, both honorific and useful, and useful because it was honorific.²⁵ It was useful because these manufacturers did not have to submit themselves to everyday quality controls and the strict application of regulations. This

²⁰ Ibid.

²¹ Abraham-Thisse, “La fraude dans la production au Moyen-Âge,” 448.

²² Minard, *La fortune du colbertisme*, 278.

²³ Abraham-Thisse, “La fraude dans la production au Moyen-Âge,” 448.

²⁴ Minard, *La fortune du colbertisme*, 278.

²⁵ Gayot, *Les draps de Sedan*, 51.

is, in fact, how new products and fashionable pieces were authorized and promoted throughout Europe. The king certified that privileged manufacturers produce excellence, and that his certification should suffice. In addition, each manufacturer could place a mark at the top of each of their pieces: “royal and privileged manufacturer of . . .,” followed by a large lead piece with the heraldic arms of France and an inscription whose purpose was to alleviate any doubt as to quality. Of course, not all clients gave in to the illusions of these manufacturers’ brands. According to Moccafy, some manufacturers “often sell the name and not the quality.” Thus, the label did not regulate quality alone; it was as much a commercial argument destined to get the product sold using the increasingly refined tactics of “marketing.” On the flyers distributed at European marketplaces and in the books of samples carried around by salespeople, one finds a list of “the imprints of the brands affixed to our cloths”: “Nihil supra” was the brand of the privileged Labauche, in addition to that of the royal manufacturer in Sedan.²⁶ These marketing “tricks,” according to Gerard Gayot, made millionaires out of all those who had received the royal privilege in Sedan.

When we turn to the small world of cutlery, we are far from the success stories of “the most expensive cloth in the world.” Nonetheless, personal brands also flourished in this domain.

Brands in Thiers Cutlery

In the economy of the Ancien Régime, the production of small iron tools played a lesser role than textile production. Yet, this activity was at the heart of production in several cities that furnished populations with instruments indispensable for daily living. Thiers and the surrounding area was one of the major cutlery centers that exported products all over Europe in the seventeenth century. Trade was already regulated in 1582; the regulations were modified in the eighteenth century (1743) without much effect on the brands’ order of importance.²⁷

This order was characterized by the existence of an individual brand for each manufacturer and inscribed onto each one of its cutlery blades. For this inscription, a lead table for branding was entrusted to the “oldest master craftsman living in the city.” Starting in the sixteenth century, the designated master craftsman gathered together each manufacturer’s stamp and added any new brands once a year. One can find this custom in other cutlery regions, in particular in Paris and Chatellerault, and for other

²⁶ Gérard Gayot, “Les innovations de marketing sur le marché européen des draps fins (XVIIe-XVIIIe siècles),” in *Echanges et cultures textiles dans l’Europe préindustrielle*, 111-27.

²⁷ This paragraph is based on Michel Fervel, *Les marques de coutellerie à Thiers et dans ses environs* (Thiers, 2008), and Gustave Saint-Joanny, *La coutellerie thiernoise de 1500 à 1800* (Thiers, 1863).

fields of production, particularly tin potters, edge-tool makers, and producers of metal files. In this domain, it is a question of what Savary calls “master brands.”²⁸

The initial purpose of these brands was to identify each manufacturer’s productions so that visiting master craftsmen could verify that they were being correctly produced. In order to facilitate identification and verification and to avoid counterfeits, the regulation states that brands must be very different from one another. The jury-officials had to make sure of this; thus, it was a regulating use of a brand.

They were also the property of a master craftsman who in fact, against regulations, often owned several of them.²⁹ Brands were inherited as property. Transmitted to widows and other heirs, they were sometimes divided among them (which meant that any inheritor could use the brand in competition with the others), rented out, and sold. This is very different from the case of textiles, but was established as early as 1582, when Article XX of the regulations recognized that there were already so many brands “that it is difficult to make any new ones that are not similar or close” to those already in existence. It implored visiting master artisans “to seek out and investigate brands that are going to be sold, so that these can be bought up by new master craftsmen who will not be able to have new brands engraved in this form until those that are for sale are sold.”³⁰ The 1743 regulation also included this request, but is even stricter in imposing the obligation on “owners of old brands in the city of Thiers and surrounding areas who are no longer cutlers . . . to sell their brands to any individual who has acquired master craftsmanship and who wants to buy the aforementioned brands.”³¹

This indeed means that there was a market for brands, whose prices varied widely from one to another. In fact, the 1743 regulation states “in case of dispute over the price of sale of any brand, His Majesty wants that its estimation be carried out at no expense by judges appointed before the judge of the city of Thiers.”³²

Guarantees of products’ “traceability” and their quality verified by experts, brands were also owned by each master craftsman and had an economic value that varied in relation to one’s reputation. Thus, as in the case of textiles, one could produce knives whose label certified their conformity to regulations in place, but whose quality and labor were nonetheless different, without mention of commercial processes, about

²⁸ Savary des Bruslons, *Le parfait négociant*, 308.

²⁹ Fervel, *Les marques de coutellerie*, 44.

³⁰ *Ibid.*, 8.

³¹ *Ibid.*, 28. Brands can also be rented; *ibid.*, 55.

³² *Ibid.*, 9.

which we know next to nothing. In the year 1774, for example, one brand sold for 23 livres, while another sold at 120 livres.

It was very tempting to imitate a colleague's better-selling brand: several cases of counterfeiting and imitation of brands among the Thiers cutlers exist, starting in the sixteenth century. This certainly shows that the brand was also a commercial sign.

Of course, the counterfeiting most stringently decried by master cutlers was that of "ignorant and occasionally mischievous workers," who could easily "brand work with the brands of the best master craftsmen: at a benefit to these brands, they advantageously produce work that costs them little because they are using poor methods and because they don't take the time for putting the necessary work into them."³³ This statement takes aim at artisans in the countryside around Thiers, and it was an argument made in many different places. The problem, said the master craftsmen in a petition addressed to the Council in 1730, was directly linked to the jurisdiction of the sworn guardsmen of the corporation, whose territory was, according to them, over-limited. They therefore requested an extension of the territory; an additional 5 leagues were recognized in 1743, and 10 leagues in 1750.

What does this have to do with brands and labels? The king's Council noted, in statements by Trudaine and Orry, that there was no label. The 1732 decree, therefore, answered this by declaring "that all pieces of cutlery that have been or will be manufactured in the city of Thiers will have, alongside the particular brand each cutler has the habit of using to mark each of his pieces, a second mark whose imprint will bear the name of Thiers. . . ."³⁴

Here, then, was a label central organizations proposed centuries after the development of local production. One must note that manufacturers were not very happy with an ordinance that they certainly did not ask for. Therefore, they took advantage of almost any pretext to oppose it—for example, when they argued that the name "Thiers" was too long and that its inscription therefore weakened the blade. Other arguments were nonetheless more serious and indicative of the commercial practices at the time: this kind of specification, they insisted, would prevent them from selling their products abroad where products were sold without a brand as a way of making the imported products look as if they were locally produced. This argument carries some weight when one notes the large percentage of production sold abroad. It recognizes many different games that trades people and manufacturers played with brands and labels, including the disappearance of brands as a way of encouraging business. This affirmation is only paradoxical in appearance: it refers to the sub-

³³ *Ibid.*, 10-11.

³⁴ *Ibid.*, 13.

stantial proportion of non-branded products that was also characteristic of glass making.

Finally, there was remarkable continuity in concrete commercial transactions during the Revolution. There were of course no longer any sworn judges, since they were abolished by a 1791 law, and in a leap of patriotism (probably in 1793), the municipality even ordered that the silver table forged in the eighteenth century for stamping the brands next to the seals be melted down. Yet, both survived and were quickly put back into use: in 1801, the prefect demanded that new brands be inscribed onto these tables. The inscription was duly carried out, starting in 1809, by a tribunal of *prudhommes* who continued to verify that new brands bore no resemblance to those already in existence. This was a way of getting around directives in place, as the Restoration minister declared, but was certainly in keeping with previous practices. What truly changed after 1857 is that brands were registered on paper, not metal, and local verification ceased, which is the reason manufacturers were so careful about the many different possible versions of their brands. If the explosion of brands in the second half of the nineteenth century should be recognized in the literature alongside other methods of commercialization, one can view the institutional conditions of what brands measure and how they themselves are measured as another source of this explosion.

The Example of Glass: A Non-Branded Product

Thus far, we have spoken only of branded or labeled products. This conforms to our image of the Ancien Régime's production as one that authorities (whether corporative, municipal, or government-controlled) have certified. Yet we have a tendency to forget that a large proportion of the era's production was neither branded nor verified. From another perspective: what are the "branded" domains of production under the Ancien Régime? In fact, we know very little about the subject, and this lack of precision is significant.³⁵ The entirety of corporative restrictions needs to be parsed again, even though they are, as we know all too well, eminently local affairs.

A first attempt can nonetheless be made based on Savary des Bruslons' information. His list, beyond the production of textiles, is actually quite limited: leather, iron, paper, money, gold and silver dishes (and the objects related to working these metals), and finally, all the objects related to weights and measures including bakers' irons, which imprinted bread with the weight it should have. According to Savary, other professions had a "master craftsman brand," including bookmakers, tin potters, edge-tool

³⁵ Beltran, Chauveau, and Galvez-Béhar, *Des brevets et des marques*, 88, write that more than twenty corporations labeled products, but this estimate remains imprecise.

makers, producers of metal files, and the cutlers we have discussed. Is that all? Certainly not, but beyond these, we get into the very vast domain of “the particular sign that each one makes according to his own caprice as a way of distinguishing one thing from another”: non-certified brands that were mainly used in the exchange of products and about which we know very little. Yet the economic significance of these brands cannot be denied. Savary takes the example of “brand-name herring,” which was no more than a commercial sign that distinguished “a kind of excellent salted herring that comes from Holland in barrels marked by a firebrand that allows them to be distinguished from others of lesser quality”: a brand that was a mark of quality, acquired in commerce outside any certifying activity from any external authority.³⁶

Is it the case that brands and labels proliferated? They certainly did, and in many different varieties. Yet, there are also entire swaths of production and commercialization where they were strangely absent, such as the glass sector. Glass production increased exponentially in the modern era: whether it be the flat glass that slowly but surely conquered the openings in houses, the drinking glasses that became more numerous on tables, or the mirrors hung on walls starting in the sixteenth century, not to mention glasses that improve vision or, especially, those pearls used as glass beads in the triangular trade. These objects, which slowly went from being exceptional to being totally banal, were, in certain types of production, sometimes extremely fashionable: the hollow glass trade is one of them. Venice was the recognized leader of European production, until the English and Bohemians dethroned it during the period from the end of the seventeenth century to the beginning of the eighteenth century.³⁷

Strangely enough, this process did not result in the use of manufacturers’ brands or labels, individually or collectively, with only occasional exceptions during the eighteenth century. Until very recent times, this absence of branding was a little-noted phenomenon.³⁸ It is nonetheless extremely surprising that neither the Venetian state nor shop owners thought to certify their products. In a world of brands, this is a rare case of non-branded luxury production and, as such, is worthy of further

³⁶ Savary, *Le parfait négociant*, 309.

³⁷ This paragraph is based on Corine Maitte, *Les chemins de verre: Les migrations des verriers d’Altare et de Venise (XVIe-XIXe siècles)* (Rennes, 2009). See also Francesca Trivellato, *Fondamenta dei vetrai: Lavoro, tecnologia e mercato a Venezia tra Sei e Settecento* (Rome, 2000), and Patrick MacCray, *Glassmaking in Renaissance Venice: The Fragile Craft* (Aldershot, England, 1999).

³⁸ Georges Benko, “Île de verre: Murano: un district industriel italien atypique,” in *La mobilisation du territoire: Les districts industriels en Europe occidentale du XVIIe au XXe siècle*, ws. Michel Lescure (Paris, 2006), 345-68.

consideration. Very early on, in fact, the Venetian state did impose brands on products from certain manufacturers, especially on gold- and silversmiths. But this kind of obligation was never imposed on glassmakers who, in turn, never demanded it. It seems that the question was never even posed. This is not because it cannot be done, as the existence of glassmaking brands beginning in Ancient times attests.³⁹ Neither ignorance nor technical impossibility explains the absence of brands in glass production.

We can only hypothesize that the reason for the absence of a collective brand signaling the authenticity of Venice's products might be the impossibility of certifying their quality, so varied were the partly secret procedures for making them and their changeable characteristics. Under the Ancien Régime, any mark certifying the origin of products was always linked to the possibility of identifying a certain number of stable, trustworthy, and easily verifiable technical elements. These kinds of specifications and examinations are difficult to imagine in the field of glassmaking, where the composition of products is by their very nature, changeable and secret; the process for making them is extremely variable; and where, in the final analysis, every product is different from any other. The products were perhaps not standardized enough for a state authority to certify them legitimately. In addition, manufacturers were no doubt not very interested in allowing foreigners to penetrate the secrets of their compositions. And finally, the constant renewal of products was a disincentive for establishing invariable rules.

In fact, beautiful Venetian glass was the result of the choice of primary materials (Tessin pebbles, soda from Syria or Alicante, types of wood) and a particular duration of fusion. Thus, there were very precise technical procedures, but they were only partly codified in regulations. There was no quality control during the production process and no *a posteriori* examination that allowed for certified regulations. For all of these reasons, then, it was no doubt impossible for the Venetian state to certify a collective brand. In addition, it is perhaps also the case that glassmakers in Murano were secure enough in their cohesiveness not to worry about internal misbehavior, and it is likely that merchants were amply informed about their suppliers.

³⁹ For Ancient times, see: [Musée d'histoire de Marseille], *Tout feu, tout sable: Mille ans de verre antique dans le midi de la France* (Marseille, 2001). For the early modern and modern period, see Carolus Hartmann, *Glasmarken Lexicon, 1600-1945: Signaturen, fabrik und handelsmarken: Europa und Nordamerika* (Stuttgart, 1997).

However, the fact remains that individual shops might have used brands. The neighboring, and competing, field of *maiolica* used them.⁴⁰ Yet Venetian glassmakers did not exercise this option. None signed their production, and they showed neither the “individualism” of painters nor the concern for mass distribution.

This attitude had many consequences outside Venice, once “Venetian style” glassmakers opened up all over Europe. Some of these glassmakers demanded and received exclusive production privileges from the authorities of the different countries where they set up shop, an exclusivity that was always limited to the realm of the authority conceding the exploitation. Often, the imitation was indistinguishable from the original, as many testimonials of the time attest. None of these “Venetian style” glassmakers branded their productions, however. A brand would not only have had the potentially desirable effect of differentiating their products from their direct competitors (other glassmakers “in the style of”), but also the undesirable effect of differentiating their products from those of Venice itself. Glassmakers without a brand could more easily pass their products off as veritable Venetian glass, while any distinctive mark would have stopped any others from doing so. It is likely that those with a privilege were also tempted to pass their products off as true Venetian glass, if not in the country, at least when exporting them abroad.

How, then, could imitation be prevented? Art historians are still wondering about this question. Of greater interest for economic historians is the question of what was considered a fraud at the time, when no brand exists. Definition of the exclusive privilege accompanies the definition of the counterfeit.⁴¹ Thus, a counterfeit is an imitation of what is produced by the one who has the privilege; it is punished by the public power guaranteeing exclusivity. The terms of the privilege are clearly stated in De Lame in 1549 (Antwerp), in Mutio’s in 1551 (France), Centurini in 1572 (Liege), and Bertoluzzi’s in 1603 (Mantua) where “counterfeiting/infringing against the aforementioned concession” was prohibited. There were two kinds of imitation Venetian products: those that received a *privilège* authorized by the concessionary state and the illegal ones. Only the second type were considered counterfeit and could be seized and destroyed at any time.⁴²

⁴⁰ Richard Goldthwaite, “The Economic and Social World of Renaissance Maiolica,” *Renaissance Quarterly* 42 (Spring 1989): 1-32, esp. p. 4. However, the name engraved can also be the one of the consignee; see Timothy Wilson, *Ceramic Art of the Italian Renaissance* (London, 1987), 11.

⁴¹ Modern legislation is an inheritance of this; see Véronique de Chantérac, “La marque à travers le droit,” in Kapferer, Thoenig, *La marque*, 65.

⁴² Maitte, *Les chemins de verre*, 185-87.

One final problem: how to guarantee the trust and truth of these exchanges in the non-branded production that constituted a sizable proportion of the products exchanged under the Ancien Régime? That problem is beyond the scope of this essay, but there is no doubt that it was an issue in economic exchange under the Ancien Régime.

Conclusion

In this essay, I have discussed only what nineteenth-century treatises on the subject call brand names (*marques de fabrique*), a domain much better known than the realm of trademarks (*marques de commerce*). We know very little about trademarks during this period. What observations and indications can we draw for further research?

First, contrary to our image of the Ancien Régime as completely coordinated by stable and generalized quality labels, there were many production realms, not necessarily of poor quality, where brands and labels did not exist. We know nothing about the terms of these business transactions. Second, for the large proportion of business transactions where brands and labels were significant, their significance varied. The relationships between labels and territories, and between collective labels and regulation were fluid, often as a function of the different kinds of production. Third, when collective labels are added to individual brands, or vice versa, the role of each one in commercial exchange demands further precision. Fourth, brands and labels were already considered to be property under the Ancien Régime. They had their own commercial value, which consular legislation finally recognized in 1803. Fifth, if collective labels resurfaced in certain sectors over the course of the nineteenth century, they never really died with the Ancien Régime, just as individual brands were not born after it.

Finally, imitations and counterfeits were widespread in the Ancien Régime and formed part of the dynamic that renewed products and their exchange. If a brand offers protection against fraudulent imitations, non-branded products can also be considered fraudulent in cases where an exclusive *privilège* protects the entrepreneur. From this perspective, the revolutionary abolition was radical, but the rapid establishment of patented inventions took over a large proportion of products that had previously been protected by the former *privilèges*. This is no doubt why brands are so frequently associated with patents. Of course, entrepreneurs who cannot, or do not want to, lay claim to their inventions are kept outside this system, without brand names of their own. Products made “in imitation of” other branded products are not only particularly subject to prosecution by national laws, but, especially, to the international laws painstakingly put into place in the second half of the nineteenth century. These “imitation” products, as we have seen, played an essential and motivating role in production and markets in Ancien Régime Europe.