

**UNDERSTANDING THE ROLE OF ‘THE CITY’ IN DEVELOPING COMPLEX REGULATORY
FRAMEWORKS:**

THE CASE STUDY OF HAUTE COUTURE*

Abstract

This paper considers the relationship between the legal regulation of haute couture in Europe and the importance of ‘the city’ as the locus of complex cultural, legal, and geographical forces. Haute couture and its legal framework are used as a case study to investigate how local dynamics – in this case, focusing on the role of the city in providing a geographic and cultural backdrop – shape the regulatory response, as well as how this physical, spatial grounding provided by the city is a crucial element in understanding how culturally significant practices are sustained and develop their meaningfulness. Connecting the role of ‘the city’ in providing a physical space in which legal regulation emerges is particularly interesting through the lens of haute couture because, while cities are frequent hosts to artistic or cultural movements, haute couture resulted in an elaborate system of strict regulation that relies on complex internal dynamics that have been sustained through an enduring process of physical centralisation. In this, ‘the city’ supported a dense network of fashion houses, ateliers, and schools that operate across a variety of legal, cultural, and political contexts that are all connected by a very physical grounding. This broad centralisation has supported and reinforced a variety of sub-localisations that further demonstrates how cultural knowledge is fundamentally linked to the physical context in which it operates and emerged from.

Keywords: Fashion, Haute couture, Regulation, Geography

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Résumé

Cet article examine la relation entre la réglementation de la haute couture en Europe et l'importance de la « ville » en tant que lieu d'interaction de forces culturelles, juridiques et géographiques. La haute couture et son cadre juridique sont utilisés comme étude de cas pour examiner comment les dynamiques locales – en se concentrant ici sur la ville en tant que toile de fond géographique et culturelle – façonnent la réponse réglementaire. Cette analyse se penche également sur la façon dont l'ancrage physique et spatial fourni par la ville permet de comprendre le maintien des pratiques dites culturellement importantes et le développement de leurs significations.

Concevoir la « ville » comme un espace physique dans lequel la réglementation légale émerge est particulièrement intéressant dans l'optique de la haute couture. En effet, tandis que les villes sont souvent les hôtes de mouvements artistiques ou culturels, la haute couture, quant à elle, a donné lieu à un système élaboré de réglementation stricte qui repose sur des dynamiques internes complexes soutenues par un processus durable de centralisation physique. Dans ce contexte, la « ville » soutient un réseau dense de maisons de couture, d'ateliers et d'écoles qui évoluent dans une variété de contextes juridiques, culturels et politiques, tous reliés par une dimension physique. Cette vaste centralisation soutient et renforce une série de sous-localisations qui démontrent, une fois de plus, que la connaissance culturelle est fondamentalement liée au contexte physique dans lequel cette dernière opère et d'où elle tire son origine.

Mots-clés : Mode, haute couture, réglementation, géographie

INTRODUCTION

The development of haute couture has a particularly complex cultural history because it emerged as a highly localized practice that resulted in a specific system of regulation for an industry that has generally struggled with reconciling the fundamental elements of fashion design with effective legal protection. The topic of haute couture has typically been approached from the perspective of its cultural dynamics – how post-Second World War disposable income,¹ fashion's embrace of consumerism,² and a distinctly American experience of class all contributed to how fashion evolved in the twentieth century³ – but haute couture, distinct as a protected term in France, reflects not only a long tradition of skilled Parisian artisans but of how an exceptionally localized cultural product is shaped by its physical context and results in a national regime of protection.⁴

Haute couture has a profound relationship with not just the historical development of the industry, but also in a geographical sense of 'the city' because it reflects multiple concentrations of regulation and expertise – highlighting both Paris at a general level and the

¹ Referring to the significant growth in consumer spending since the end of the Second World War and the relative increase in disposable income for consumers: Mendon W. Smith, 'Economic Outlook for the 1960's' (1959) 15(5) *The Analysts Journal* 9 < <https://www.jstor.org/stable/4468928>>.

² In a transformation from earlier periods, the 1960s was the 'decade of disposability', where 'expendability was indeed a central aspect of much of the culture': Nigel Whiteley, 'Toward a Throw-Away Culture. Consumerism, "Style Obsolescence" and Cultural Theory' (1987) 10(2) *Oxford Art Journal* 3 <<http://www.jstor.org/stable/1360444>>.

³ In the American context, a more open-textured class system (at least in theory) that emphasizes the virtues of class mobility led to a centring of the importance of consumption (and 'the great symbolic significance of *all* consumption' – emphasis in original): Bernard Barber and Lyse S. Lobel, "'Fashion" in Women's Clothes and the American Social System' (1952) 31(2) *Social Forces* 126 <[doi:10.2307/2573395](https://doi.org/10.2307/2573395)>.

⁴ Another example of France's cultural output and the significance of 'culinary excellence': Priscilla Parkhurst Ferguson, 'A Cultural Field in the Making: Gastronomy in 19th-Century France' (1998) 104(3) *American Journal of Sociology* 599 <[doi:10.1086/210082](https://doi.org/10.1086/210082)>.

much more localised geographies of specific districts *within* that space and, further, the specific communities within those spaces. In this, Paris as the home of haute couture is central because it was supported by an intricate network of artists that sustained haute couture – a very specific mixture of designers, maisons, and ateliers that facilitated the specialization required for haute couture garments. From a broader perspective, this emphasis on localised communities and how the physical environment influences their development is a valuable area to investigate because cities throughout history have been home to various art movements that have shaped modern culture and, while some of them have raised legal issues – pop art is perhaps one recent example⁵ – they have not typically resulted in the type of overarching legal regulation that we see in haute couture.

Emerging from this network was a national system of regulation that involves strict requirements for a maison to be granted use of the term ‘haute couture’ and be designated a *grand couturier*, focused on ensuring the production of one-of-a-kind garments by skilled professionals that are specifically created to fit an individual.⁶ While the synonymous use of haute couture in the US is perhaps vaguer, the cultural connotations remain true to the

⁵ Specifically on the application of copyright through the lens of Andy Warhol: Michelle Brownlee, ‘Safeguarding Style: What Protection is Afforded to Visual Artists by the Copyright and Trademark Laws?’ (1993) 93(5) Columbia Law Review 1157; though also the recent 2nd Circuit Court of Appeals in New York ruling against the Warhol Foundation, with the Prince Series not considered fair use: Sarah Cascone, ‘An Appeals Court Rules That Andy Warhol Violated a Photographer’s Copyright by Using Her Image of Prince Without Credit’ (*Artnet News*, 29 March 2021) <<https://news.artnet.com/art-world/andy-warhol-foundation-loses-lynn-goldsmith-copyright-lawsuit-1955399>> accessed 12 May 2021.

⁶ While the specific requirements appear to not be publicly available from neither the *Fédération* nor the *Chambre Syndicale* itself, the most recent (reliable) reference to the haute couture requirements comes from a 2020 article in *Vogue*: Divya Bala, ‘Everything You Need to Know About the Inner Workings of Haute Couture’ (*Vogue*, 6 July 2020) <<https://www.vogue.co.uk/fashion/article/behind-the-scenes-at-haute-couture>> accessed 16 May 2021.

Parisian origin – haute couture garments are hand-crafted,⁷ use luxurious or unusual materials,⁸ and involve multiple in-person fittings.⁹ This emphasis on the regulation and legal protection of haute couture in France contrasts with other major fashion markets around the world where the term has become simply indicative of high quality or well-designed garments.¹⁰

Fashion has long struggled with effective measures in enforcement, with a variety of legal fields that cover – to a greater or lesser degree – the central interests of fashion producers and draw from trade dress, copyright, and trademark law.¹¹ The value of haute couture, as a regulated term in France, is not captured by these areas of law and its formation and development have more in common with the protection of cultural knowledge and intangible cultural heritage.

⁷ An emphasis on sewing by hand: Hardy Amies, 'What Makes Fashion?' (1964) 112(5095) *Journal of the Royal Society of Arts* 475 <<http://www.jstor.org/stable/41369386>>.

⁸ While there may have been previously an emphasis on silk and fur, haute couture is continually pushing boundaries in terms of unusual materials and modern processes (with designers such as Iris van Herpen using 3D printing): Danmei Sun and Agita Valtasa, '3D Printing in Modern Fashion Industry' (2019) 2(2) *Journal of Textile Science and Fashion Technology* 1 <doi.org/10.33552/JTSFT.2019.02.000535>.

⁹ Amy De la Haye and Shelley Tobin, *Chanel: The Couturiere at Work* (Victoria & Albert Museum 1994) 128.

¹⁰ With a similar, reverse shift in the flow of meaning in the early twentieth-century sense of 'fashion' – moving beyond exclusively haute couture garments and more a general sense of 'a variety of consumer goods': Marie Clifford, 'Working With Fashion: The Role of Art, Taste, and Consumerism in Women's Professional Culture' (2003) 44(1/2) *American Studies* 65 <<http://www.jstor.org/stable/40643433>>; and the generalised use of 'couture' outside of France (a significant example being the American brand Juicy Couture): Irene Anna Kim and Steven Cameron, 'The Rise and Fall of Juicy Couture' (*Business Insider*, 19 October 2020) <<https://www.businessinsider.com/rise-and-fall-of-juicy-couture-tracksuits-2019-11?r=US&IR=T>> accessed 9 May 2021.

¹¹ On the panoply of protection available for the fashion industry: Lisa J. Hedrick, 'Tearing Fashion Design Protection Apart at the Seams' (2008) 65(1) *Washington and Lee Law Review* 223.

The investigation of how space influences the protection of culturally important phenomena, as well as how specific geographies contribute to how these practices acquire cultural significance, is important because the role of space has typically been overlooked in both fashion and non-fashion contexts and the city, as a geographic backdrop, provides an encompassing physical space.

Part I considers the emergence of haute couture in the twentieth century and how the early regulation of haute couture was arranged, with a particular emphasis on the institutions that were involved in driving its regulation and early localisation. Part II broadens the perspective and considers how the protection of haute couture, as a cultural phenomenon protected at a national level, could serve as a potential model for more effective protection of more complex examples of traditional cultural expressions. Part III offers a brief conclusion.

PART 1. COMPLEX FASHION NETWORKS AND THE DEVELOPMENT OF HAUTE COUTURE

Defining haute couture and its cultural impact The origin of modern haute couture in France is generally understood to be when the tailor and designer Charles Frederick Worth set up his business – later Maison Worth – in Paris in 1858.¹² The focus on handmade garments for specific clients reflected the broader concept of *savoir-faire*,¹³ but it also occurred at a time in which the cultural role of fashion itself was shifting – particularly in a transatlantic US context, the less defined class boundaries had enabled women to participate in social life and present,

¹² Abigail Joseph, “‘A Wizard of Silks and Tulle’: Charles Worth and the Queer Origins of Couture” (2014) 56(2) *Victorian Studies* 252 <doi:10.2979/victorianstudies.56.2.251>.

¹³ On the central nature of *savoir faire traditionnel* in the mission of the *Chambre Syndicale*: Jonathan M. Barnett, Gilles Grolleau, and Sana El Harbi, ‘The Fashion Lottery: Cooperative Innovation in Stochastic Markets’ (2010) 39(1) *The Journal of Legal Studies* 180 <doi:10.1086/605726>.

through the process of buying fashion, projections of upper-class sensitivities.¹⁴ Haute couture (becoming a legally protected term in 1945),¹⁵ in terms of its characteristics, has remained generally stable throughout its history despite the significant changes to the fashion industry on a global scale.

The technological restraints of the nineteenth and early twentieth century meant that the processes of haute couture – in-person fittings and the use of highly skilled specialists in specific materials (such as buttons or feathers) – contributed to the centralisation of Paris as the home of international fashion. The legal protection of haute couture and the institutional framework that predates the legal recognition of the term brought a sense of regulatory centralisation to this very physical sense of centralisation in Paris. Each year, the fashion houses and must apply to the Commission established by the *Chambre Syndicale de la Haute Couture* and demonstrate that it produces individual garments for private clients (with multiple fittings) using an atelier with specific numbers of full-time technical staff and produce a full collection each Spring and Fall.¹⁶

¹⁴ On the complex interactions of fashion and class of this period, discussing Paul Poiret's appreciation of it as 'predicated upon the assumption that modern woman was an individualized customer in search of a luxurious, material means of expressing her social rank (or rather that to which she aspired) and her modern self-identity': Penny Sparke, 'Interior Decoration and Haute Couture: Links Between the Developments of Two Professions in France and the USA in the Late Nineteenth and Early Twentieth Centuries: A Historiographical Analysis' (2008) 21(1) *Journal of Design History* 103 <<http://www.jstor.org/stable/25228568>>.

¹⁵ Referencing the more rigorous rules of the *Chambre Syndicale* regarding haute couture (as well as how Armani's first collection under Giorgio Armani Privé did not meet all of these requirements): John Potvin, *Giorgio Armani: Empire of the Senses* (Routledge 2013) 250.

¹⁶ Though these requirements have shifted in recent years, particularly with regard to the number of looks that must be shown each season (down to what Vogue reports as 60 required looks): Marie-Laure Djelic and Antti Ainamo, 'The Coevolution of New Organizational Forms in the Fashion Industry: A Historical and Comparative Study of France, Italy, and the United States' (1999) 10(5) *Organization Science* 626 <[doi:10.1287/orsc.10.5.622](https://doi.org/10.1287/orsc.10.5.622)>.

The changing global economic context from the turn of the century to the mid-twentieth century also influenced the economic dimensions of haute couture, and with it, the broader business of fashion that shaped the position of Paris in global fashion. The formalization of haute couture as a protected term reflected the economic value of fashion to the French economy and emphasised the financial contribution of the fashion industry.¹⁷

The difficulty, however, was in balancing the artform of haute couture and its institutional dynamics – its skilled technical workers, luxury materials, and the legal dimension – with the technological shifts that made fashion more accessible, driving more consumerist understandings of fashion that diverged from the earlier role as a functional garment for the peasantry and extravagant costume for the aristocracy.¹⁸ Many of the early haute couture houses were active in both of these areas, with Worth himself cultivating an exclusive client base of the wealthiest people in the world with his handmade garments while producing more accessible designs elsewhere.¹⁹

The ateliers themselves that help produce the garments are an important aspect of the extreme physical localization that we see in haute couture, forming dense communities that

¹⁷ The *Fédération de la Haute Couture et de la Mode* themselves claim that fashion in France accounts for 2.7% of the GDP and €150 million in direct sales: FHCM, ‘The Figures of Fashion’ (*FHCM*, September 2016) <<https://fhcm.paris/en/the-federation/the-figures-of-fashion/>> accessed 9 May 2021.

¹⁸ Recognising fashion as a ‘marketable commodity’ created huge cultural shifts in fashion and beyond, extending to the publication and circulation of women’s magazines: Christopher Breward, ‘Femininity and Consumption: The Problem of the Late Nineteenth-Century Fashion Journal’ (1994) 7(2) *Journal of Design History* 72 <<http://www.jstor.org/stable/1316078>>.

¹⁹ Worth navigated a complex relationship between more accessible garments for foreign markets and the cultural cache he had established with Maison Worth in Paris – a similar strategy pursued in many fashion markets of quality ready-to-wear garments: Ivan Paris, ‘Fashion as a System: Changes in Demand as the Basis for the Establishment of the Italian Fashion System’ (2010) 11(3) *Enterprise & Society* 530 <<http://www.jstor.org/stable/23701347>>.

resemble generational communities and inter-generational transfers of knowledge. The expertise of these ateliers is a key component in both the formal requirements of haute couture and also in how these physical spaces reinforced the cultural positioning of fashion as an art form within the broader geographical framing. In this, the community of ateliers were focused on specific areas that reinforced the existing concentration of designers that persists even today²⁰ – which, coupled with the emphasis on in-person fittings, creates not just a localisation in terms of the city but of particular districts *within* Paris.

The fact that legal regulation emerged from this field is particularly interesting here because this type of sub-localization has occurred in other creative contexts – the West Village in New York and Hoxton in London have both been home to global art and culture movements,²¹ though neither resulted in the type of regulation that we see with haute couture and lack, even now, the type of institutional apparatus that defines haute couture in France. While a historical perspective is often used to contextualise and understand these cultural movements, haute couture demonstrates that it is the intermingling of the temporal – the historical economic and political context – with the physical space that these activities were taking place in that contribute to how cultural significance develops around these practices.

Haute couture in 2021 reflects the distinct tension between art and the economics of fashion because the market for haute couture – that is, the extremely limited client base that

²⁰ Specifically on the historical importance of the IIe arrondissement in Paris and its boutiques: Nancy J. Troy, 'The Theatre of Fashion: Staging Haute Couture in Early 20th-Century France' (2001) 53(1) Theatre Journal 25.

²¹ The Beatniks in North Beach and Greenwich Village are one such example, where even the word emerged from a particular context (a local newspaper in San Francisco) to describe groups of people very distinctly connected to specific spaces: Richard Rex, 'The Origin of Beatnik' (1975) 50(3/4) American Speech 330 <<https://www.jstor.org/stable/3088021>>.

has the financial means to purchase these garments²² – is far smaller than the economic potential in mass-produced ready-to-wear. The reality is that many of the greatest fashion houses, those that created and sustained early modern haute couture,²³ no longer produce it because the cultural value to the brand is not outweighed by the prohibitive cost of producing the biannual shows.²⁴ These garments are one-off productions that are handmade and tailored specifically to a model's body and are therefore difficult to sell later to another client, while being handmade and the cost of using several ateliers to produce two full collections each year places an incredible burden on the designer.²⁵

An institutional perspective Moving from the actual processes of producing haute couture and its technical characteristics, the protection of French fashion (though specifically

²² How in-person fittings are a core element of each couture garment: Shelley Tobin and Amy de La Haye, *Chanel: The Couturiere at Work* (Overlook Press 2001) 128.

²³ Balmain and YSL are two notable examples, though the death of haute couture is regularly predicted: Vanessa Friedman, “‘Bridgerton’ Has Nothing on the Couture’ (*New York Times*, 29 January 2021) <<https://www.nytimes.com/2021/01/29/fashion/bridgerton-has-nothing-on-the-couture.html>> accessed 20 May 2021.

²⁴ Chanel's cruise collection in 2015 reportedly cost \$1.7m: Jess Cartner-Morley, ‘Cruise Control: Chanel Pushes the Boat Out With Ambitious Show’ (*The Guardian*, 4 May 2018) <<https://www.theguardian.com/fashion/2018/may/04/cruise-control-chanel-pushes-boat-out-ambitious-show-paris>> accessed 20 May 2021; haute couture is particularly vulnerable to the economic pressures of the industry because of the cost of haute couture production and the mobility of designers, meaning that there are constant internal and external forces that create a sense of precariousness. On YSL leaving haute couture, Tom Ford establishing his own design house, and Alexander McQueen leaving Givenchy in 2001: Jane Farrell-Beck, *20th-Century Dress in the United States* (Bloomsbury 2007) 278.

²⁵ On the fact that haute couture presentations ‘per se involve tremendous losses of money (although these losses are eventually recouped through the sale of perfume and other designer commodities)’: Gwendolyn M. Wells, ‘Of Critics and the Catwalk: Interdiscursive Dialogue in the Postcouture Era’ (1997) 37(1) *L’Esprit Créateur* 75 <<https://www.jstor.org/stable/26288121>>; on the rise of inter-seasonal showings and the more commercial dimensions of pre-collections or shows that are genre-specific (such as swimwear at Miami fashion week): Bonnie English, *A Cultural History of Fashion in the 20th and 21st Centuries: From Catwalk to Sidewalk* (2nd edn, Bloomsbury 2013) 176.

Parisian in its early focus) has depended on a very specific institutional dimension that was centred on the *Chambre Syndicale de la Couture Parisienne* in the early twentieth century – particularly significant in a context in which trade guilds had been abolished,²⁶ the professional associations had a prominent role during this period of history.²⁷ The *Chambre Syndicale* not only was a forum in which the management of the design houses could interact and discuss their professional concerns, but it also engaged in what was essentially a form of lobbying with the French government²⁸ – representing the concerns of the Parisian couture houses at the national level on issues such as the cost of rent in Paris and the negative impact of a luxury tax.²⁹

The *Chambre Syndicale* would go on to change in name throughout its history, eventually becoming the *Chambre Syndicale de la Haute Couture* in 1945 with the legal protection of the term³⁰ – though referred to here as simply the *Chambre Syndicale* for consistency. The institutional nature, as well as the centralization of Parisian influence, did change in character from its emergence in 1886 as its membership shifted from a large number

²⁶ For further discussion of the abolition of guilds during the French Revolution (as well as the ‘special emphasis on its supra-economic function’: Liana Vardi, ‘The Abolition of the Guilds During the French Revolution’ (1988) 15(4) French Historical Studies 704, 703 <doi:10.2307/286554>.

²⁷ On the abolition of trade guilds in the late 18th century and the complex social benefits of the rise of professional associations: Charles W. Pipkin, *Social Politics and Modern Democracies* (Vol 2, Macmillan 1931) 97.

²⁸ In many respects, the activities of the *Chambre Syndicale* specifically resembled lobbying of the French government on the concerns of its members (though quite prominently in the context of intellectual property rights in haute couture, rent prices, and opposition to a luxury tax): Véronique Pouillard, ‘Managing Fashion Creativity. The History of the Chambre Syndicale de la Couture Parisienne During the Interwar Period’ (2016) 12(2) Investigaciones de Historia Económica 81 <doi:10.1016/j.ihe.2015.05.002>.

²⁹ *ibid.*

³⁰ FHCM, ‘Fédération de la Haute Couture et de la Mode: History’ (FHCM) <<https://fhcm.paris/en/the-federation/history/>> accessed 20 May 2021.

and a fairly equal mix of manufacturers and couture houses to a current official membership of just 12 houses (though with a fairly extensive membership of correspondent houses).³¹

The narrowing of representation in the institutional context is reflected in an increasing *sub*-localisation within haute couture, as the economic pressures in fashion are increasingly difficult to reconcile with the high costs (and availability of potential buyers) of haute couture that creates a distinction between houses that can afford to show haute couture and those that cannot.

The sense of institutional localisation is also reflected more informally and beyond this narrowed industrial representation, in the very foundations of what is a highly skilled profession that requires a specialised and extensive education. The *Chambre Syndicale* in 1929 established two schools that deal with the training of apprentices, though in 2020 these schools merged and formed a new *grand école* as the *Institut Français de la Mode*.³² This type of centralization is more informal than the legal or regulatory dimensions seen in the early industry context but is perhaps more significant because it represents a combination of physical and temporal concentration in educational institutions that are expected to produce the next generation of skilled technicians and sustain the industry.³³

³¹ For a full list of haute couture houses: FHCM, 'Haute Couture' (*FHCM*) <<https://fhcm.paris/en/haute-couture-2/>> accessed 20 May 2021; Véronique Pouillard, 'Managing Fashion Creativity. The History of the Chambre Syndicale de la Couture Parisienne During the Interwar Period' (2016) 12(2) *Investigaciones de Historia Económica* 78 <doi:10.1016/j.ihe.2015.05.002>.

³² Alexandra Palmer, 'Haute Couture' in Valerie Steele (ed), *The Berg Companion to Fashion* (Bloomsbury 2018) 394; the school notably has two new programs from Autumn 2019 that have teaching available in English (a BA in Fashion Design and an MA in Fashion Design): FHCM, 'IFM and ECSCP Become Institut Français de la Mode' (*FHCM*, 8 January 2019) <<https://fhcm.paris/en/2019/01/08/ifm-and-ecscp-become-institut-francais-de-mode/>> accessed 12 May 2021.

³³ It is also notable that Chanel, through its subsidiary Paraffection that holds the ateliers, physically centralised their workspace in a new building in the suburbs of Paris – the 19M Métiers d'Art

Beyond its role in articulating the concerns of its members, the *Chambre Syndicale* was an important part of marketing haute couture to the rest of the world through its ‘propaganda’,³⁴ though it is here that we see how the industry of haute couture was divided – it was not simply a divide between French and non-French businesses and interests, but between Parisian and non-Parisian interests. French department stores were not permitted inside the couture maisons to purchase designs (even in the relatively developed fashion community of Lyons),³⁵ and the *Chambre Syndicale* functioned as a literal gatekeeper to journalists and foreign buyers by physically regulating the commercial access to haute couture by restricting access to the physical spaces of Parisian fashion.³⁶

This institutional positioning of the *Chambre Syndicale* was reinforced with a sense of governmental legitimacy in not just the artistic dimensions of couture but its economic potential – the Parisian *Chambre Syndicale* was the only fashion professional organisation that was recognised by the public authorities to sign labour agreements during the interwar

headquarters houses over 600 employees and the majority of Chanel’s ateliers: Alice Newbold, ‘Chanel’s Latest Power Move is Good News for the Future of its Craft’ (*Vogue*, 9 October 2019) <<https://www.vogue.co.uk/news/article/chanel-acquisitions-craft-ateliers>> accessed 12 May 2021.

³⁴ Veronique Pouillard, ‘Keeping Designs and Brands Authentic: The Resurgence of the Post-War French Fashion Business Under the Challenge of US Mass Production’ in Klaus Nathaus (ed), *Made in Europe: The production of Popular Culture in the Twentieth Century* (Routledge 2015) 87.

³⁵ Lyon has a long and important history in textiles: Ivan T. Berend, *Case Studies on Modern European Economy: Entrepreneurs, Inventions, Institutions* (Routledge 2013) 149.

³⁶ Foreign buyers were required to obtain buyers’ cards from the *Chambre Syndicale* which permitted attendance at the fashion shows (excluding provincial manufacturers), though post-Second World War this system was extended to apply to French manufacturers – a system of paying for ‘viewing rights’: Véronique Pouillard, ‘In the Shadow of Paris? Haute Couture and Belgian Fashion Between the Wars’ in Regina Lee Blaszczyk (ed), *Producing Fashion: Commerce, Culture, and Consumers* (University of Pennsylvania Press 2008) 65, 66; see in contrast to the more ‘open’ perception of New York fashion: Christina H. Moon, *Labor and Creativity in New York’s Global Fashion Industry* (Routledge 2007) 99.

period.³⁷ The concentration of Parisian influence – and its institutional apparatus – necessarily reflected the actual functioning of the industry.

As Mikhail Bakhtin speaks of the ‘thickening’ of time,³⁸ In haute couture, Paris throughout the twentieth century and modern-day demonstrates not just the strong role of space – as a specific city – but a gathering within specific sections of a city that developed, through time-specific interactions in a complex political and cultural context, representation in formal institutions that facilitated the creation of informal communities that themselves sustain the ateliers over generations.³⁹

PART 2. REFLECTING ON THE DEVELOPMENT OF BROADER FRAMEWORKS OF REGULATION AND CHALLENGES TO CENTRALISATION

Haute couture in the twenty-first century Considering haute couture in its modern context reveals how this ‘thickening’ has reinforced the centralisation of Paris and how this effect has been compounded over time – not only from an institutional perspective in terms of the

³⁷ Véronique Pouillard, ‘Managing Fashion Creativity. The History of the Chambre Syndicale de la Couture Parisienne During the Interwar Period’ [2016] 12(2) *Investigaciones de Historia Económica* 77 <doi:10.1016/j.ihe.2015.05.002>.

³⁸ While originally in the context of literary theory and how ‘time, as it were, thickens, takes on flesh’, Mariana Valverde expands this in a legal context through the development of legal chronotopes to expand this into a ‘co-articulation or co-thickening of temporal and spatial modes of legality’: Mariana Valverde, “‘Time Thickens, Takes on Flesh’: Spatiotemporal Dynamics in Law’ in Irus Braverman, Nicholas Blomley, David Delaney, and Alexandre Kedar (eds), *The Expanding Spaces of Law: A Timely Legal Geography* (Stanford University Press 2014) 56; quote and further discussion in Emily Grabham, *Brewing Legal Times: Things, Form, and the Enactment of Law* (University of Toronto Press 2016) 62.

³⁹ Maison Causse is perhaps the most international example, founded by three brothers in 1892 (two of which later left for the US to carry on the business) and then passed through four generations of the family before being acquired by Chanel in 2012 and forming part of the Métier d’Art network: Causse, ‘Heritage’ (*Causse: Gantier*) <<https://www.causse-gantier.fr/en/maison-causse/heritage.php>> accessed 12 May 2021.

Chambre Syndicale but in the physical concentration of influential actors in French fashion. It is important to note that the right to be able to refer to a house as producing haute couture is subject to a consistent period of review that ensures that the houses continue to produce only the highest quality of art in fashion.

This means that even some of the originators – of not just haute couture but French fashion more generally – have, at times, fallen out of the *Chambre Syndicale* as official members.⁴⁰ This is not necessarily a failure in the robustness of haute couture as a protected term, but speaks to the intangible element of prestige that the *Chambre Syndicale* tried (very successfully) to cultivate throughout the twentieth century in both its formal and informal international representation.

Pierre Cardin is perhaps a notable Parisian example of the tensions in managing a successful fashion house with the difficulties of modern business, something that has featured throughout the history of haute couture.⁴¹ While Charles Worth had the benefit of an

⁴⁰ While Givenchy failed to meet the requirements in 2013 by not showing in S/S 2013 (the same year that Maison Martin Margiela and Alexis Mabille were granted the use of haute couture): Olivia Lidbury, 'Givenchy to Take a Break from Paris Haute Couture Week' (*The Telegraph*, 21 December 2012) <<http://fashion.telegraph.co.uk/news-features/TMG9760096/Givenchy-to-take-a-break-from-Paris-Haute-Couture-Week.html>> accessed 12 May 2021; there have been other notable designers who have left haute couture. Jean Paul Gaultier (who himself studied under Pierre Cardin at the start of his career) stated that his spring 2020 haute couture show would be his last: Hamish Bowles, 'Jean Paul Gaultier: Spring 2020 Couture' (*Vogue*, 22 January 2020) <<https://www.vogue.com/fashion-shows/spring-2020-couture/jean-paul-gaultier>> accessed 12 May 2021.

⁴¹ On the extensive licensing that brought an early couture house to mundane brand: Wided Batat, *The New Luxury Experience: Creating the Ultimate Customer Experience* (Springer 2019) 12; Charles Frederick Worth was a pioneer in the fashion industry in many respects (such as including labels in garments, spring and fall shows, and the loaning of clothes to influential people), though particularly in his balancing of haute couture prestige and the emerging American consumer market by selling complete looks at the end of the season to buyers who would then copy them: D. Tulla Lightfoot, *The Culture and Art of Death in 19th Century America* (McFarland & Company 2019) 90.

economically less connected world – and specifically within France an even more asymmetric distribution of fashion influence⁴² – modern multinationals operate in a context in which they are constantly surrounded by the allure of restructuring or repositioning to exploit workforces in countries that offer a comparatively lower labour cost.⁴³

The interaction of time and space in haute couture created this paradoxical combination of accessibility and prestige, of centralisation and international trade, that contributed to the elite worldwide reputation of haute couture. It is important to recognise that this conversation around international fashion design and effective protection of design interests (or brand value more broadly) is happening at a time in which there is an unprecedented emphasis on the sustainability of the fashion industry.⁴⁴ Because the work is done by hand within a small network of ateliers and design houses in Paris, there is the twin concern that haute couture lacks both scalability and any resulting ready-to-wear products will be slower to market in a way that threatens the continued existence of the industry in the space it emerged from.

Turning first to scalability, the dramatic silhouettes and the luxurious materials of haute couture – as well as the labour-intensive techniques of the Parisian ateliers – mean that

⁴² While in the interwar period, the *Chambre Syndicale* finally permitted French manufacturers and retailers to sell couture domestically, though with the requirement that they would not be undercut with low-quality manufacturing: Véronique Puoillard, *Paris to New York: The Transatlantic Fashion Industry in the Twentieth Century* (Harvard University Press 2021) 146.

⁴³ Edna Bonacich and David V. Waller, 'Mapping a Global Industry: Apparel Production in the Pacific Rim Triangle' in Edna Bonacich, Lucie Cheng, Norma Chinchilla, Nora Hamilton, and Paul Ong (eds), *Global Production: The Apparel Industry in the Pacific Rim* (Temple University Press 1994) 21.

⁴⁴ Sustainability is a major concern in modern fashion, where competition has led to a 'historically unprecedented situation where apparel is priced far too low to reflect its true economic and ecological costs': referencing Juliet's 2005 work in Ingrid Molderez and Bart Van Elst, 'Barriers Towards a Systemic Change in the Clothing Industry' (2015) 57 *The Journal of Corporate Citizenship* 100 <doi:10.9774/GLEAF.5001.2015.ma.00007>.

they do not translate easily to ready-to-wear and instead have to be referenced with scaled-back materials and more wearable features.⁴⁵ The fashion industry is notorious for its rapid turnover and the ever-increasing speed and scale of design that designers must produce every year and, while haute couture represents its own significant workload in the traditional seasons, the rise of high street brands, emerging international markets, and brand awareness mean that designers are pushed to produce diffusion lines or pre-collections.⁴⁶

With highly sophisticated manufacturing chains, these high street brands can have their own version of a fashion week garment produced within a matter of days and ready for sale not long after – with the simultaneous effect of distorting the value of the skilled craft process that went into creating the original and pushing turnover closer to a two-week cycle.⁴⁷ The response to these economic pressures that distinctly affect the Parisian design houses and the ateliers, with a workflow that absolutely cannot function at the same speed as international

⁴⁵ While couture designs are referenced in ready-to-wear lines, a reverse relationship can also be identified. With trousers, haute couture (specifically Balenciaga as one of the earliest) was late in incorporating a trend which already had mainstream success and presents ready-to-wear as an ‘autonomous fashion center’: Gilles Lipovetsky, *The Empire of Fashion: Dressing Modern Democracy* (translated by Catherine Porter, Princeton University Press 1994) 92.

⁴⁶ The highly competitive nature of the fashion market means that there is a push towards increasing the number of collections per year by including mid-season designs (though these are branded differently by different design houses, from additional seasons in the existing system as ‘pre-S/S or pre-A/W’, or as ‘resort’ or ‘cruise’ collections: Vertica Bhardwaj and Ann Fairhurst, ‘Fast Fashion: Response to Changes in the Fashion Industry’ (2010) 20(1) *The International Review of Retail, Distribution and Consumer Research* 167 <doi:10.1080/09593960903498300>.

⁴⁷ Though businesses such as H&M and Zara do not solely produce copies of designer garments (and even then, generally avoiding a close copying), the pace of production – anywhere from two to six weeks – means that they can wait until a design is successful and trends are visible before producing their own products: C. Scott Hemphill and Jeannie Suk, ‘The Law, Culture, and Economics of Fashion’ (2009) 61(5) *Stanford Law Review* 1171 <<https://www.jstor.org/stable/40379706>>.

fashion businesses, has not necessarily been governmental in nature and instead has come largely from the industry itself.

Like the *Chambre Syndicale* as a distinct representation of Parisian interests, we see again the self-regulation of concerns around the sustainability of Parisian fashion by Parisian designers to ensure the survival of the industry. While *Paraffection* (a subsidiary of Chanel) had gradually acquired an expanding group of ateliers through the 1990s, it was under Karl Lagerfeld that these acquisitions – particularly in 2013 – increased in speed.⁴⁸ Mirroring the professional dimension of representation within the *Chambre Syndicale* with a focus on business concerns rather than design trends, the ateliers were purchased to not only safeguard them from what was increasingly an unsustainably niche business but with the express intention that they would become profitable as independent businesses themselves.⁴⁹

Haute couture as cultural property While the intricate features of fashion manufacturing and its relationship to haute couture demonstrates a great deal about the

⁴⁸ Karl Lagerfeld was a key figure in this recentring of the ateliers and their expertise, starting the Métier d'Art in 2002 and representing a period of more rapid acquisition of the ateliers by Chanel (also notable in that the Métier d'Art show takes place *outside* the traditional fashion schedule and represents an additional design burden): Sam Rogers, 'The Most Impressive Chanel Métiers d'Art Sets of All Time' (*Vogue*, 4 December 2018) <<https://www.vogue.com.au/fashion/news/the-most-impressive-chanel-meacutetiers-dart-sets-to-date/image-gallery/7d7aa535e9834b07350006c640a294c8>> accessed 12 May 2021.

⁴⁹ The atelier purchases were a combination of informal safeguarding of Chanel's professional associates (working closely with Gabrielle Chanel) and an explicit business acquisition, but with the expectation that they make changes towards becoming sustainable, independent businesses: Robin Mellery-Pratt, 'Chanel, The Saviour of Savoir-Faire' (*Business of Fashion*, 19 April 2015) <<https://www.businessoffashion.com/community/voices/discussions/how-can-traditional-craftsmanship-survive-in-the-modern-world/chanel-saviour-savoir-faire>> accessed 12 May 2021; though for more specific analysis in the context of Maison Lemarié and the greater centralisation brought by Chanel's Métiers d'Art: Marine Pacault and Merle Patchett, 'The Last Plumassier: Storying Dead Birds, Gender and Paraffection at Maison Lemarié' (2016) 25(1) *Cultural Geographies* 134 <doi:10.1177/1474474016673067>.

dynamics of the Parisian fashion houses, the analysis of haute couture is perhaps most valuable when contextualised in the broader landscape of cultural property and cultural expressions. It is clear that haute couture and the communities that are involved in creating and sustaining the industry have a significant cultural value that is protected by the national recognition of the term, but the everyday workings of this cultural knowledge are largely organised around Parisian interests with a great deference to the specific practices of the industry and its actors.

This approach of considering haute couture and its practices as valuable cultural expressions is complicated by the current discussions that are ongoing about the protection of traditional cultural expressions in the international context. While there is the dimension of how indigeneity plays a role in how we construct ‘traditional’ cultural expressions and their protection, there is also a gendered aspect to what we consider as traditionally worthy of formal systems of regulation or protection – operating at the same time, there is the dismissal of traditional aesthetics or narratives as ‘folklore’ or ‘traditional knowledge’ that also intersects the perception of sewing or dressmaking as a distinctly feminine pursuit that works to devalue or delegitimize these practices.⁵⁰

But even with the lack of an internationally accepted definition of what constitutes traditional cultural knowledge or traditional cultural expressions, the WIPO guidelines form

⁵⁰ The difficult process of managing the protection of traditional and indigenous knowledge requires a careful balancing between established knowledge systems and those communities to ensure that are not being disrespected or unfairly delegitimised: Monica Gratani, James R. A. Butler, Frank Royee, et al. ‘Is Validation of Indigenous Ecological Knowledge a Disrespectful Process? A Case Study of Traditional Fishing Poisons and Invasive Fish Management from the Wet Tropics, Australia’ (2011) 16(3) *Ecology and Society* 26 <doi: 10.5751/ES-04249-160325>.

an important starting point.⁵¹ These guidelines emphasise traditional communities in which knowledge or practices are passed down through the generations – which, in the context of botanical knowledge or specific hunting grounds or techniques, are easy to construct around indigeneity as its defining characteristic.⁵²

But haute couture and the ateliers of Paris, while not indigenous communities,⁵³ do share some similarities with the qualities that are highlighted by WIPO and suggests that haute couture can be considered more formally as a combination of important cultural heritage and traditional cultural expressions. Indigeneity and the types of knowledge that are associated with these communities are often aligned along temporal lines – of a historically present people or a practice that has continued over a long period of time – whereas haute couture clearly demonstrates the role of space as fundamental to how these cultural practices are sustained and acquire an enduring significance.

Considering the emphasis on traditional or indigenous communities and the passing of practices and knowledge through generations, the Paris fashion houses demonstrate an element of this through the relationships of famous haute couture designers that have an

⁵¹ The emphasis, identified by Mira Burri, in the latest work of the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC) is on the practice being ‘traditional’ and constitute an ongoing tradition of a community that still practice them: Mira Burri, ‘Cultural Heritage and Intellectual Property’ in Francesco Francioni and Ana Filipa Vrdoljak (eds), *The Oxford Handbook of International Cultural Heritage Law* (Oxford University Press 2020) 463.

⁵² See Henry P. Huntingdon, Lori T. Quakenbush, and Mark Nelson, ‘Evaluating the Effects of Climate Change on Indigenous Marine Mammal Hunting in Northern and Western Alaska Using Traditional Knowledge’ (2017) 4 *Frontiers in Marine Science* 1 <doi:10.3389/fmars.2017.00319>.

⁵³ And correctly so – indigenous communities around the world struggle with realising self-determination, the effects of colonisation, and continued suffering and oppression: Erica-Irene A. Daes, ‘An Overview of the History of Indigenous Peoples: Self-Determination and the United Nations’ (2008) 21(1) *Cambridge Review of International Affairs* 8 <doi:10.1080/09557570701828386>.

interconnected history and an important connection to the physical setting of Paris. Christian Dior is perhaps one of the most significant examples in this modern context, with apprentices that went on to establish their own houses and make significant contributions to haute couture,⁵⁴ but it is also reflected in a more institutional dimension.

With the *École de la Chambre Syndicale de la Couture Parisienne* mentioned previously, designers that graduated from the school include Karl Lagerfeld, Yves Saint Laurent, and Valentino (Valentino notable not only for the successful design house but as one of the *membres correspondants* of the *Chambre Syndicale*).⁵⁵ Lagerfeld went on to head Chanel until his death in 2020 but also designed for a number of other famous French houses.⁵⁶

It is in these informal professional connections and paths to the industry that we see how time is fundamentally shaped by its physical setting – through the combination of the broader political and economic context of their education, with the physical *space* in which they were educated and practised with their colleagues.

Beyond the designers, it is in the ateliers that we see the most dramatic concentration of Parisian influence and the clearest reflection of communities and inter-generational practices. While the designer context demonstrated the passing of practice and knowledge in

⁵⁴ Two of Dior's prominent apprentices were Yves Saint Laurent and Jean-Louis Scherrer, with YSL later going on to inherit the house after Dior's death: Darnell-Jamal Lisby, 'Jay Jaxon: An Unsung Couturier' in Elizabeth Way (ed), *Black Designers in American Fashion* (Bloomsbury 2021) 156.

⁵⁵ On their famous alumni: Fashionista, 'École de la Chambre Syndicale de la Couture Parisienne' (*Fashionista*, 2016) <<https://fashionista.com/page/ecole-de-la-chambre-syndicale-2016>>; correspondent members include Valentino, Elie Saab, Iris Van Herpen and Miu Miu: FHCM, 'Haute Couture' (*FHCM*) <<https://fhcm.paris/en/haute-couture-2/>> accessed 12 May 2021.

⁵⁶ Lagerfeld joined Chanel in 1983, though he also designed for his own label, Fendi, and Chloe: Carly Elizabeth Souther, 'Human v. House: A Combat for Couture Command of Luxury Labels' (2013) 24(1) *DePaul Journal of Art, Technology & Intellectual Property Law* 68.

perhaps a more abstract way, the ateliers represent a much more immediate and concrete sense that reflects a joining of historical practice and physical space.

First, considering the actual practices of the ateliers, they represent exceptionally specialised arts that involve very particular skills and techniques – significant ateliers that were acquired by Chanel include those such as Massaro (shoes),⁵⁷ Lesage (embroidery),⁵⁸ and Lemarié (feathers) that have each cultivated their techniques over the lifetime of the atelier through successive premieres and a strong emphasis on the training of apprentices.⁵⁹

There is also a more concrete manifestation of community and a generational knowledge transfer beyond this technical dimension, of which Maison Lognon is one particularly distinct example. While Lognon was one of the ateliers acquired in 2013 by Chanel, the head of the atelier until that point had been Gérard Lognon⁶⁰ – the great-grandson of Emilie Lognon who founded the house.⁶¹

The centralisation that we see in the emphasis on the physical space – of Paris and specific districts within Paris – is mirrored and subsequently reinforced through the temporal dimension, with cycles of mutually enforcing localisations that, in the case of Lognon and

⁵⁷ Maison Massaro was founded in 1894 in the II^e arrondissement, focusing on traditional shoemaking that was passed through successive generations of the Massaro family: Marie-Josèphe Bossan, *L'Art de la Chaussure* (Parkstone International 2015) 132.

⁵⁸ The embroidery of Maison Lesage is an haute couture staple: Andrew Bolton, *Manus-Machina: Fashion in an Age of Technology* (Metropolitan Museum of Art 2016) 203.

⁵⁹ The famed plumassier Atelier Lemarié also deals in flowers: *ibid.* 195.

⁶⁰ Suggesting that Gérard Lognon 'did not become a pleater, he was born a pleater' given the family heritage of traditional pleating techniques: Olivier Seguret and Keiichi Tahara, *Haute Couture: Tradesmen's Entrance* (St Martin's Press 1999) 155.

⁶¹ Gérard's grandmother, Emilie Lognon, did laundry for Empress Eugenie and founded the house in 1853 – resulting in four generations of Lognons leading the atelier: Céline Vautard, 'Haute Couture and Know-How (II): The Pleats of Atelier Lognon' (*FashionUnited*, 12 January 2018) <<https://fashionunited.com/news/fashion/haute-couture-and-know-how-ii-the-pleats-of-atelier-lognon/2018011219141>> accessed 20 May 2021.

several other ateliers, are very much at the heart of the elements we find essential to the notion of a 'traditional community'.

CONCLUSION

Haute couture represents a very particular field in which the distinct roles of space and time combine, creating a series of localisations that have, at their centre, Paris. The emergence of artistic or cultural movements in particular cities is not a unique development, though haute couture is significant in that the cultural significance of the movement has been reflected in a multitude of formal apparatus surrounding it.

The concentration of influence in Paris is the foundation for understanding the development of modern haute couture as a *series* of localisations rather than a singular, historical event because the institutional and legal aspects continually reinforce the central status and influence of Parisian fashion – rather than *French* fashion – and in which the participants themselves create and sustain their environment.

This emphasis on the fashion houses themselves provides a sense of informal centralisation that then supports the formal, legal centralisation of Paris and can be identified at a variety of levels in haute couture. The ateliers are an important feature of this informal centralisation in that they represent a physical concentration of skilled technicians, though their businesses (like most garment manufacturing) have been under threat because of the skill required and the high cost of production.

Significantly, it was not governmental action that saved these inter-generational ateliers from closure and was, instead, Chanel who acquired them and pushed for a modern approach to their business. In doing so, a group of ateliers now work within the Chanel's Métier d'Art building in what is a further centralisation and emphasis on the physical space within fashion communities.

This emphasis on private actors would be an important avenue of further investigation, applied in both fashion and non-fashion contexts, to understand the role that private actors play in the conservation of culturally valuable knowledge. Chanel is an interesting actor for study because it is a participant in the area yet also has the financial means to effectively safeguard what it considers valuable.

Studying the effectiveness of private vs governmental or other international organisations through a fashion lens could reveal more about the process of protecting cultural knowledge – in this context, the communication of *what* was culturally valuable was much more integrated with Chanel in that it did not need to be communicated or otherwise interpreted by an organisation external to the community. It would be interesting to contrast this approach to how effectively international organisations deal with niche creative (or otherwise intangible) forms of cultural heritage.

The relationship between the ateliers and the fashion houses is a particularly complex area that demonstrates the interweaving of the temporal and the physical, reflected even in the education of the next generation of couturiers and atelier workers that has a strong tradition in Paris and established by the institutional apparatus of Parisian haute couture.

Understanding how space has contributed to the development of haute couture is important not just for how it provides a different perspective to the historical sense of fashion, but because it demonstrates how space is fundamental in how communities develop and are sustained, how knowledge is communicated between generations, and how traditional practices acquire cultural significance or meaningfulness beyond the narrow temporal perspective of history.