

Purple Pasts: Color Codification in the Ancient World

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While developments in intellectual property have opened the door for trademarking color alone or color per se, it is important to observe that color codification is not a new phenomenon. This article outlines the quest to metaphorically trademark purple in antiquity and to provide it with clear “secondary meaning.” It highlights how language, literature, and sumptuary law was deployed to infuse purple with the appropriate symbolism, and it links contemporary debates to some of the historic moves to sequester color.

“Purple is the magisterium . . .”

Alexander Theroux (1996)

Thirteen years ago, the U.S. Supreme Court made a landmark ruling in *Qualitex Co. v. Jacobson Products Co.* (1995) that color alone or color per se could be registered as a trademark. Almost immediately, lines were drawn in the sand. Some law journals lauded the Supreme Court’s “practical” response to the needs of modern advertising (James 1996; Davidson 1996; Vistine 1996), while others called the decision “erroneous” (Kearns 1996, 237) or deemed the “Qualitex Monster” a “trademark disaster” (Overcamp 1995, 595). And in many respects, this tension between the “practical” and the “monstrous” in the 1995 Supreme Court decision has characterized scholarly analyses of the broader field of intellectual property ever since—with one side focusing on the possibilities engendered by more expansive readings and renderings of intellectual property protection and the opposing side identifying its pitfalls.

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For academics interested in the public commons or public space, it would be easy to interpret the trademarking of color per se as “monstrous” or as a pitfall within intellectual property protection. A registered trademark provides the owner of a mark exclusive national rights to that mark on, or in connection with, the goods and/or services listed in the registration; as such, granting commercial ownership to a color might result in unfair competition in the marketplace. Also troubling is the idea that one can own something so natural and so sensory. Here, color trademarking provides a vivid example of what Carol Rose deems the “propertization” of seemingly “un-ownable resources” (2002, 94) or forms yet another instance of the “intellectual property land grab” (Moore 2003) characterizing modern commercial culture. Indeed, in light of current battles over the color orange,¹ the granting of yellow within the class of vehicle repairs and services,² purple within the confectionary sector,³ and (the well-known case of) pink within insulation⁴ (to name but a few), research of this nature is highly warranted. However, the contemporary quest to own color opens a window to more than the manifest issues of twenty-first century legality and competition between commodities: it also prompts us to look in the rear-view mirror of modern trademark decisions to probe how the larger issues of color communication and commerce, ownership and enforcement, representation and signification, have received expression over history. This article attempts such a probe. It focuses on color “codification” found in the very seedbed of Western culture, detailing the prismatic history of efforts to physically “possess” and metaphorically “trademark” purple within antiquity, particularly Roman times.

At its simplest, analyzing color codification in the ancient world demonstrates that what seems like a fairly recent oddity or extremity in law

1. This case pertains to the United Kingdom. On February 18, 2005, Orange Personal Communications, owned by France Telecom, began court action against easyMobile over the use of the color orange. Orange (the operator) has registered orange (Pantone No. 151) as a trademark for its telephones and all things related to its telecommunication services. easyMobile uses a very similar shade of orange in its branding. Problematic is that easyMobile is a subsidiary of easyGroup, well known for its signature orange (Pantone No. 23), shellacking its entire discount brand—a brand spanning jet planes, car rentals, Internet cafes, movie theaters, cruise lines, male toiletries, and pizza delivery.

2. UK Trade Mark No. 2053924 for yellow (Pantone No. 109) is granted to the Automobile Association Limited, London.

3. Cadbury Ltd. successfully registered purple in the United Kingdom for use in the category of chocolate and chocolate confectionary, and a similar mark has been accepted for registration in New Zealand. Cadbury's application to register eight different shades of “Cadbury purple” in Australia was unsuccessful, however.

4. It is worth remarking that Owens-Corning Fiberglas Corp. was the first to register a color—pink—as a trademark in the United States in 1985. However, the federal circuit court granting the protection was divided, and only one other circuit court approved the Owens-Corning decision. After much debate among the courts, Owens-Corning did receive trademark protection in 1988, but this did not reach the Supreme Court.

in fact has a long history. “The present becomes intelligible as it is aligned with a past moment with which it has a secret affinity . . . the past lives selectively in the present,” theorizes John Durham Peters (1999, 3)—and even the most timid peek into the past reveals that contemporary dialogues over color and shade confusion, functionality, and secondary meaning are not new at all.

The plum history of the color purple: addressing this unconventional topic provides a challenge in terms of methodology, one well served by the historiographical method outlined in Mary Poovey’s *History of the Modern Fact*, which “explicitly takes a circuitous route” to pursue a particular and abstract object of analysis (1998, xiii). John Durham Peters’s (1999) history of the idea of communication, *Speaking into the Air*, also uses this method, constructing an historical narrative by bringing into alignment various “constellations” (3) of ideas found across space and time. Both scholars reject historicism—the general quest to uncover “both the single well-defined idea and the obviously connected series of events”—and instead present a “messy history” full of ideas that, in the words of Peters, “are good to think with” (4). Purple’s history is equally messy, and as per the historiographical method of Poovey and Peters, this research makes particular choices to follow that evanescent purple as it weaves through ancient times. In so doing, this partial “history” of the color purple presents a specific take on one angle of color codification: it is interested in how the abstraction was treated, viewed, and talked about, in what purple symbolized *about whom* and *to whom*, and in how this symbolism was enforced. To use the language of the Court: Was purple a trademark? What was its secondary meaning? Was it functional or not?⁵ Finally, was—and if so, *how was*—purple to be possessed?

A few words of caution: The argument being forwarded is about color communication, color codification, and the use of law to help secure its meaning and ownership. My probe into the “ownership” and signification of purple in antiquity is *not* intended to suggest that modern trademark law maps neatly onto ancient space; indeed it does not. Contemporary intellectual, economic, and legal concerns are obviously quite distinct from those found in the very different sociocultural and legal context of antiquity. The point of this fusion of horizons is to illustrate that certain conceptual issues surrounding color—its communication and its control—persist.

In light of this, the notion of *metaphorical* trademarking requires certain elaboration. Section 45 of the U.S. Lanham Act (1946) defines a trademark as any “word, name, symbol, or device, or any combination thereof”

5. *Secondary meaning* and *functionality* are two of the key trademark “tests” determining whether a mark is registerable. *Secondary meaning* requires that the mark (in this case, a color) creates a mental association in consumers’ minds between the mark and a single source of the product. A mark must also be *nonfunctional*, not essential, to the function or essence of the good being used.

(15 U.S.C. sec. 1127) that distinguishes goods in the marketplace. In *Qualitex Co. v. Jacobson Products Co.* (1995), the issue concerned the sale of dry-cleaning press pads in a particular shade of green-gold. Although focused on the concerns over selling a product, the case pivoted on a number of key themes which underscored what a trademark—and specifically a color trademark—is supposed to do. The *Qualitex* ruling recognized that color “acts as a symbol” and can, on its own, carry secondary meaning (*Qualitex Co. v. Jacobson Products Co., Inc.* (1995, 163)). It ruled that color could be inherently distinctive, creating clear associations in the minds of people between the color and a product. And it affirmed that color per se could act to designate a source or origin. Over time, argued the Court, “customers may come to treat a particular color on a product . . . as signifying a brand” (163). *Qualitex Co. v. Jacobson Products Co.* (1995) also dealt with issues of quality and the ways in which an imitating competitor might use a confusingly similar color in order to “reap the financial, reputation-related rewards associated with a desirable product” (164). If one brackets off the (albeit central) notion of selling a product in the marketplace, the issues over color raised in *Qualitex Co. v. Jacobson Products Co.* can provide a fascinating guide to our analysis. Issues of color as a distinguishing guise or marker of identity, secondary meaning, the ability to designate “source” or origin, the conveyance of quality (which can be linked to status considerations) and impersonation, imitation, or trying to secure benefit by appropriating a color established by another, among other things, all emerge in the treatment of purple in antiquity. As such, the notion of metaphoric “trademarking” becomes a conceptual tool with which we can inquire into the ancient history of color codification.⁶

The following analysis is divided into three sections. Section I details the material and symbolic nature of purpura in antiquity, setting the stage for tracing, in some depth, the development of purple as a communicator of prestige. Section II articulates how purple’s “rise to royalty” was both acknowledged and affirmed through the application of sumptuary laws to the practices of purple wearing. Simply put, the Roman court employed legal mechanisms in their efforts to connect the color purple, in all its forms, with imperial power. Here, sumptuary laws are used to both identify and secure purple’s “secondary meaning” (much in the same way that secondary meaning is debated in contemporary cases over color trademarking). Section III illustrates how purple’s secondary meaning is further reinforced by the deliberate channeling of language, literature, and poetry within works such as Virgil’s

6. The intent is not to create continuities where none exist; indeed, valid arguments could be made for a focus on the *differences* between the treatments of color. But the idea of a trademark—in this case, a color mark that works to clearly distinguish or symbolize and identify a product—works as a fascinating metaphor that draws attention to the ways in which, historically, attempts have been made to “possess” color, and law has been used in the quest to secure and legitimize particular color meanings.

Aeneid, Ovid's *Metamorphoses*, Petronius's *Satyricon*, and the Hebrew Bible. All three sections support the broader argument regarding how a complex and highly developed form of color "trademarking" emerged over purple in the Roman world.

I. PURPLE PASTS: THE MATERIAL AND SYMBOLIC NATURE OF PURPURA

Suppose that we were painting a statue, and some one came up to us and said, Why do you not put the most beautiful colors on the most beautiful parts of the body—the eyes ought to be purple, but you have made them black.

Plato, Book IV, *The Republic*

Plato's words of 360 BC capture a sensibility spanning over three thousand years—the admiration of the color purple. Indeed, this "most beautiful" tint was widely coveted, standing as both the "most obviously prized hue . . . in Antiquity" (Gage 1993, 16) and the "most enduring status symbol of the ancient world" (Reinhold 1970, 71). Purple was a jewel box glittering with meaning—serving as a symbol, emblem, or signature color, evolving rhetorically, deployed allegorically, and given material basis.

It should be noted outright that purple (*purpura*) was not an abstraction; rather, it was a precious *dyestuff* created from particular Mediterranean shellfish, known in Latin as the *buccinum* (*Thais haemastroma*) and the *purpura* (*murex brandaris*). Minute quantities of dye were extracted, drop by drop, from thousands of these murices and snails: it took roughly 250,000 shellfish to yield one ounce of dye (Ball 2001, 225).⁷ The dyed wool, washed and boiled, was then dried on the sea banks in Tyre, where the sea air oxidized and fixed the color (Brusatin 1991, 32). Although uneconomical to produce, *purpura* was coveted for its distinctive *blood-red* hue and because it was the only color-fast dye in antiquity (Yelde 2000). Tyrian-dipped purple woolens remained bright red even after many washings, a boon to Greeks and Romans who had an affinity for colored clothing, in purples, blues, reds, blacks, and adorned with gold.

Two obvious distinctions arise here, distinctions that must be made regarding the phenomena of ancient color names and of color "codification." First, the purple of antiquity is not the color we associate with the term. The precise tint of this purple remains somewhat mysterious: Pliny the Elder in *The Natural History* explains that the colors "extracted from the murex and the purple fade from hour to hour" and describes the dye as "being the

7. Also see Jensen (1963) for a detailed exploration of the processing and manufacture of the Purple of Tyre.

tint of a rose, somewhat inclining to black" (1885, 2442). Blood red was this coveted dyestuff, a color suggestive of iridescent aerated blood as well as darkened clotted blood, and its associations to blood and iridescence steep through the color. The Tyrian color, affirms Pliny, is most appreciated when it is "exactly the colour of clotted blood, and is of a blackish hue to the sight, but of a shining appearance when held up to the light; hence it is that we find Homer speaking of 'purple blood'" (2447). Appreciation for this "clotted blood" hue might stem from the symbolism of both red and light. In ancient times, red signified the divine: "it was used in Ancient Greece as a colour to sanctify weddings and funerals and as a military colour in both Greece and Rome to strike awe into the enemy" (Gage 1993, 26). Red, too, was considered the color of the sun, and therefore was associated with light: in the Greco-Roman world, "to be alive was to see the light of the sun" (26). Purple's iridescence embraced *all* these myriad concepts, of light and life and divinity, and of blood—the very substance of life and death and lineage, and the spillage of battle and conquest. Given this rich symbolism, it is understandable how the purple of Tyre could come to be worth more than gold (Ball 2001, 222).

Pliny's views on the purple "particularly valued" (1885, 2446), the color of clotted blood, further reveals the fluid chromatic concept of purple in antiquity: the dye could yield colors ranging from blue to a host of reds, depending on the dyeing method used. But Tyrian purple tinged with black was most valued and cherished—its sheen and surface lustre required special double-dipping, explains Pliny, and was far superior to the purple tint that "inclines to red" (2446).

That purple was both color *and* dyestuff is the second distinction of note. Modern day color trademarking—and the law's focus on this visual "symbol or device" (Lanham Act, 15 U.S.C. sec. 1127) for distinguishing goods—is, at first blush, far removed from the material substance extracted from Mediterranean shellfish. Yet one must allow that codification of ancient purple will express different forms of control than contemporary color codification: while certain controls and codices on purple in the ancient world are literal, its trademarking is (again) understood in a metaphorical sense.

Producing Prestige: The Emergence of Secondary Meaning

Purple's prestige value traces back as far as 1600 BC.⁸ Lloyd B. Jensen's (1963) detailed analysis on the ancient dye's processing and possession, *Royal Purple of Tyre*, observes that Phoenician merchants and navigators "sailed (and rowed) to the 'ends of the earth' (i.e., from the Black Sea to Cadiz)"

8. Note that Robert Stieglitz (1994) suggests that the origins of the purple dye were Minoan, developed before 1750 BCE, and later adopted by the Phoenicians.

to establish settlements for profitable trade in purple or to build dye factories “where murex beds were plentiful” (107). By the early fourteenth century, the principality of Ugarit proffered a purple industry and Hittite rulers demanded “tributes” of purple (Reinhold 1970, 9).⁹ However, the purple was not “owned,” merely admired, and the well-heeled of the past flaunted sea purple garments as a form of conspicuous consumption. Several centuries later, in ninth century BC, documents of the Assyrian monarchs discuss purple, both plundered and paid in tribute. Exchanged through plunder and tribute, carried by merchants and worn by warriors, purple diffuses outward to Persia, Media, Lydia, and Neo-Babylonia. By 800–700 BC, the esteem of purple is heralded through the Homeric epics: purple references are associated “only with persons of the highest social status” (11, 14, 16). The *Iliad*’s Agamemnon wears a purple cloak, and Hector’s ashes lie in a golden urn swathed in purple garments. Odysseus, hero of the *Odyssey*, also owns a purple cloak, as does Telemachus. Nymphs and royal women in both epics weave purple tapestries and cloths. And in the true sense of art reflecting life, the Homeric royal court apparently “accorded special prestige to the color” (11).¹⁰

While interesting, this history remains unconnected to color codification or color trademarking, for purple’s secondary meaning is hazy at best and ownership has yet to even crystallize into a question. Such crystals, it appears, started to form within the sixth century BC: Herodotus’s history of the Persian invasion of Greece (written in the fifth century) speaks of the purple garments Croesus offered to Apollo at Delphi as part of a “magnificent sacrifice” reflecting the royal wealth of Lydia.¹¹ Xenophanes reports that the sixth century BC Ionian city of Colophon was saturated with luxury—“purple garments, elaborate coiffure and fragrant scents” (Bowra 1941, 120)—and that the wealthy flaunted their purple finery when they went to the marketplace. Xenophanes further speaks of a regular assembly of about one thousand people, clad in all purple cloaks (referring explicitly to a time in Colophon when the government belonged to “The Thousand”). It is unclear whether Xenophanes is referring to the fact that, on average, a thousand people went to the marketplace in their full purple finery or whether the purple formed the official dress of a political elite (Bowra 1941). Regardless, the recognition of purple as a signifier of wealth and status remains indisputable. By the sixth century, purple’s symbolic power begins to be channeled in a specific direction.

9. Reinhold (1970) describes this in some detail: King Niqmad of Ugarit sent King Suppililiumas of the Hittites “quantities of purple garments for the king, queen, crown prince, and ministers of the court”; and Queen Akatmilku has “fifty garments of purple wool” in her trousseau (9–10). Reinhold further notes that Ugaritic documents have “the first extant reference to purple in connection with the cult of a god” (9–10).

10. Granted, a vague claim based on sketchy evidence. While Reinhold deems that the Homeric royal court specially esteemed purple, he fails to expound on how this “accorded prestige” (Reinhold 1970, 11) was manifested.

11. This is found in Herodotus (1936). Please note that Clio, in which the sacrifice is detailed, was written by Herodotus in the fifth century.

The Persian king, Cyrus, clearly did not want *all* color to be free to all, as he sought purple as part of a royal trade-dress. Here, as with contemporary color trademark cases, color becomes a legal issue: the king claimed the white-striped purple tunic of the royal costume as his “exclusive royal symbol” (Reinhold 1970, 18) and used legal restrictions to solidify its meaning. Restrictions also extended to the royal violet-purple sleeved robe, which could only be worn by subjects who received it as a gift from the king, generally members of the Persian royal court and select magistrates (18–19). Valid arguments can certainly be made that the “trademarked” purple in question is *literally* an issue of trade-dress, as it only pertains to specific garments of a particular make—but patience, please, for the crystallization is still under way. Suffice to note that sixth century Persia introduces the concept of owning purple and of infusing the hue with the secondary meaning of *royalty*. From this point on to the end of antiquity, the use of purple as official insignia only grows and flourishes. Thanks to commercial and political contacts, and widespread trade between the Persian and Lydian Empire “the entire Greek world . . . employed purple for status purposes” (22).

This said, purple’s history becomes both messy and opaque. But the color dawns again in the Roman affluence of third century BC where a “mad lust” for purple emerges—and stays—until the death of the Republic (72). The lust seems to be fueled by Alexander the Great who, after conquering the Persians, appropriated sixth century precedence by creating a royal costume of purple (Bosworth 1980).¹² Alexander’s adopted aspects of Persian court dress; his ensemble consisted of a white-striped purple tunic, a purple robe, and a white-flecked purple diadem atop a broad felt hat of purple. Alexander also shared his “purple” with select persons, a practice that was reflected in language. *Phoinikistai*, translated later by the Latin *purpurati*, referred to the courtiers and high officials of Alexander (5). Moreover, Alexander’s court was liberally garnished with the hue. Purple rugs and canopies adorned his pavilion; his five hundred-strong imperial bodyguard was bedecked in purple and quince-yellow (Reinhold 1970, 29–31). Alexander’s royal treasury stored approximately \$8 million worth (equivalent) of 190-year-old purple robes (Druding 1982), some of which even followed Alexander to his tomb. Alexander’s burial shroud was purple—just like Diocletian’s and Constantine’s would be some six hundred years later (Gage 1993, 25).

12. A. B. Bosworth (1980) explains that the adoption of the Persian costume did not reflect a “policy of fusion” (1), as has been generally argued. That is, Alexander did not have a deliberate strategy to integrate the Macedonian and Persian peoples. Explanations (from writers during the time period) for the adoption of Persian costume are varied, attributing it to (1) a move toward barbarism, (2) a strategy to win over the barbarians, (3) an adaptation to native custom, or (4) an attempt to inculcate friendship between conqueror and conquered. However, as Bosworth affirms, “there is no indication that any of the ancient sources had direct information about Alexander’s motives for the innovation” (1980, 5).

Still, purple is not fully codified or marked by legal controls. Increasingly it distinguishes the Hellenistic kings, their courts, and high officials, but no royal monopolies restrict purple's manufacture or sale—nor does legislation restrict its use (Reinhold 1970, 30). Particular *combinations* of clothing and insignia (especially the royal garb) were forbidden, although the hue itself remained (technically) free to all—"free" with a hefty price tag and accompanied by a symbolism that, slowly, is solidifying to mean something *more* than mere affluence. Alexander's immediate successors helped in this solidification, donning purple outer robes, purple felt hats, and diadems flecked with purple. And they too shared the purple with courtiers and officialdom, a practice fully institutionalized by the second century BC, when the *purpurati* enjoyed a slightly broader meaning. These "friends" of the court (i.e., officials, courtiers) were literally "wearers of purple," due to their distinctive purple clothing gifted by the king. Signs of disfavor, conversely, manifested in "stripping the courtier of his purple garb" (34): the fallen *purpurati* also lost their purple plumage.

Purple wearing in the second century was highly evolved and seriously regarded. Romans viewed clothing as a distinguished costume draped with meaning: it symbolized the distinctive character of an individual, a country, an epoch and a civilization (Houston 1959, v), and these costumes would hold fast—for four hundred years. Roman citizens wore the *toga pura* or *toga virilis*, an undecorated, natural colored woolen. Candidates for public office dressed in *toga candida*, a white toga, and mourners wore *toga pulla*, a black or dark colored dress. Senators wore the *toga praetexta*, a white wollen toga with red sleeves and a purple hem. For the higher ranks, purple reigned: victorious generals donned the *toga picta*, a purple and gold embroidered toga. Military officers wore the *paludamentum*, a purple cloak, while the soldiers followed in the same style of cloak in red. The Roman Emperor alone wore the *tunica palmata*—made of rich purple silk and embroidered in gold (Houston 1959, 92, 97). Yet it is interesting to observe that the costume's symbolism or mark of distinction lies *less* in the outfit than its color. Color and cloth distinguish citizen from candidate, mourner from general. At a glance or a distance, color alone will signify the difference; but for the time being, purple per se (in the legal sense) does not exist. It remains bound to the cloth that contains it.

From *purpurati* to *paludamentum* purple is receiving great attention. Pliny, for instance, writes of:

that precious color which gleams [*sublucens*] with the hue of a dark rose. . . . This is the purple for which the Roman *fascēs* and axes clear a way. It is the badge of noble youth; it distinguishes the senator from the knight; it is called in to appease the gods. It brightens [*illuminat*] every garment, and shares with gold the glory of the triumph. For these reasons we must pardon the mad desire for purple. (Gage 1993, 25)

Yes, pardon the mad desire for purple, but *why* exactly is color infused with such meanings? As earlier suggested, only part of the explanation lies

in the economics of making *purpura*, for color symbolism has far deeper roots. To the (earlier discussed) ancient veneration of light and of red, might be added some notes on the philosophy of color. Empedocles, in fifth-century Greece, for instance, viewed color as the soul of life and the origin of existence. Yellow, black, red, and white were manifestations of the four elements—earth, air, fire, and water, respectively (Brusatin 1991, 24). Democritus, too, theorized that color had a secondary purpose. White was a function of smoothness, black was a function of roughness, red pertained to heat; and *chlōron* was “composed of both the solid and the void” (Gage 1993, 12). Plato acknowledged these rudimentary color theories in the fourth century with an equally spartan rational theory of colors (which held that color was a function of light in proportion to the dilation of the eye) (12). However, it was Aristotle who fleshed out this framework, starting from the premise that color exists as an actual property of surfaces (not as a sensation produced in the eye)—and the Peripatetic *On colors* expands on the details by explaining that the elements have color: air and water are white; fire and sun are golden yellow; the earth is “dyed” with assorted colors, and black indicates elements in transition (Kemp 1990, 264).¹³ The point is, with the groundwork laid by Empedocles, Democritus, and Aristotle, the idea of color as a function of something else emerges quite naturally. If yellow is a “function” of earth or fire, and black is a “function” of air, roughness, or transition (depending on the philosopher), purple can certainly be a “function” of royalty and officialdom.¹⁴ Clearly color is not a literal function; it is a figurative one shadowing the secondary purpose of color theorized by Democritus.

II. PURPLE'S RISE TO ROYALTY: SUMPTUARY LAWS OVER PURPLE WEARING

Thus far, the color purple presents a fascinating archeology. *Purpura* dyestuff, due to its rarity and expense, is highly coveted. Yet over time the

13. At first blush, it seems that varying interpretations of this exist. Gage (1993, 13) indicates that Aristotle's *On Colours* classifies air, water, and earth as white. Birren (1963) however, notes that for Aristotle the earth is *naturally* white and simply assumes coloration by tincture. Proof of this, Aristotle (apparently) deems, lies in the fact that ashes turn white when the moisture “tinting” them is burned out (13).

14. Considering the enormously long afterlife of Aristotelianism on so many topics, it is hardly surprising that these ancient conclusions circulated for centuries. Aristotle's claim that all colors were “blends of different strengths of sunlight and firelight, and of air and water” (Birren 1963, 17), for instance, was vehemently defended by Goethe (1997), whose *Theory of Colors* affirmed: “from the philosopher we believe we merit thanks for having traced the phenomena of colours to their first sources, to the circumstances under which they simply appear and are, and beyond which no further explanation respecting them is possible” (lviii). From this, it too makes sense to consider that colors such as green-gold might *loosely* be a “function” of something else—such as Qualitex press pads (green-gold), Fiberglass (pink) insulation, or (orange) telecommunications (etc.).

economics of *purpura* start to lift from the cloth. Purple, increasingly, becomes symbolic in itself as notions of royalty and official status are infused into the color. Regal symbolism, mild in the sixth century, deepens in hue over the third and second. According to Reinhold some backlash against the symbol occurs at the end of the second century, stemming from the Roman tendency to associate purple garb, derogatorily, with the Hellenistic kings and their courts; but despite this, the widespread use of purple steadily mounts (Reinhold 1970, 44). By the time of Caesar's dictatorship, there is a significant effort to codify and control purple's symbolism. Caesar sought to legitimize purple as a symbol of power and the elite. Part of this legitimation entailed passing sumptuary laws that reserved purple-edged togas solely for wear by senators (Hunt 1996, 20) and also forbade more general "purple wearing" to all but a select few on certain days of the year (Reinhold 1970, 45). This legislation was not an absolute prohibition on the public use of purple, but it set a precedent for later attempts to institutionalize, codify, and "own" the color.

Subsequent decades and rulers generally intensify efforts to connect color with royal power. In 36 BC, Octavian echoed Caesar's legislation that only senators holding magistracies could wear garments of sea purple. After the Battle of Actium (31 BC), in which Pliny speaks of purple sails on Cleopatra's flagship, and during the reign of Augustus, purple remains popular but unlegislated. Nero (ruling from 54–68 AD) however, tightens the purple reins by prohibiting the sale and use of the finest quality purple, *Tyria*, and *amethystina*, so that only the royal court could enjoy its gloss. This emperor closed all of the Roman shops selling the valued purple—and even confiscated the property of a woman who transgressed the edict (40). While Nero's death meant that purple could once again be manufactured and sold, it was in an unstable environment, for his successors were capricious in their purple prohibitions.

Far from capricious, however, were purple controls in the third century. Ulpian, the third century jurist, defined *purpura* broadly—as all red materials with the exception of those containing the red dyestuff *coccum*, made from *coccus illicus* insect (Gage 1993, 26). And Diocletian deemed the Tyrian purple workshops "imperial property" (25). He fully sequestered the finest quality dye for his royal family and court. Art historian John Gage notes that this imperial "property" of purple was not to be tampered with:

"[R]oyal" purple . . . had come to be associated exclusively with the emperor. For anyone else to wear purple was tantamount to their plotting against the state. The ownership of any purple-dyed cloak or any cloth dyed with the finest purple or even an imitation of it incurred severe penalties. (25)

For this analysis, Diocletian's activities have great significance in showing that purple per se—purple *itself*—is mounting as a symbol of imperial

power. Purple has lifted from the cloth. How? It applies to porphyry, the iridescent stone found atop only a few peaks in Egypt's Eastern Desert, which is "jealously guarded" as symbol of rulership itself (Werner 1998, 2).¹⁵ Portraits of Diocletian depict the glowing stone as well, and (from Diocletian onwards) porphyry sarcophagi brighten the royal burials (Reinhold 1970, 60).

From the fourth through sixth century, Constantine to Justinian, purple's "secondary meaning" is sealed tight. Imperial babies entered the world in the royal palace's porphyry-walled chambers. The Emperor dressed in purple silk robes, purple trousers, and purple shoes, with a matching diadem; by the fourth century "purple was the most necessary and immediately recognized element in the imperial insignia" (Murray 1972, 293). In 470 AD, Emperor Leo I even decreed that imperial edicts would be signed in purple ink (Reinhold 1970, 68). In short, the signature color *was* the hue of royalty. And this royally codified color was bolstered by the force of law. Constantine, in the early fourth century, prohibited any duplication of the royal garb, although officials and private citizens could wear purple stripes on clothing as well as inferior "imitation" purple. And in 383 AD, Gratian, Valentinian, and Theodosius took a cue from the extravagant Nero to legislate purple for exclusive imperial use. Tyrian-dyed purple silk or woolens were strictly verboten, although inferior grades of purple could still circulate (62–66).

Theodosius II reaffirmed this sentiment in 424 AD with the legal proclamation that "We do not permit wool to be dyed with any color resembling the Imperial purple, nor do We permit silk to be dyed rose-color, and afterwards with another tint. . . . Those who violate this law shall suffer the punishment of death" (Scott 1973, 174).

Yet like modern debates over the brand "theft" of orange (or purple or Qualitex green-gold, etc.), Romans citizens *still* used the imperial color. This prompted *another* edict by Theodosius II in 424 AD prohibiting the general creation, ownership, and use of high quality purple—for it was a crime akin to high treason:

Nor shall any person at his home weave or make silk cloaks or tunics which have been colored with purple dye and woven with no admixture of anything else. Men shall bring forth from their homes and deliver the tunics and cloaks that are dyed in all parts of their texture with the blood of the purple shellfish. No threads dyed with purple dye shall be interwoven, nor shall threads colored by the same dye be spun out and made strong by the shrill sounding loom. Garments of all-purple must be surrendered to the treasury and must be immediately offered. . . . But let no man now by such a concealment incur the peril of the toils of the new constitution; otherwise he shall sustain the danger of involvement in a crime similar to that of high treason. (Pharr 1952, 28)

15. Also see Jensen, who observes that "the most prized color in early Imperial Rome was amethyst royal purple—the color of the gem" (1963, 113).

Again, like an ancient case of trademark infringement, the penalty was issued only if the “owned” symbol had been definitely pilfered. Under Theodosius II citizens could not weave or possess garments of this superior purple, but they could own or wear the lower quality, easily identifiable imitation purple, which did not shine like iridescent, imperial purple, and was of a slightly different hue.¹⁶ The mounting sense of frustration over illegitimate purple *poseurs* is revealed by the decree by Emperors Theodosius II and Valentinian made some twelve years later, in 436:

Since it has been disclosed that almost three hundred pounds of purple dyed silk have been colored in clandestine dyeing operations, not without involvement in the crime of high treason, and that no small weight of purple dye has been converted into money, and since witnesses under torture have revealed by what artifices privately owned silk and silk belonging to the fisc were customarily dyed alike with the purple dye belonging to the State, and since they have also revealed what persons were accomplices in this crime, and who were the assistants, and although traffic in purple dye has been prohibited by innumerable constitutions, We also forbid it by a new threat. (Pharr 1952, 287–88)

Trusted officials were thus sent to oversee the dyeworks and to prevent fraud. And since the treasonous parties were seeking to profit from the imperial dye, the emperors recommended a fine of twenty pounds of gold for anyone involved in the traffic of purple.

Sixth-century Rome displayed a softening of ownership: Justinian, in 527 AD, permitted *women* to wear all silk, high quality purple garments. And Emperor Tiberius II (578–582 AD), in a fit of generosity, deemed that *oxyblatta* dyed purple may be worn “on narrow stripes . . . by persons while attending circus games” (Reinhold 1970, 68). By the late ninth century, the falling Byzantine Empire loosened its fierce possessiveness over purple. Emperor Leo VI (886–912 AD) purports to treat purple with the casualness of one who owns something so wholly and completely that he need not worry about sharing, simply because the proprietor is known by all. Leo’s *Constitution LXXXI* affirms:

I do not know for what reason emperors of earlier times, considering that they themselves were entirely garbed in purple, were induced to decree that not even trimmings of purple be allowed on the market, and not permit anyone to sell or buy that color. And indeed, if they prohibited whole cloth to be sold, they would perhaps seem to have

16. This links quite nicely to the 1995 U.S. Supreme Court’s rule on shade confusion: that, while “imitation” colors may be similar, it remains the prerogative of the higher powers to determine whether two shades are “confusingly similar” (*Qualitex Co. v. Jacobson Products Co., Inc* 1995, 167).

had a reasonable motive for doing this. But inasmuch as they prohibited to be on the market stripes and small pieces which might provide utility and use not unsuitable to either seller or buyer, with respect to this, what worthy reason do they allege in this decision of theirs, what envy of their subjects lurks therein? . . . According to me, not acquiescing in that decision, decree that fittings and strips which might provide our subjects with an elegant appearance or with other not prohibited use be permitted to be both sold and bought. For it is proper that his Imperial Majesty, since he bestows other varied benefits upon his subjects, should not begrudge them elegance. (Reinhold 1970, 69)¹⁷

Leo is not *overly* casual, however. He allows only for purple bits, purple strips, and purple trimmings—much as contemporary courts allow for various colors to be used as part of a design.

The Struggle to Sequester

Broadly speaking, the ongoing discourse regarding purple in these sumptuary laws suggests the continued struggle to sequester the dye and its gloss. Although this analysis does not focus on the appropriation of purple by “regular” Roman citizens, the decrees by Nero and Diocletian, and particularly by Theodosius and Valentinian, all point to the existence of a widespread, illegitimate traffic in purple, a traffic that occurred *despite* all of the prohibitions. Consequently it seems worthwhile to pause for a moment and speculate why. The answer very likely resides in what Hunt deems the “fundamental contradiction of sumptuary regulation” (1996, 102); the simple fact that restricting something to a select few will actually raise both its prestige and the general desire to possess that item. “If some economic or cultural asset is restricted to some groups or classes it becomes a potential object of aspiration for others,” explains Hunt, and the aspiration is intensified “where that asset is associated with a claim to social superiority” (102). Hunt observes that sumptuary regulation’s “fundamental contradiction” is augmented when social rank or status is marked by symbolic representations, because “these ‘symbols,’ rather than the underlying economic or property relations from which they stem, become the target for usurpation from below. It is easy to assert a status claim by donning a purple robe” (105). As a result, sumptuary law “actually provokes increasing competition and imitation since it is ‘cheaper’ (economically and politically) for all parties to compete over the symbols than over what those symbols represent” (105). While Hunt focuses on governance through twelfth to eighteenth centuries, his claims can equally

17. Article LXXXI is one of many constitutions decreed by Leo VI in his efforts to update the Justinian laws.

inform this analysis of Roman times. Purple clearly functioned in delineating a hierarchy. But since purple could be gifted from the emperor, or serve to designate senators or members of the court, the color signified a *range* of privileged circles, which might have fueled the demand for Tyrian purple and its colorful imitations.

Hunt's observation, that "it is easy to assert a status claim by donning a purple robe," underscores the absolute importance of color *and* cloth in relation to this argument—and perhaps a momentary digression in this regard is warranted. Cloth itself is highly significant, economically, socioculturally, and politically. Anthropologist Jane Schneider's (1987) comprehensive mapping of how cloth "communicates meanings" details the ways that cloth cements social relations, expresses social identities, and "has helped to consolidate many a political system" (409). Most of all, she illustrates the tightly knit relationship between cloth and power. Textiles and dyes were a form of wealth and a key good in luxury trade; rulers would often present gifts of fine cloth in return for political loyalty (Schneider 1978). Certain kingdoms and empires (such as the Inca and the Romans) "amassed great storehouses of tributary textiles" (Schneider 1987, 412)—treasure, Schneider argues, which served to enhance the authority of political elites. From a cultural standpoint, Schneider argues that cloth is "easily invested with meaning" (412), which makes it a key symbol and ideal for communicating identity. As we have seen, this certainly holds true for purple, yet such investiture exists elsewhere. Schneider's work, for example, presents an anthropology of cloth that focuses on Indonesia, West Africa, the Northwest Coast of North America, Mesoamerican, and the Andes. In all world areas, cloth, particularly colored cloth, served to signify status; sumptuary legislations, "when enforced, bolstered the *visual* hierarchy" (412). What proves interesting for the purposes of this article is the recognition that similar patterns of sumptuary legislation exist to control the meanings associated with cloth (i.e., law worked to consolidate meanings); and that *color* was of central importance. "On a world-wide basis," affirms Schneider, "color seems always to have attracted attention, the counterexamples of religious ascetics in their black, white, and saffron robes only confirming the rule" (431). In the specific case of purple cloth, it is clear that after attracting attention and creating a clear "visual hierarchy," color can transcend the cloth and become a significant symbol in and of itself.¹⁸

18. Jane Schneider (1978) illustrates how a similar transcendence applies to the color black, starting in the Middle Ages in Europe. Black clothing was used to symbolically resist the fabrics and ethos of the developed civilizations of the eastern Mediterranean. The black color itself came to communicate both religious and political goals, as well as a sense of austerity. This symbolism of black, like purple, developed and proliferated over centuries and was embraced by Protestants and political leaders during the Renaissance.

III. COLOR CONTROL: WRITING SECONDARY MEANING

Returning to the aspect of color control, it is clear that the myriad attempts to legislate purple reveal a marked *royal* desire to possess the color. But is this enough to warrant claims to ownership? Today's Supreme Court would deem that purple would first have to prove a clear *secondary meaning*—it would need to create a firm mental association in people's minds between the color "mark" and its source (or in this case, its owner). Qualitex Company, which was granted the rights to green-gold for drycleaning press pads in the 1995 U.S. Supreme Court ruling, was able to illustrate this meaning through \$1.6 million in advertising, while Fiberglass pink insulation apparently "proved" to the lower courts that secondary meaning could be purchased for the tidy sum of \$42 million (the cost of its thirty-five-year advertising campaign) (Coppersmith 1993, 313). But symbolic advertising had a different gloss in antiquity, and secondary meaning needs to be deduced from poetry, literature, and language, not trade journals and flashy magazines. Homer's Greek epics hint at this purple power, but it is in Rome under Augustus that purple takes firm hold in both a visual *and* literary sense. Art professor Manlio Brusatin, in *A History of Colors* (1991), asserts that Virgil presented the soul as purple, but this is misleading. The 19 BC *Aeneid*, commissioned by Augustus to laud the Roman Empire, actually links purple to nobility and military costume. Of the fifty-one references to purple shading in the epic's twelve books, exactly twenty-four refer to clothes, vests, or forms of ornamentation beautifying the heroes/heroines, goddesses, warriors, or their palaces. Thirteen references describe elements or are descriptors of general things (such as purple sky, purple wine, or purple dye), and thirteen references pertain to the purple of blood—for, as earlier noted, true Tyrian *purpura* had the bright, *iridescent* appearance of blood. Not just bright red (as one may assume) but the luminous quality that changes color upon catching the light. Virgil (1909) thus describes "a purple flood of blood," "purple gore," and "purple [i.e., bloody/blood-soaked] death." So where hides Brusatin's "purple soul"? Mentioned *once* it "floats" through the following battle scene in Book IX:

Nor with less rage Euryalus employs
 The wrathful sword, or fewer foes destroys;
 But on th' ignoble crowd his fury flew;
 He Fadius, Hebesus, and Rhoetus slew.
 Oppress'd with heavy sleep the former fell,
 But Rhoetus wakeful, and observing all:
 Behind a spacious jar he slink'd for fear;
 The fatal iron found and reach'd him there;
 For, as he rose, it pierc'd his naked side,
 And, reeking, thence return'd in crimson dyed.

The wound pours out a stream of wine and blood;
The purple soul comes floating in the flood. (9.314)

Given the context of the reference, Virgil's purple soul is not an aesthetic descriptor. Rather, the poet presents the soul as soaked with blood—it is stained purple from Rhoetus's fatal wound.

This (too) brief foray into epic poetry illustrates purple's central symbolism. Virgil's *Aeneid* predominantly uses purple to clothe heroes and kings. In Book XII, Virgil heralds "King Aulestes, by his purple known" (12.287), illustrating the specificity of this powerful symbol. Purple has literally become a *signature color*—and it is fascinating that the stained garb of the heroes takes the same name as the blood of their victims. The powerful wear purple, and they also command it, drawing "purple gore" from their contenders.

Virgil's fellow poet Ovid also recognizes purple's regal and power-laden symbolism in the *Metamorphoses*. Palaces are seen "by the purple light" (Book I, para. 52) and in the heavens (Book II)

The God sits high, exalted on a throne
Of blazing gems, with purple garments on (Ovid 1994, para. 3)

The story of Cadmus (Book III) talks of purple vests as a sign of luxury, while the story of Perseus mentions the "noble youth" Athis wearing "a purple mantle fring'd with gold" (Book V, para. 4). "Book the Eighth," to provide one further example, recalls the "daughter of the purple king" (Book VIII, para. 2). It is important to note that similar purple esteem is found in the Hebrew Bible.¹⁹ God, in the book of Exodus, commands that an offering of purple (among other things) is to be made to Him (Birren 1963, 40), while the tabernacle, the shrine of God, has purple curtains and is embroidered with purple threads. In the second book of the Chronicles, Solomon's temple has purple in it, as does the palace of King Ahasuerus in the book of Esther. The triumphant Mordecai (also in Esther) rides out to his people in a "royal garment" (Esther 6:1–11) gifted from the king of fine linen and purple. Even the New Testament acknowledges the luxury and power display of purple. The Gospel of Luke recounts "a certain rich man" who "habitually dressed in purple and fine linen, gaily living in splendor every day" (Luke 16:19). More tellingly, Jesus, when mocked by the Romans as "King of the Jews" was clothed in purple and crowned with woven thorns. As Mark (15:17–20) details:

19. I insert the Hebrew Bible here because, while it took centuries to shape, the "fixed" collection, as we know it, was completed around AD 100. See Bandstra's reading of the Old Testament (1995, 4).

Then Pilate therefore took Jesus, and scourged Him.

And the soldiers wove a crown of thorns and put it on His head, and arrayed Him in a purple robe; and they began to come up to Him, and say, "Hail, King of the Jews!" and to give Him blows in the face.²⁰

Revelation's whore of the earth, with whom the world's kings have fornicated, is also arrayed in purple (Rev. 17:2-4)—the same color tinting St. John's vision of the Apocalypse, in which the "great city clothed in fine linen and purple" (i.e., Babylon) is destroyed (Rev. 18:16).

The writing of purple's secondary meaning is also seen in Petronius's well-known *Satyricon*. Petronius was the *arbiter elegantiae* of Emperor Nero, his advisor in matters of luxury and extravagance. As befits his office, he pens an equally extravagant text revealing the debauchery of a culture on the wane. "The Banquet of Trimalchio" from the *Satyricon* profiles the freed slave who, distinguished only by money, seeks to elevate himself by displaying the symbols of rank. Trimalchio's glorious banquet displays the ex-slave conspicuously clothed in purple and wearing, as a bib, a napkin with a broad purple stripe. But before the feast, Trimalchio rebukes a "rascal" servant who "lost my dinner robes, which a client gave me on my birthday—genuine Tyrian purple, I assure you, though only once dipped" (Petronius 1930, 30). This comment is doubly revealing in light of our awareness of *purpurati*; that is, the fact that genuine Tyrian purple was generally gifted from royalty to courtiers or individuals held in high esteem. Is Trimalchio hinting that his "client" might be a member of the imperial court or even the sovereign? Perhaps. Or perhaps Trimalchio's client is merely moneyed, for despite all the imperial edicts over purple, both social climbers and those with status ostentatiously used purple to signify their affluence.

Within these literary works circulates an ancient manifestation of the law's "capacity to fix meaning while denying this as an operation of power" (Coombe 1999, 28). Rome's early rulers may have legislated purple now and again, but as the "law" incarnate, they also "fixed" purple's meaning in more subtle ways. Augustus commissioned the *Aeneid* and many of Ovid's works and Petronius was Nero's friend and advisor²¹—certainly the purple these artists penned would be infused with the appropriate symbolism! Moreover, the language circulating *outside* the literati worked to color purple with the appropriate hue of wealth and royalty. Horace labeled fine writing "purple," linking a florid literary style with lavish dress (Rossotti 1983, 224; see also Brewer 1998, 870). But an entire spectrum of colored language connecting

20. See also John 19:1-3.

21. That is, until Petronius fell out of the emperor's favor and was forced to commit suicide in AD 66.

purple to royal power also existed. As earlier noted, there were the Persian *purple wearers* and the identification of the *purpurati* beginning under Alexander the Great. Diocletian in 303 AD initiated the ceremonial *adoratio purpurae*, the kissing of the purple, a protocol appropriate to those granted an imperial audience.²² Royal infants were *porphyrogenitus* or *born in the purple*, referring to the porphyry-lined chamber in the imperial palace (Brewer 1998, 847); they mounted the throne or *purpuram sumere*, and the *natales purpurae* marked the emperor's anniversary date of assuming power. Imperial garb, appropriately, was christened *divina purpura* (Reinhold 1970, 65).

Perhaps the strongest indication of purple's secondary meaning, the sign that purple per se has come into its own, nestles in *Brewer's Dictionary of Phrase and Language*, which defines purple as "a synonym for the rank of Roman emperor" (Brewer 1998, 870). This symbolism is clearly grasped beyond the Ancient Empire, for the eighteenth century English rationalist historian Edward Gibbon (1990) tosses purple like confetti throughout his *History of the Decline and Fall of the Roman Empire (1776–88)*: Constantine "accepts the purple" (561), successors are "educated in the Imperial purple" (571), and the imperial family grows "under the shade of the purple" (563). Moreover, tyrants "dishonoured the Imperial purple" (560) and dissenters "abdicate the purple" (593). Interestingly, this plum language has a curious and contrary relationship to present issues of color ownership. The 1995 U.S. Supreme Court decision that allowed for the trademarking of color per se hinged on the fact that nothing in Section 45 of the Lanham Act (the federal writ governing trademark) categorically barred color per se from being trademarked—and because the writ neglected to explicitly mention color, it *could* be owned. Imperial Rome, in contrast, "acquired" purple by writing much about it, and consistently. Purple's secondary meaning developed not merely through royal prohibitions, but through associations garnered through its expense and its extensive ancient "advertising" profiled in poetry, literature, and language games.

On Painted Archaeology

Only through examining the historical record can the power of color and its exceptional communicative properties be painted in its full spectrum. Contemporary issues of legal ownership take on a richer, deeper hue when contemporary cases are viewed in a much broader context, as if through the

22. As Edward Gibbon explains in *The Decline and Fall of the Roman Empire*: "When a subject was at length admitted to the Imperial presence, he was obliged, whatever might be his rank, to fall prostrate on the ground, and to adore . . . the divinity of his lord and master" (1990, 332).

looking glass of Braudel's *longue duree*. In itself, the 1995 Supreme Court decision that color per se can be owned has acute legal and commercial ramifications, but one must be careful *not* to presume that the issue is new. This messy history reveals that the Supreme Court's ground breaking decision finds fragments of precedence tracing back 3,500 years. And while the "transgressed" of antiquity did not sue for trademark infringement, purple was a clear signature color with powerful symbolic or secondary meaning. Over time and with effort, the imperial court was able to sequester the hue as emblematic of royalty, luxury, and power; by the late Empire, Imperial Purple circulated in the lexicon as a referent not only to a color but also as a synonym for the Roman Emperor. Indeed, the sheer power of purple's *particular* communicative properties is evidenced by the fact that the Roman Empire's demise does not signal the end of the symbolically charged purple. Since the Byzantine emperors were viewed as Christ's representatives on earth, it was but a tiny step to shift this royal hue to Christ himself and to represent him as robed in purple (Ball 2001, 226). Catholic popes, cardinals, and archbishops subsequently donned purple robes to signify *divine* power (Velde 2000), which heralded Hugh of St. Victor's (twelfth century) argument that paintings should portray Mary attired in purple, as the color befit her role as Queen of Heaven (Gage 1993, 130). Even though the Tyrian supply of *purpura* was exhausted in 1453, the purple "code" of esteem held fast: ignoring the original material basis of the hue and focusing on color itself, Pope Paul II authorized the use of "Cardinals' Purple" made from the Kermes insect. This was the first luxury dye of the Middle Ages and a new "Spiritual" move to brand purple (Druding 1983).

Much could be said of the later attempts to capitalize on the associations of this regal hue of antiquity, of the medieval heraldic blazon that linked the tincture *purpure* with royalty and rank, or even of William Perkin's patented mauve of the late 1850s, which (despite its vastly different hue) was first marketed as "Tyrian purple" (Garfield 2000, 43). It suffices to say, however, that this probing of purple in antiquity illustrates a certain communion between past and present. While there are vast distinctions between the Ancient regime and modern-day commercial culture, attempts to claim and control the communication of color are deeply, historically rooted. Color in antiquity is, like today, used as a symbol. Color codification in today's strict legal sense can also be found in ancient proclamations and sumptuary laws, and in attempts at metaphorical color trademarking. Both cases, ancient and modern, reveal the struggles to sequester, the contested nature of ownership, the ways in which desires to possess and own (which generally link to both money and prestige) can also lead to a type of trafficking by those who have been denied color "rights." Both ancient and modern attempts at color trademarking, too, reveal that language is a key means of hemming in hue (although in the case of imperial purple *the materiality* of the color is originally of much significance). But the codification ultimately lifted from the cloth,

leaving an interest in color per se—and one that is, remarkably, not particularly distant from modern desires to trademark color.

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In the past, purple dye was rare and expensive because it was extracted from sea snails. And since it was expensive, it was worn only by kings, queens and other representatives of monarchy. Brazil and Thailand: On the contrary, the purple colour is symbolic of mourning in these two countries. Did you know that in Brazilian culture, it is considered as inappropriate to wear purple if not attending a funeral? USA: In USA, the purple colour stands for honour and military valour, a reason for which the soldiers are awarded by purple badges. Netherlands: In the Netherlands, orange is the colour of the Dutch Royal family and is thus symbolic of a certain class and status. Plan a trip to Netherlands with our Trip Planner! Colombia: In Colombia, orange represents sexuality and fertility. Download Citation on ResearchGate | Purple Past: Color Codification in the Ancient World | While developments in intellectual property have opened the door for trademarking color alone or color per se, it is important to observe that color codification is not a new phenomenon. This article outlines the quest to metaphorically trademark purple in antiquity and to... While developments in intellectual property have opened the door for trademarking color alone or color per se, it is important to observe that color codification is not a new phenomenon. This article outlines the quest to metaphorically trademark purple in antiquity and to provide it with clear secondary meaning.