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## CRISIS AND INTERVENTION: THE IMPACT OF LIBERAL LEGISLATION ON PORTWINE SECTOR, 1870-1900



*Crisis e intervenção: o impacto da legislação liberal no sector do vinho do Porto, 1870-1900*

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## RESUMEN

Nos centraremos en las consecuencias de la legislación liberal en la Región Demarcada del Duero, dada la fuerte tradición reguladora del Estado sobre la región. Esta nueva situación económica y cultural provocó la aparición de demandas de vuelta a un régimen proteccionista para el Alto Duero, en conflicto con los intereses de otros grupos socioeconómicos. Las demandas de intervención estatal del Duero se expresaron en diversas cuestiones que se desarrollaron a partir del tercer cuarto del siglo XIX y se prolongaron durante varias décadas, suscitando un malestar político y social. Por último, analizaremos la actuación del Estado ante la crisis y las reivindicaciones, intentando averiguar en qué medida y de qué manera, incluso en tiempos de liberalismo, el Estado intervino en el sector del vino de Oporto.

### ■ PALABRAS CLAVE

Vino de Oporto, liberalismo, intervención estatal.

## ABSTRACT

We will focus on the consequences of liberal legislation in the Douro Demarcated Region, given the strong regulatory tradition of the State over the region. This new economic and cultural situation led to the emergence of demands for a return to a protectionist regime for the Alto Douro, which clashed with the interests of other socio-economic groups. The Douro's demands were expressed in various issues that developed from the third quarter of the 19th century onwards and continued for several decades, stirring up political and social unrest. Finally, we will analyse the actions of the State in the face of the crisis and the demands, trying to ascertain to what extent and in what ways, even in times of liberalism, the State intervened in the Port wine sector.

### ■ KEYWORDS

Portwine, liberalism, state intervention.

## RESUMO

Centrar-nos-emos nas consequências da legislação liberal (instituída em 1865) na Região Demarcada do Douro, face à forte tradição reguladora do Estado sobre a Região. Esta nova conjuntura económica e cultural conduziu ao emergir de reivindicações pelo regresso a um regime proteccionista para o Alto Douro, em choque com interesses de outros grupos sócio-económicos. As reivindicações durienses de intervenção do Estado ficaram expressas em diversas questões que se desenvolveram a partir do terceiro quartel do século XIX e se manteriam durante várias décadas, suscitando agitação política e social. Por fim, analisaremos a acção do Estado face à crise e às reivindicações, procurando aferir até que ponto e em que moldes, mesmo em tempos de liberalismo, o Estado interveio no sector do vinho do Porto.

### ■ PALAVRAS-CHAVE

Vinho do Porto; liberalismo; intervenção do Estado.

## Introduction. Methodology and sources

The main theme of this article is the Douro Demarcated Region (located in the interior north of Portugal) in the third quarter of the 19th century, that is, between the Regeneration and the beginning of the Estado Novo, considered by Jaime Reis to be the crucial period for national development (Reis, 1995: 9-32). We will focus in particular on Port wine. As well as being a key sector of the Portuguese economy, it was the main production of the Douro Demarcated Region and has marked its historical, social, institutional and landscape evolution over the last two centuries; no other agricultural product in Douro Region had a comparable economic value and the capacity to mobilise regional elites in its defence. The aim is to evaluate the consequences of the liberal legislation, given the strong regulatory tradition of the State over the Douro region and taking into account the occurrence of other transforming factors. These include the agricultural and commercial crisis of the last quarter of the 19th century, caused by grapevine diseases, the closure of the French market and the development of internal fraud and counterfeiting favoured by the 1865 legislation. Faced with this change in the economic and cultural landscape, demands emerged for a return to a protectionist regime for the Douro Demarcated Region, clashing with the interests of other socio-economic groups, particularly viticulture in the south and groups linked to cereal interests, closer to central power and exerting strong pressure on the state.

In order to achieve the proposed objectives, we used various documentary sources from different public and private archives. The main basis for analysing the debates on the wine issue was the research carried out in the "Diaries of the Chamber of Deputies and Peers" between 1885 and 1893. Another privileged source of information in understanding the different positions on the issues in question was the periodical press. Here we had to bridge the chronological gaps, particularly in the regional press, by cross-referencing with national newspapers. The Historical Archive of the Porto Trade Association proved to be of fundamental importance in understanding the positions of the export trade on the wine issue and characterising relations with production and central power.

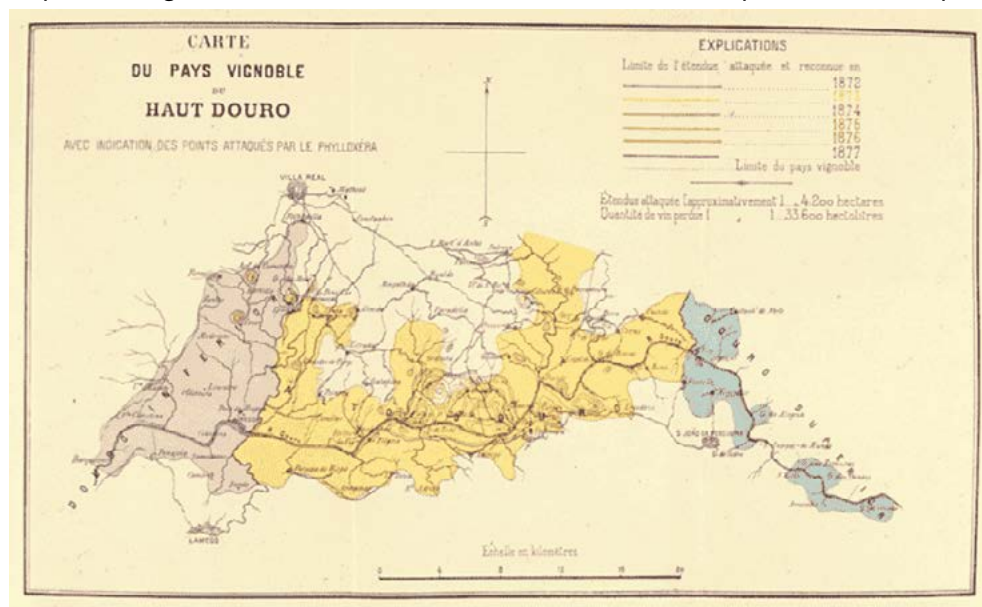
The methodology used favoured qualitative analysis of the sources, complemented by reference bibliography.

## The Douro Region in the last third of the 19th Century

The law of 7th December 1865, the result of an intense and prolonged debate between free traders and protectionists on the wine sector issue, established a regime of freedom of trade that would end only in 1907. During this period, all regulatory mechanisms were abolished: the demarcation was eliminated, as well as the restriction of the port bar of Porto for the export of Douro wines and the supervision and certification of wines.

The emergence of phylloxera<sup>1</sup> was one of the main factors in the crisis experienced in the Douro Demarcated Region in the last third of the 19th century (Figure 1 and Figure 2). Striking with force from the mid-1860s, it would lead to a change in the geography of the vineyards in Portugal (Pereira, 1983). At the same time as the crisis in the traditional areas of the vine, this culture increased in new areas of the Douro region, where new types of wine were developed, particularly for consumption, and modern viticultural practices and techniques were introduced (Pereira, 1998). Initially affecting Cima Corgo, there would be an expansion of the vineyards mainly to the Upper Douro, a situation encouraged by the construction of the railway and by the increase in the exportation of common wines to France. Together with the long depression in the price of wheat, would also motivate the spreading of the vineyards to other regions in the country, especially to Estremadura and Ribatejo (Pereira, 1983: 143), following the trend that started in the 1860's (Matias, 2002: 94-99), which would lead the South of Portugal to specialise in the production of common wines (Justino, 1989: 153).

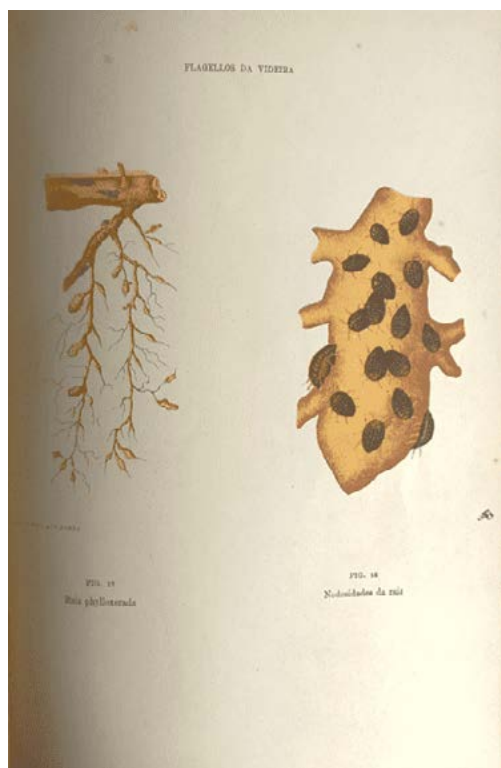
**Figure 1.** Map of the Alto Douro wine country, with indication of the points attacked by phylloxera  
*Figura 1. Mapa de la región vinícola del Alto Duero, con indicación de los puntos atacados por la filoxera*



Source: Soares, 1878.

<sup>1</sup> Phylloxera is the common name for the haemipter of the Phylloxeridae family of the species *Daktulosphaera vitifoliae* (Fitch, 1854), sometimes called by its taxonomic synonym *Phylloxera vastatrix*. From the last quarter of the 19th century, phylloxera became the most devastating pest in world viticulture, profoundly altering the geographical distribution of wine production and causing a global crisis in wine production and trade that lasted almost half a century. Originating in North America, phylloxera arrived in Europe at the beginning of the 1860s, with the American vines imported to combat powdery mildew and began by attacking French vineyards. In Portugal, the plague first affected the Douro region, which accounted for 22 per cent of national production and two-thirds of national wine exports (Martins, 1991). "These invasive species and plant pests were not an exclusively Portuguese phenomena and had truly continental dimensions. Indeed, in the 1870s, the disease affected the most European countries, particularly Spain, Austria, Switzerland, Germany, Hungary and Italy" (Pires, 2020: 145).

**Figure 2.** Vine root affected by phylloxera  
*Figura 2. Raíz de vid afectada por la filoxera*



Source/fuente: Vilarinho de São Romão, 1891.

From a social point of view, the impact of phylloxera was severe. The reduction in production and the investment in reconversion led to debt and poverty. Property devalued and emigration increased. Gaspar Martins Pereira argues that emigration from the municipalities of the Alto Douro was not very intense until the late 1880s, and that it must have been particularly concentrated in the mountain parishes compared to the wine-growing parishes. According to the same author, at the beginning of the 1890s, emigration showed a significant increase (from 703 emigrants in 1887 to 1,540 in 1893), but even so, it wasn't surprising when compared to the numbers that would be registered in 1911 and the annual immigration of several thousand Galician workers from the 1870s onwards, taking advantage of the work to rebuild the vineyards (Pereira, 1989). The transfer of properties accelerated, allowing an increase in the use of new techniques, due to the financial capacity of the new owners, but leading to the strengthening of the commercial sector over the productive sector.

From the mid 1880s, phylloxera spread to the whole country. The effort to rebuild the vineyards led to a substantial increase in production quantities, far exceeding commercial needs. An intense commercial crisis overlapped with the wine crisis. The "wine fever" (Pereira, 1983: 143), now driven by the fight against phylloxera in the Centre and South of Portugal, would end up causing an excess of production and the consequent decrease in the value of wine. The sudden retraction of the importing markets, adopting policies of a protectionist nature, the increase in internal competition and the proliferation of artificial wines led to a crisis of overproduction, integrated in a European situation of excess supply and low prices.

On the other hand, the abolition of the restriction of the Douro bar, instituted by the new free trade regime of 1865, led to the development of fraud and internal and external falsification by making Portwine with wines from other regions by traders and exporters, quickly discrediting Portwine on the international markets. Imitations became abundant in our main markets, worsening the commercial crisis and the fall in prices (Ramos, 1998: 316-318).

The economic crisis was followed by a social crisis, setting Douro winegrowers against the trade and other national winegrowing regions. There were then debates in Parliament, protests, meetings and rallies in which the regional elites advocated state intervention and a return to a protectionist regime for the Douro Region.

## **Regional claims and State intervention**

After the establishment of a liberal regime for the wine sector, not only the Douro but also other regions and the trade itself called for State intervention. For example, Royal Central Association of Portuguese Agriculture (RACAP) insisted that the State should establish trade treaties, and defended the improvement of winemaking processes in order to produce wines in accordance with the needs of the market. To this end, it was proposed that the Government should take the practical teaching directly to the winemaking regions, establishing experimental farms, publishing treaties on viticulture and oenology, promoting congresses and wine exhibitions and that it should invest in communication routes connecting the production centres with the main markets.

In Alto Douro, the claim for State intervention was noted in several issues, integrating the regional question in its various aspects: defence of the regional brand, the designation of origin, the alcohol issue and tobacco issue. At first, a different type of State intervention was demanded, of a diplomatic rather than regulatory nature. For instance, the Government was asked to negotiate with England the abolition of the alcoholic scale in its tariffs, since, with taxation according to the alcoholic scale, Portuguese wines lost ground in the British market, particularly those with a higher alcoholic scale (Martins, 1990: 104).

The State sought to respond to the demands, but according to new forms and methods of action. State intervention now had to involve the promotion of studies and education, the development of commercial relations and the development of communication routes. Thus, after liberalization in 1865, the State was determined to encourage the modernization of the wine sector, making it more competitive on external markets. To do so, it appointed a commission to study winemaking practices in the different Portuguese winegrowing regions, with the purpose of developing and perfecting each region's winemaking processes and types of wine.

On the other hand, State intervention would continue, but indirectly, creating conditions for the development of production and trade, which would be particularly evident in the fight against phylloxera. Regional bodies such as the civil governor of Vila Real, for example, were trying to obtain measures from the state in the fight against phylloxera in the Upper Douro. Alongside local authorities, ad hoc commissions were organised to defend the Douro, made up of Douro personalities such as the Viscount of Vilar d'Allen, the Baron of Lages and the Count of Samodães. Some of the measures demanded were met by the Central State. Faced with the damage caused by the plague, the State took urgent measures to



try to overcome the crisis that affected the Douro region: it appointed study commissions, county surveillance commissions and experimental posts in various municipalities, it built a sulphide factory, exempted from property tax the vineyards destroyed or heavily attacked by the plague, abolished customs tariffs for insecticides and fertilizers intended for the vineyard and established the free transport of them on the State railway, granted a subsidy for the treatment of phylloxera-ridden vines and imposed their compulsory treatment, prohibited the importation of vines, rootstocks or plants from phylloxera-ridden regions (Martins, 1991: 657). However, some personalities from the Douro region were in favour of another type of measure.

### ***The Tobacco Issue***

The State initiatives were good but insufficient and of little practical effect, since a large part of the Douro population did not have the material means or the scientific knowledge to implement techniques to combat vine diseases. Thus, it was suggested, as the best means of regional reconversion, the replacement of vine-growing by tobacco-growing, promoted by the State in place of private initiative (Figure 3). This was nothing new, as the replacement of vines by tobacco had already been suggested during the powdery mildew<sup>2</sup> crisis (Pereira, 1983: 138-141). The replanting of the area affected by phylloxera with tobacco was also defended by the regional representatives at the Parliament.

In addition to tobacco, they advocated the creation of an agronomic post to study alternative crops, appropriate to the land devastated by phylloxera.

The regional movement had repercussions on parliamentary action. The Committee for the Examination of Regional Claims proposed that an agricultural post be set up in the Douro region. This suggestion would be included in the law of 1st June 1882, which, among other measures, ordered the establishment of an agricultural post in Pinhão for trials of crops that could replace vines.

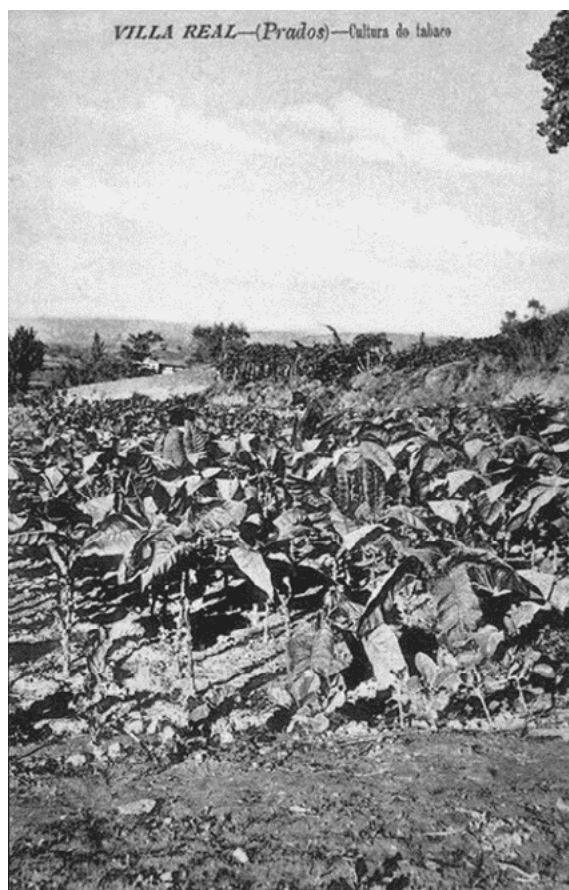
The delay in regulating this law meant that regional personalities kept up the pressure on the central government, both through parliamentarians and press articles. They insisted on defending tobacco growing in the Douro on land considered to be lost to vine growing. Priority was to be given to those who had lost everything, those who could not be treated because there were no more vines. As for the latter, it was considered that planting with American vines was not useful, since, in addition to the fact that there was no consensus as to the advantage of using them, it would require financial means that the owners did not have. The only solution suggested was to plant tobacco, as this is a fast-growing crop. Rebutting the arguments of those opposed to tobacco growing—lack of appropriate soils and a significant drop in revenue for the State—it was made clear that tobacco growing was not requested as a complete replacement for vine growing but as an alternative to the current crisis. As for the soil, it was considered that the Douro had all the necessary con-

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2 Powdery mildew is the generic name given to a large number of species of unicellular fungi belonging to the Erysiphaceae (erysiphaceous) family. By extension, the name “powdery mildew” is given to plant diseases caused by these fungi. One of the most common and economically important diseases caused by this group of fungi is tuckeri powdery mildew of the grapevine.

ditions for this crop and its necessity was stressed. Investment in alternative crops should be encouraged, particularly tobacco, as had been done in various European countries. This would be the only way of preventing famine in the Douro as it is a plant that is adapted to the region's geomorphological characteristics and climate. It was claimed that many had already surrendered to evidence of the capacity for economic regeneration through tobacco. All that remained was the fear of a reduction in tax revenue, which was considered unfounded, since the tax to be paid would be the same as that paid on imported tobacco.

**Figure 3.** Tobacco plantation in Vila Real (Douro Region). Postcard, late 19th century  
*Figura 3. Plantación de tabaco en Vila Real (Región del Douro). Tarjeta postal, finales del siglo XIX*



Source/fuente: <https://escarpasdocorgo.blogspot.com/2020/09/a-cultura-do-tabaco-no-concelho-de-vila.html#gsc.tab=0>.

These principles were summarised in a representation sent to the Parliament at the end of March 1883, asking for authorisation to grow tobacco in the Douro, in view of the good results of the experimental crops grown there and the disastrous state the region was in for lack of work. In an attempt to put pressure on the public powers, a meeting was also held with tobacco factory owners to agree on the terms of a representation to Parliament asking for tobacco growing in the Douro. At the same time, propaganda and pressure continued to be exerted through the press, denouncing the fact that the Government had only given the matter and the regional demands their due importance, whereas they had



started appealing to the people to vote against the Government in the legislative elections that were about to take place. This strategy would result in the presentation of a project by the Minister of Public Works and two opposition members of parliament. The Committee for the Defence of the Douro then represented to the Government by requesting the recruitment of qualified specialists who would come to the Region to teach the best system for preparing the tobacco produced in the Douro; a reduction in the tax to be paid for the tobacco produced in the Douro; the establishment of a minimum area for its production (as they considered that the area foreseen in the government project was too small, making investment unfeasible); and investment in public works, particularly road construction. The crises in the Douro were blamed largely on the change from a restrictive to a liberal system, without any compensation. The idea that the crisis in the Douro was great due to a lack of work, and that it would be resolved, in part, by growing tobacco, was reinforced.

### *The alcohol issue*

The alcohol issue was one where the conflict between winegrowers and the export trade was most intense. The alcohol industrialists would be added too, dividing North and South, representing, similarly to what happened in Spain, different "lobby groups" formed as the State took measures in this regard (Pan-Montojo e Puig Raposo, 1995).

From the 18th Century onwards, it became common practice to add brandy to Portwine in order to preserve the qualities preferred by the British market (sweet, strong and aromatic wines). This practice ended up defining the Portwine production technology as we know it, since the addition of brandy to the must, by stopping fermentation and preserving the natural sweetness of the grapes, guarantees sweet, strong and aromatic wines with great ageing capacity.

The brandy used to make Portwine came mainly from Minho (Bennett, 2005: 155-158), Beira, Trás-os-Montes and Estremadura, regions where it was cheaper. With the end of the protectionist regime in 1865, the Central and Southern winegrowing regions freely supplied significant amounts of brandy to both winegrowers and merchants (Bennett, 2005: 220).

As Norman R. Bennett points out (2005: 193), non-Douro brandy would continue to be essential to Portwine production. However, oidium caused significant falls in production, not only in the Alto Douro but also in the Centre and South of the country, leading to a reduction in the production of grape spirit (Matias, 2002: 174 ff.). As it became necessary to use foreign brandy, the State reduced import duties by the law of 28 May 1860. At the same time, grain brandy started to be used in the refinement of wines, including the best quality wines, such as Portwine. The lack of brandy led to a change in winemaking practices, with non-vinic alcohol, both national and foreign, becoming a permanent component of the Portwine making process. The use of non-vinic alcohol in the making of Portwine in the second half of the 19th century started to pose a threat to the quality of the product.

In the mid 1860's, production started to recover in quantitative terms. As a result, stocks of wine from the Oeste region accumulated. Despite this, the wine exporters decided to request a new reduction in duties on imported brandy. Wine spirit producers immediately protested, fearing that there would be no demand for their product.

Several Douro municipalities were also preparing to request an increase in the tax burden on foreign brandy in order to facilitate the use of inferior Douro wines (for consumption or distillation)<sup>3</sup>. This measure was seen as the main way of easing the crisis the region was going through, as it would make it possible to sell many dozens of barrels of inferior wine, transformed into brandy, thus raising the price and improving the quality. The State, unable to intervene directly, should decree an increase in the duties on foreign brandies, so as to replace them with the distillation of inferior wines, which were superabundant on the market. It was not yet a crisis of overproduction, but a consequence of the liberal legislation, which had ended the demarcation, allowing the wines produced in Trás-os-Montes to flow to the market, causing its saturation.

This question caused controversy among the most prominent figures of the Douro wine-growing region,<sup>4</sup> placing the issue at the level of the discussion between free trade and protectionism. Looking at the issue from the point of view of its relationship with Douro winemaking, it was argued that the increase in tariffs would have to be such as to greatly reduce, or even prevent, the entry of foreign brandy. But even in this case, Douro wine-growing would not stand to gain, as brandy could be obtained from the distillation of many raw materials, thus compensating for the lack of foreign brandy. It was argued that the Douro should find in its own initiative the solution to the crisis in which it found itself. It needed to make the most of its own resources, form associations, seek new markets, study winemaking processes and present new products in accordance with the new consumer trends on the international markets, marked by a preference for less graduated wines.

To the question of rights over foreign brandy was added the industrial alcohol issue. Before phylloxera, a substantial proportion of ordinary wines was destined for distillation, and the brandy produced was used to improve fine wines or to prepare ordinary wines for special markets. With the phylloxera invasion, the decrease in harvests and the increase in prices, these wines were used directly for export as inferior wines. At the end of the 1870s, the Central and Southern consumption wines found a market in France, where they were fighting phylloxera. This intense demand from the French market led to the diversion of large quantities of wine previously destined for distillation to be sold as drinking wine. This caused serious problems when, at the end of 1880, alongside abundant harvests as a result of replanting efforts, the French market shrank and crisis and social conflict began to emerge. The winegrowers, faced with overproduction and a lack of markets, tried to recover the market for brandy and unleashed a war on industrial alcohol. This was already a reflection of the lack of outlet for inferior wines, which were intended to be distilled again to improve fine wines.

The question of industrial alcohol generated great discussion. In order to protect the distillation of wine, winegrowers wanted to prohibit the use of industrial alcohols and to impose heavy taxes on the distillation of cereals, sweet potatoes, etcetera. But they came up against the interests created around the alcohol industry, and there was a strong reaction from the representatives of the Azorean factories, the farmers of the Algarve and even some winegrowers who believed that cheap alcohol should be available for the prepara-

3 See "A aguardente estrangeira e os vinhos do Douro" in *O Comércio do Porto*, 6 December 1868, page 1.

4 For example, the Baron of Lajes and the Count of Samodães.

tion of wines in order to make them competitive with those from Spain and Italy. Gradually, industrial alcohol started to be the target of a depreciative campaign, in which public health reasons were invoked to restrict its use in the improvement of wines. Several oenologists were of the opinion that the use of industrial alcohol in the production of fortified wines harmed their ageing and future qualities.

The State introduced several bills seeking to favour grape spirit by increasing the duties on industrial alcohol, whether domestic or foreign, as had happened in Spain (Pan-Montojo e Puig Raposo, 1995: 259-267). Thus, it may be said that, although it reflected the debate in the last third of the 19th century against liberalism and in favour of State intervention (Pereira, 1998: 17-31), the State's motives in this matter were purely fiscal, seeking to satisfy the growing need for higher tax revenues rather than seeking to implement a fundamental reform. However, attempts to tax industrial alcohol would be unsuccessful, due to resistance from industrialists and the impossibility of some of them paying the taxes decreed, as well as due to the reaction of the wine exporting trade, which would lead to the suspension of the law.

The creation of a Guild of industrial alcohol producers (decree of 12 April 1892) led to an intensification of the debate, which also involved the Porto Trade Association, wine merchants and industrial alcohol producers.

The Porto Trade Association complained against the high import duties on foreign alcohol (particularly Spanish brandy), claiming it was necessary for the benefit of wines, given the small quantity produced in Portugal. The merchants asked for cheap alcohol by reducing the import duty, as well as the production tax on national distilleries, so that they could lower wine prices and make them competitive. In the opposite direction, the industrial alcohol factories asked for higher duties on foreign alcohol, which was supported by several municipalities in Estremadura, Ribatejo and Algarve.

The Douro region also spoke out against the Alcohol Guild, which made the product and, consequently, the improvement of wines, much more expensive. It was claimed that the Douro could not do without industrial alcohol as the country did not produce enough wine spirit. However, quality alcohol was desired and it was argued that German alcohol was better than national alcohol, besides being cheaper. Therefore, they asked for a return to the regime that existed before the Decree of 12 April 1892, otherwise the Douro would fall into complete misery and be unable to cultivate its vines. The alcohol regime based on guilds was condemned. It was claimed that the alcohol regime was the Douro's main enemy. At the same time it was denounced the influence on the Government of alcohol manufacturers and wine growers from the South who were interested in keeping the price of wine brandy high.

The alcohol issue accentuated the split between the winegrowers of the North and those of the South, giving the debate an inter-regional character. Expressing a dispute over the use of grape spirit or alcohol for the benefit of wines, the North called for low duties on foreign alcohol, while the South demanded higher taxation.

In defence of the Southern winegrowers was RACAP which considered that the issue of industrial alcohol involved installed interests, not only in the national distilling industry but

also in the production of the respective raw materials. It therefore argued that the production of brandy was an inevitable necessity, not only because it gave wines greater quality, but also because it provided a safe outlet for a large proportion of Portuguese wines.

Towards the end of the 1890s, when the overproduction crisis became more notorious, one of RACAP's main demands was to increase the tax on foreign industrial alcohol in order to favour domestic brandy. The distillation of inferior wines was suggested as an urgent measure to resolve the crisis of abundance. It was argued that the wines that benefited from industrial alcohol did not acquire the necessary qualities "that distinguish fine wines". As there was too much wine, industrial alcohol was no longer indispensable, contrary to what the trade argued. RACAP therefore insisted on restricting the use of industrial alcohol, replacing it with wine spirit, the large-scale manufacture of which should be promoted by the state. Directly attacking the trade in the city of Porto, it invoked the credit of the Porto brand as the best motivation for the use of wine spirit:

By contributing to stripping the wine that bears the name of Porto of its special and genuine character, making it an article in which everyone can compete with us, we are accomplices in our own defeat. [...] The country's duty is to defend Port wine even against those who commercialise it in a special way. (Real Associação Central de Agricultura Portuguesa, 1897: 19-20)

### ***The "Porto" regional brand***

In the last third of the 19th century, the most prominent issue in the Alto Douro region was the defence of the regional brand. They argued that it was a wine produced in unique geographical and climatic conditions that could not be imitated. And it was claimed that the designation of origin "Port Wine" should be used exclusively for wines produced in the Douro region, as had been introduced by the Pombaline demarcation in the second half of the 18th century (Pereira, 2003).

At the end of the 1870's, several Douro personalities denounced in the press the existence of fraud by affixing the Porto brand to wines from other regions, which acquired that name when exported by the Port bar (Figure 4). That is why they defended the institution of a legal mark for genuine wines called "Porto", granted by a commission elected by the export trade and by Douro winegrowers.

From the 1880's onwards, another battle front was opened by sending representations to the Parliament, insisting on the need to guarantee the authenticity and genuineness of Douro wines. The brand would not be compulsory, but optional for winegrowers or exporters who wished it, and would serve to identify the authentic Portwine in international markets.

In 1883, this doctrine was defended at rallies held in the Douro region and in Porto. But now the Douro was faced (once again) with opposition from the commercial sector. The Douro region began to demand, in a more organised and persistent way, the Porto brand for wines produced only from Douro grapes, defending the specialisation of other regions in their own types of wine. Then some voices were raised to argue that producing Port wine with blends of grapes from different regions was admissible, because it was a question of

producing a product in harmony with market demands. The regional demands were contested and an attempt was made to keep trade completely free, aggravating the conflict with production.

At the same time as the regional claims, the law on industrial and commercial trademarks of 4 June 1883 was approved in Parliament. Integrating trade marks within the scope of industrial property law, this law sought to create guarantees of fair competition in the exercise of economic activity, preventing fraud and forgery.

**Figure 4.** Port wine labels produced outside the demarcated Douro region, even outside Portugal  
*Figura 4. Etiquetas de vino de Oporto producido fuera de la región demarcada del Duero, incluso fuera de Portugal*



Source/fuente: <http://desdetemplolucero.blogspot.com/2012/01/vinos-de-oporto-y-madeira-antigua.html>.

Transposing the 1883 Paris Union Convention into national legislation, Portugal considered marks of origin to be “commercial designations that should be given protection equivalent to that given to trade and industry marks” (Amorim, 1947: 188-189) at a time when it had become common practice to imitate, on the international markets, the most reputable wines, such as Port and Madeira, or even Bordeaux and Sherry.

Although the Paris Convention did not directly target the designations of origin, the law of 4 June 1883 tried to prevent the usurpation of the places of production. Thus, it established that it was illegal to indicate, in the brand of a product, a country or a region where it had not been produced. In the specific case of wines, it obliged the manufacturer that indicated the country or region of production to also include the name of the farm where it was prepared or the parish where it was located. With a view to repressing external fraud, it was also determined that products coming from abroad bearing a supposed Portuguese brand name or false indication of the names of industrialists or traders residing in national territory, of establishments with their headquarters here or of any other locality in the country would be seized at customs.



From then on, the sectorial debate became more vigorous. The commercial sector, represented by the Porto Trade Association, hastened to complain to the central authorities, expressing its opposition to all the measures that were being proposed, particularly the adoption of brands and the restitution of the exclusive of the Douro river bar for the export of Douro wines, as it considered that they would worsen the crisis that was already being experienced. Production and commerce diverged on the need to regulate the wine sector.

In December 1885, the movement to re-establish a protectionist regime for the Douro Region gained greater strength and notoriety when the Commission for the Defence of the Interests of the Douro (CDD) was set up. The following years would be particularly eventful in the Douro. The CDD launched a systematic propaganda campaign to change the laws on the export of wines exported by the Douro river bar, organising rallies and meetings in all the districts of the region with the aim of agreeing on a common and effective strategy. Committees of notables were also appointed to draw up the bases of a draft law to be presented to Parliament. Joining the movement, several Douro municipalities demanded the public authorities to change the regime of free trade and export of wines. Requesting laws and regulations that would guarantee the historical brand of the Region's wines, the debate was placed in the parliamentary sphere. A network of influences was thus created that sought to put pressure on the public powers to legislate on the Port brand.

The question of defending the brand continued up to the beginning of the 20th century. The State tried to take advantage of its participation in the International Conventions, especially the Madrid Agreement of 1891, which dealt with the protection of designations of origin by repressing false or misleading indications of provenance (Almeida, 1999: 144).

The State also took other measures to regulate and control the sector, such as the creation, by decree, of the Official Committee for the Promotion of Production and Export Trade of Portuguese Wines. The Government legislated to guarantee the genuineness of wines by means of the decree of 1 September 1894. Seeking to increase the "triple protection of viticulture, public health and the tax authorities against the illicit industry of wine adulteration and counterfeiting", the decree forbade the sale, under the name of wine, of a product that was not the result of the fermentation of fresh grapes or that used foreign raw materials in its manufacture, imposing heavy fines on offenders (provisions reinforced by the decree of 23 August 1895). The aim was to curb the proliferation of so-called "artificial wines", which were cheaper and contributed greatly to aggravating the crisis at the time. In 1895, as part of the regulation of the decree of 1 September 1894, the government set up committees to monitor the manufacture and sale of wines and olive oils in the district of Vila Real. Its role in combating fraud and adulteration in Port wine was limited, as it only acted as a consultant and intermediary between the wine production sector and the Government. However, as with the other issues addressed in this article, the State always had to face pressure and demands from the various agents in the sector and from the other national winegrowing regions. As a result, the Douro regional movement in favour of the Porto brand, which remained active and carried out numerous institutional initiatives and pressure on the public authorities, only achieved effective State intervention in 1907, with the return to the model of protectionist regulation of the sector and the establishment of the brand in the national legal order.

## Final remarks

During the last third of the 19th century, the Portwine sector and the Douro region were marked by several factors that led to a structural transformation. Vine diseases, new liberal legislation and changes in markets, both internal and external, produced profound changes in the wine sector. In particular, the liberalisation of the sector, which encouraged internal and external fraud (Pereira, 1983: 224-227), highlighted the need for regulation, expressed in the movement demanding State intervention that took shape in the final decades of the 19th Century.

The period under analysis was marked by the debate between two regulatory systems, indicating different ideological positions and actions by the State towards a greater or lesser intervention in the sector. This debate was characterised by a game of interests, not only in the Portwine sector but extending to other regions and economic groups.

The Douro region's attitude towards the changes that took place in the second half of the 19th century was firstly one of adaptation and reconversion of wine-growing practices and techniques, albeit slowly. At the same time, it began to demand state intervention in regional reconversion, by increasing tobacco cultivation. But mainly, the Douro region moved towards the defence of a system of protectionist regulation. It had to face the conflict of interests in relation to the commercial sector and the other national wine regions, which pointed to the emergence of new interests that became "lobby groups", influencing the State's policies and measures in relation to the various issues in focus during the period in question (Pereira, 1983: 7). The State's apparent incapacity and hesitation, oscillating between economic models while tending towards protectionist policies, was a consequence of the influence exerted by the various interest groups, particularly the southern wine-growers and alcohol industrialists. To a lesser extent, the interests of the Douro were safeguarded as a result of the strong influence of the southern lobby in the state apparatus.

The government hesitated as to whether to adopt a free-trade or protectionist system for the Port wine sector in the face of intense inter-regional and sectorial debate and of pressure from the various sectors. This stance exacerbated the sectorial and regional conflict, marked by strong contestation and manifesting the permanence of the debate between liberal or protectionist policies.

The State sought to respond to Douro demands, but with new forms of action, never ceasing to be present (Barreto, 1988: 374-378). On the one hand, satisfying its financial needs, the State maintained the tax burden on Portwine exports, although less onerous. On the other, it invested in the study and improvement of the different types of wine, and was also guided by its adhesion to international conventions, firstly the Paris Convention, which would result in the law of 4 June 1883, and then the Madrid Agreement, which can be interpreted as a response to the need to regulate the sector within a framework of economic liberalism, which would become an opportunity for the Douro elites to intensify their defence of the regional brand of Portwine.

We shall conclude that the State tried to promote social stability in the Portwine sector, placing itself in the position of "arbiter" of conflicts, attempting to reconcile different interests and intervening according to its own interests (Barreto, 1988: 385-390). The persis-

tence of sectorial and regional conflicts would have conditioned State policy in the sense of subjugating the dominant interests, making it difficult for the Douro to influence the government's action. The Douro Region was unable to influence government policies in a satisfactory way during the period in question. Furthermore, it was unable to constitute a real lobby, despite having managed to form a network of interests that extended to its representatives in the Cortes. It wasn't until the beginning of the 20th century, with the liberal state crisis, that the Alto Douro managed to exert some influence over central power in defining policies for the wine sector, like the elites in other regions. For example, the landowners of the Dão region, with strong interests in vineyards and wine, also took advantage of the political opportunity offered by the crisis of the liberal state to organise themselves as a powerful lobby for economic and political pressure on central power (Amaro, 2017).

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