

2019

Tempesta Map of Rome

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Recommended Citation

Jane C. Ginsburg, *Tempesta Map of Rome*, A HISTORY OF INTELLECTUAL PROPERTY IN 50 OBJECTS, CLAUDY OP DEN KAMP & DAN HUNTER (EDS.), CAMBRIDGE UNIVERSITY PRESS (2019).

Available at: https://scholarship.law.columbia.edu/faculty_scholarship/2077

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1400

1500

1600

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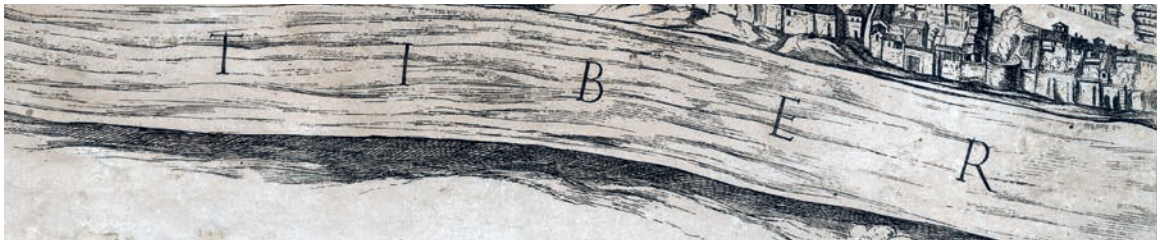
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IN THE LATE 1580s, Florentine painter and printmaker Antonio Tempesta (1555–1630), having thrived under the earlier Pope Gregory XIII, found himself on the ebbing end of the next Pope, Sixtus V's patronage. Tempesta's commissions to fresco churches or residences had fallen off, but the burgeoning print market offered new opportunities. Printed images of Rome proved increasingly popular with pilgrims, particularly in anticipation of the Jubilee of 1600. Moreover, Rome's urban transformation under Sixtus V refocused attention from the ruined glories of the imperial past to the grandiose design of new thoroughfares, piazzas, fountains, and edifices. The newly mastered engineering feat of transporting obelisks symbolized the passage of grandeur from Roman emperors to Popes—obelisks displaced from their pagan settings now rose throughout the city, facing churches and ecclesiastical palaces. An immense bird's-eye view depiction of the city, greater in size and detail than any predecessor, would celebrate the new Rome, and would advertise Tempesta's representational accomplishments

to prospective papal patrons and other benefactors. It would also enhance his reputation as a printmaker.

Tempesta may have perceived even greater need for alternative sources of income as the early demise of Sixtus V, and the fleeting reigns of his immediate successors—three popes in two of the years during which Tempesta would have been developing his map—rendered the prospect of papal patronage ever more precarious. When Tempesta completed his map, Clement VIII, a fellow-Florentine, was in the second year of an eventual 13-year papacy. By this point, however, if Tempesta was still hoping for lucrative work as a painter of large-scale frescos, he was also extensively exploiting the print market. Wary, it seems, of papal inconstancy in largess or longevity, Tempesta dedicated his map not to Clement VIII, but to Jacobo Bosio, the representative of the Knights of Malta to the Holy See. The map was monumental in every sense—it measured 103.5 × 244 cm, and gave a comprehensive coverage of imposing new buildings as well as ordinary dwellings—and it set

On the left: Detail of Tempesta's Map of Rome, Recens provt hodie iacet almae vrbis Romae, 1593. (Novacco 4F 256, The Newberry Library)



a new standard for visual representations of contemporary Rome. Thenceforth, throughout the 17th century, maps of Rome would literally as well as figuratively derive from Tempesta's template, as subsequent publishers following Tempesta's death reworked the plates that he had etched. (The art historian Eckhard Leuschner notes that publisher Giovanni Battista de Rossi reworked Tempesta's plates for his 1665 edition of the map, and suggests that, although during his life Tempesta sold the plates for many of his prints to various publishers, he appears to have kept the plates for the map, which were probably not dispersed until after his death.)

Tempesta anticipated great success for his map, and accordingly sought to ensure that he would retain the profits. He not only drew the underlying images and etched them himself, but also kept the plates rather than selling them to one of the established Italian or Flemish print publishers in Rome. In a step unusual for artists and print designers, he thus became his own publisher. Most importantly from an intellectual property perspective, he obtained privileges granting him a ten-year monopoly on printing or selling his map. Tempesta was by no means the first mapmaker or printmaker of Roman images to seek exclusive rights from the Pope and other sovereigns. For example, as early as the 1550s, Leonardo Bufalini received papal and French, Spanish and Venetian privileges for his 1551 map of Rome. In 1587 Venetian publisher Girolamo Francino obtained a papal privilege for *Le cose maravigliose dell'alma città di Roma*, with text and engravings celebrating the great public works of Sixtus V, and Flemish publisher Nicolaus van Aelst (who would publish

other prints by Tempesta) received a papal privilege in 1588 for engravings of Roman obelisks. But Tempesta's papal privilege stands out for the arguments he made to support his application for the grant. Tempesta wrote:

Antonio Tempesta, Florentine painter, having in this city [Rome] printed a work of a new Rome, of which he is not only the creator, but also has drawn and engraved it with his own hand, with much personal expense, effort, and care for many years, and fearing that others may usurp this work from him by copying it, and consequently gather the fruits of his efforts, therefore approaches Your Holiness and humbly requests him to deign to grant him a special privilege as is usually granted to every creator of new works, so that no one in the Papal States may for ten years print, have printed, or have others make the said work, and [further requests] that all other works that the Petitioner shall in the future create or publish with permission of the superiors [papal censorship authorities] may enjoy the same Privilege as well so that he may with so much greater eagerness attend to and labor every day [to create] new things for the utility of all, and for his own honor, which he will receive by the singular grace from Your Holiness. (Archivio segreto vaticano, Sec. Brev. Reg. 208 F. 74, at F. 76r (13 October 1593). *Author's translation.*)

The petition evokes justifications spanning the full range of modern intellectual property rhetoric, from fear of unscrupulous competitors, to author-centric rationales. Invocations of labor and investment ("with much personal expense, effort, and care for many years") and unfair competition-based justifications ("fearing that others may usurp this work from him

Above: Detail of Tempesta's Map of Rome, 1593. (The Newberry Library)



*Above: Detail of
Tempesta's Map of
Rome, 1593. (The
Newberry Library)*

by copying it, and consequently gather the fruits of his efforts”) were familiar, indeed ubiquitous, in Tempesta’s time; and they still echo today. From the earliest Roman printing privileges in the late 15th century, these rationales figured prominently in petitions by and privileges granted both to authors and to publishers. Petitions and privileges would frequently emphasize the public benefit that publishing the work would confer, while stressing that the author or publisher hesitates to bring the work forth lest others unfairly reap the fruits of their labors, to the great detriment of the author or publisher. Other petitions made explicit the incentive rationale that underlies investment-protection arguments. They urged, as did Tempesta, that the grant of a privilege would encourage not only immediate publication of the identified work, but also future productivity, to even greater public benefit (“so that he may with so much greater eagerness attend to and labor every day [to create] new things for the utility of all”). We can see that long before the 1710 Statute of Anne—the first Act vesting exclusive rights in authors, and the event which is commonly accepted as the birth of the modern era of intellectual property—the precursor regime of printing privileges understood

monopolies as incentives to intellectual and financial investment. The pre-copyright system had thus already firmly established one of the philosophical pillars of modern copyright law.

Tempesta’s petition, however, went further than its antecedents with respect to the second pillar of modern copyright law, that is, the justification based on the natural rights of the author, a rationale that roots exclusive authorial rights in personal creativity. Tempesta’s contention that new works routinely receive privileges was not novel, but he focused on the rights of the creator (“as is usually granted to every creator of new works”) and equated creativity with his personal honor. This argument foreshadowed the modern moral rights conception of copyright. It would be anachronistic to argue that Tempesta claimed that exclusive rights inherently arise out of the creation of a work of authorship, rather than solely by sovereign grant—on the contrary, Tempesta carefully acknowledged both that privileges are a “singular grace” from the Pope, and that all works must receive a license from the papal censors. Nonetheless, in advancing the then-unusual request that the privilege cover “all other works that the Petitioner shall in the future create or publish,” Tempesta





Above: Antonio Tempesta's *Map of Rome, Recens propt hodie iacet almae urbis Romae*, 1593. (Novacco 4F 256, *The Newberry Library*), 103.5 × 244 cm



was urging that his entire future production should automatically enjoy a ten-year monopoly on reproduction and distribution in the Papal States (a claim that was subject, of course, to the censors' approval of each work Tempesta would bring forth). In more modern terms, Tempesta was seeking a result equivalent to "I created it, it's mine." Tempesta also tied his request to incentive rationales—a broad grant of rights would spur him ever more eagerly to greater creativity—and this conflation of creativity-based and labor-incentive conceptions anticipates the frequent oscillation and overlap in modern copyright between natural rights and social contract theories of copyright.

The privilege that Clement VIII eventually granted to Tempesta, while broad, fell short of the full range of Tempesta's aspiration. The Pope did not cover all of Tempesta's future print production, but he did grant exclusive rights not only in the map of Rome, but "also in maps of whatever other places and cities that he will invent and will have engraved onto

copper plates." Moreover, the scope of the monopoly in the map of Rome (and, potentially, of other locations) extended to what copyright lawyers today call "derivative works," that is, works based on the initially protected source, such as adaptations and new editions. The privilege thus included "whatsoever form, whether larger or smaller, or in any form different from the version initially printed." Coverage of different size versions of the map would ensure Tempesta's control over smaller, less expensive, editions, whether to exploit that market, or as appears to be the case, to decline to exploit that market in order to preserve the monumental cachet of the immense original. It seems no smaller size editions of the map were published during Tempesta's lifetime.

Yet, the large-scale version may not have sold widely, either. Scholars of Roman printmaking have nonetheless speculated that the number of copies sold does not indicate the measure of the map's success. Jessica Maier and Francesca Consagra suggest that wealthy landowners of the time

Above: Details of Tempesta's Map of Rome, 1593. (The Newberry Library)

liked to decorate their houses with maps and city views; they reference 17th-century architect and author Joseph Furtenbach who advised the affluent to adorn their residences with maps of Rome, mentioning the Tempesta Map as one particularly well suited for a well-appointed study. In other words, Tempesta's map may have attracted an elite clientele prepared both to pay prices three to twenty times higher than smaller prints commanded and, Tempesta may have hoped, to commission even more expensive painted decorations for their villas.

Tempesta's privilege thus served multiple purposes. It allowed him to control the market for his work, matching the public for his map to his self-conception as an innovative painter-printmaker, a polyvalent artist who not only invented the image, but also with his own hand prepared it for the print medium and executed the transfer of the drawing to the copper plate. The exclusive rights the privilege conveyed thus provided legal certainty sufficient to warrant the undertaking of creating and disseminating the map and, Tempesta asserted, stimulating further creative endeavors. And it enhanced the author's honor by conferring the prestige of the approval of the Pope and other sovereigns, a prestige that carried market value. This latter value is clear from the persistent appearance of the original notice of "privileges of the highest princes" through the 1645 reprinting of the map, long after the original privileges would have expired.

The Tempesta Map is an important waypoint in the development of copyright and intellectual property. Over 400 years later, many of the financial and artistic concerns that motivated Tempesta's claim for exclusive rights in his creative output

continue to underlie authors' aspirations for the copyright system today. ♦

Further Reading

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