

The Aesthetics of Publishing: The Art Book as Object from Print to Digital

CAA Panel, February 17, 2007

Professor Patricia Rubin

This paper will be published in a volume of *Visual Resources*, giving different perspectives on “Issues in Art History Publishing” along with papers by William Tronzo (Stanford Humanities Center), Susan Bielstein (University of Chicago Press), Catherine Soussloff (University of California, Santa Cruz) and Mariët Westermann (Institute of Fine Arts), edited by William Tronzo and Catherine Soussloff.

In thinking about “the art book as object,” I was drawn to Roger Chartier’s essays on *The Order of Books*, where he observes that “any work inscribes within its forms and its themes a relationship with the manner in which, in a given moment and place, modes of exercising power, social configurations, or the structure of personality are organized.”¹ The category of art book can be usefully interrogated in terms of all of these themes, but one topic of present urgency as well as of historical interest is the way that the art book is particularly implicated in “modes of exercising power.” The passage from the economy of patronage to that of print capitalism is peculiarly complicated by the art book’s multiple relationships to what have been defined as the proprietary rights of the authors of texts and those of the creators and owners of the works they describe. I will comment briefly on some defining moments in that process, combining my personal scholarly interests in Renaissance art and art writing with my current experience of discussions being held in Britain about the “effects of intellectual property on the conduct” and dissemination of research.²

¹ Roger Chartier, *The Order of Books: Readers, Authors, and Libraries in Europe between the Fourteenth and Eighteenth Centuries*, trans. Lydia G. Cochrane (Cambridge: Polity Press, 1994), x.

² This is a paraphrase of the title of the Royal Society’s report, *Keeping Science Open: The Effects of Intellectual Property on the Conduct of Science*, quoted in the preface to the report of the British Academy Review Working Group, *Copyright and Research in the Humanities and Social Sciences* (London: The British Academy, 2006), 5. The preface explains that both of these national bodies “have become concerned that extensions of the scope of legal intellectual property protection may damage rather than enhance the defence and creation of intellectual property ... It should not be assumed that more extensive legal protection for intellectual property is always better, or that the public interest in intellectual property can be equated with the economic interests of existing rights holders. Such economic interests need to be balanced against the public interest in the wide dissemination of the new ideas and findings and creative activity.” Paragraphs 30-7 of the report are dedicated specifically to the issue of image reproduction (13-15).

As is well known, the future of the art book depends in great measure on resolving the question of who controls access to the objects that are its subject and how that control affects the right to reproduce works of art. The power play over illustration has a dominant role in the fate of the art book, in printed or digital form. As Head of the Courtauld Institute of Art Research Forum, I organized a series of meetings between June 2005 and March 2006, in collaboration with the Association of Art Historians, devoted to the issues surrounding art history and academic publishing. Starting from the identification of general problems in this area, our focus has been on pointing out and working to resolve the contradictions between the prohibitive licensing practices and the stated missions of the major national collections in the U.K., which are publicly funded. Our question has been who profits from the present regime of picture charges? Our emphasis has been on demonstrating the consequences such charges have for the diffusion of knowledge about the works of art being held in trust for present and future generations. Ours has been, in a sense, a parochial effort. But the parish is prominent and the principles in play have wider application to the economy of knowledge in the visual arts.

Frustrations about obtaining good illustrations have venerable precedents in art history. In dedicating the second edition of *The Lives of the Artists* to Duke Cosimo de' Medici in 1568, Giorgio Vasari excused some of the faulty likenesses found among the portraits of artists included in the book, on the grounds that the majority had been sent to him by friends in far off places and that not all were drawn well. The engravings were also made at a distance (in Venice). Vasari claimed that had the engravers been under his supervision, the portraits would have been done with greater diligence.³

³ Giorgio Vasari, *Le Vite de' più eccellenti pittori scultori e architettori nelle redazioni del 1550 e 1568*, ed. Rosanna Bettarini and Paola Barocchi (Florence: Sansoni Editore, 1966), vol. I, 6: "E se le effigie e' ritratti che ho posti di tanti valenti uomini in questa opera ... non sono alcuna volta ben simili al vero ... non è però che il disegno et i lineamenti non sieno stati tolti dal vero e non siano e propii e naturali, senzaché, essendomene una gran parte stati mandati dagli amici che ho in diversi luoghi, non sono tutti stati disegnati da buona mano. Non mi è anco stato in ciò di piccolo incommodo la lontananza di chi ha queste teste

Modern authors not only share Vasari's predicament about picture sources, but they also share his place with respect to his proudly presented work. It has been remarked that, "authors do not write books. Books are not written at all. They are manufactured by scribes and other artisans, by mechanics and other engineers, and by printing presses and other machines."⁴ Whatever the changes in technology, the mechanisms of publishing do much to shape the expression of history and the expectations of its readers.

Vasari's decisions about the publishing of *The Lives* in 1550 and 1568 are well documented. They are revealing about the power structures governing publication in what may be taken as the founding stage of the art book. In the first instance, taking advice from friends, he decided against publishing the book in Rome under papal protection, despite its genesis in the household of Cardinal Alessandro Farnese there. He also removed it from the list of the enterprising writer-printer-publisher-editor, Anton Francesco Doni, who had moved from being the mouthpiece of the Florentine court to being a protagonist in the frantic, freelance commerce of the mid-sixteenth century Venetian printing industry.⁵ Vasari's friend, Pietro Aretino, satirized the unpleasant spectacle of writers trying to make a living from book sales there – swimming in a lake of ink darker than printer's black and "no better than pimps who empty the purses of their whores each evening."⁶ Aretino preferred to be paid by the "courtesy of princes" and not base purchasers in transactions

intagliate, però che, se fussino stati gli intagliatori appresso di me, si sarebbe per avventura intorno a ciò potuto molto più diligenza che non si è fatto, usare."

⁴ Roger E. Stoddard, "Morphology and the Book from an American Perspective," *Printing History*, 17 (1990), 2-14, quoted by Chartier, *Order of Books*, 9.

⁵ For these choices, see my book, *Giorgio Vasari: Art and History* (New Haven and London: Yale University Press, 1995): 107-10. In March 1547 Doni, then in Florence, included *Le vite de gli artefici ... scritte par Giorgio Vasari* in a list of books soon to be printed by his press, which he had founded with the duke's encouragement.

⁶ Pietro Aretino, *Lettere sull'arte di Pietro Aretino*, ed. Ettore Camesasca (Milan : Edizioni del Milione, 1957-60), vol. 1, pp. 94-5, no. 61, to Gianiacopo Lionardi, December 6, 1537 : "I pazzaroni a brache calate ficcano il collo in un lago d'inchiostro più nero che il fume degli stampatori, non è spasso che agguagli cotale spettacolo."

that would threaten his “*vertù*” and turn writing from a liberal art into mechanical labor.⁷

With so much at stake, it is small wonder that Vasari took the conventional path and placed his work under ducal protection, printing both the first and second editions with presses operating under state control.⁸ His calculation was amply rewarded by the Cosimo’s patronage as well as the success of the book, whose readership and reputation he cannily sought to secure by sending copies to a well chosen list of worthy and powerful men known to be interested in the arts.⁹

Vasari’s choices demonstrate the degree to which the status of the arts was implicated in the system of their publication. Three mechanisms applied: patronage, privilege, and license. The first operated in the culture of gift and exchange of favors; in Vasari’s case gaining the Duke’s patronage was important both for his own career and the reputation of his book. The privilege was a legal device, a limited monopoly – generally fourteen years – granted by the government to the publisher.¹⁰ The license, also granted by the government, authorized the publication of the text, and was an instrument of cultural control and state censorship.

⁷ Ibid., vol. 1, p. 55, no. 31, to Francesco Marcolini, June 22, 1537: “lo voglio, con il favor di Dio, che la cortesia dei principi mi paghi le fatiche de lo scrivere, e non la miseria di chi li compra, sostenendo prima il disagio che ingiuriar la vertù, facendo mecaniche l’arti liberali. Ed è chiaro che I venditori de le lor carte diventano facchini e osti de la infamia loro.”

⁸ The colophon of the 1550 edition reads: “Stampato in Fiorenza appresso Lorenzo Torrentino impressor DVCALE del mese di Marzo l’anno 1550. Con privilegio di Papa Giulio III. Carlo V. Imperd. Cosimo de Med. Duca di Fiorenza.” The dedication of the first edition was divided between Duke Cosimo, the duke’s imperial protector Charles V, and the recently elected Pope Julius III. This move was prompted by the fact that Vasari – though obligated to the Medici family by benefits received from Alessandro, Ippolito, and Ottaviano de’ Medici – had not as yet received major commissions from Cosimo, whereas, as he points out in the dedication, he had much to hope for from the “aiuto e protezione” of the new pope, who had awarded him commissions when he was Cardinal Giovanni Maria del Monte (*Le vite*, vol. I, 4); for this dedication see Rubin, *Giorgio Vasari*, 111). The second edition was dedicated to Duke Cosimo and printed with the Giunti firm, which had succeeded the Torrentino press as the ducal printer.

⁹ Rubin, *Giorgio Vasari*, 114, for the list on the back of a letter to his friend Cosimo Bartoli, dated April 5, 1550, which includes Michelangelo, the courtier and man of letters Annibale Caro, several cardinals, the banker Bindo Altoviti, and Duke Guidobaldo of Urbino.

¹⁰ See Edward W. Polman and L. Clark Hamilton, *Copyright: Intellectual Property in the Information Age* (London: Routledge, Kegan & Paul, 1980), 8-9, for these definitions. For a discussion of the differences between privileges and copyright, see Lisa Pon, *Raphael, Dürer, and Marcantonio Raimondi: Copying and the Italian Renaissance Print* (New Haven and London: Yale University Press, 2004), 43-4.

This system extended to the publishing of images. So for example, Titian obtained license and privilege from the Venetian senate to protect the engraving of his *Adoration of the Trinity* done by Cornelis Cort in 1566, which Vasari also announced in his *Life of the painter*: “as it is an outstanding work it is expected that it may shortly come out in printed form.”¹¹ Though Vasari dismissed adding “*figure*” to his text – meaning technical illustrations or diagrams – and restricted his illustrations to the portraits, in the mid-sixteenth century art publishing flourished in the form of printed images as well as texts.

In this context it is worthwhile pointing out that a significant proportion of early printed books were illustrated.¹² Some have serious claims to be considered as part of the history of the art book. Cristoforo Landino’s edition of Dante’s *Divine Comedy*, for example, which was ceremonially presented to the Florentine state in 1481 had engravings after Botticelli and included one of the first critical appraisals of modern artists ever published. Already in the later sixteenth century visual documentation was well embedded within antiquarian and historical publishing, both for purposes of erudition and the production of “embellishments of a kind that attracts the ignorant to buy books,” to quote an eighteenth-century scholar about his publication.¹³

By the late seventeenth century the structures controlling the implementation of printed technologies of learning had changed both in their metaphorical and legal bases. Aretino’s contempt for labor – a rude mechanical exercise – was replaced with a dignified

¹¹ *Le vite*, vol. 6, 166: “perché è cosa rarissima, si aspetta che tosto debba uscire fuori stampata”; the painting was sent to Charles V and is now in the Prado, Madrid. For the engraving, see Michael Bury, *The Print in Italy 1550-1620* (The British Museum Press: London, 2001), 91-2. For the license, see David Rosand and Michelangelo Muraro, *Titian and the Venetian Woodcut* (International Exhibitions Foundation: Washington, D. C., 1976), 26 n. 48, February 4, 1566: “Che sia concesso al fedel nostro Tician Vecellio, che altri che lui o chi haverà causa da lui non possa per lo spacio di anni XV stampar nel Dominio nostro, ne altrove stampato in esso vender il disegno del Paradiso intagliato in rame composto per lui con altre sue inventioni iuxta la supplicatione sua hora letta,” with a penalty of 50 ducats for each print.

¹² It has been calculated that one-third of the books printed before 1500 were illustrated, see David Landau and Peter Parshall, *The Renaissance Print 1470-1550* (Yale University Press: New Haven and London, 1994), 33.

¹³ See Francis Haskell, *History and its Images: Art and the Interpretation of the Past* (Yale University Press: New Haven and London, 1993), generally for illustration and for this remark by Ludovico Antonio Muratori about the engravings being done by Andrea Zucchi for the *Rerum Italicorum Scriptores*, which was published between 1723 and 1751 (289-91).

and profitable notion of literary labor taking place in an intellectual field, which, as property, had rights of occupancy and inheritance. This same metaphorical real estate included the public domain, a common field, from which “society could reap the benefits of knowledge disseminated in books.”¹⁴ These two somewhat competing notions were enshrined in what is generally held to be the first modern copyright legislation, enacted by Queen Anne’s Parliament in 1710, “An Act for the Encouragement of Learning, by vesting the copies of printed Books in the Authors or Purchasers of such Copies, during the Times therein mentioned.” Protection of the author was intended to promote trade while furthering public good: a triad or triangle that underlies all subsequent legislation. The Engravers’ Act of 1735, moved by a petition submitted to the House by William Hogarth to protect his *Rake’s Progress* from piracy extended this right to the “Inventors, Designers and Proprietors” of engravings, against those who had caused to be “copied, engraved, and published, base Copies of such Works, Designs, and Prints, to the very great Prejudice and Detriment of the Inventors, Designers and Proprietors thereof.”¹⁵ Not only did this give a reproductive work the same status in law as “the Properties of the Authors of Books,” but it introduced the notion of qualitative distinctions between categories of copies – notions of great consequence for subsequent debates about the status of surrogates and their rights to protection.¹⁶

The British Museum Act of 1753 resounds with a commercial idealism akin to that underlying the concept of copyright, decreeing that “the said collection be preserved ...

¹⁴ Quoted from Richard Yeo’s informative chapter “Copyright and public knowledge,” in *Encyclopaedic Visions: Scientific Dictionaries and Enlightenment Culture* (Cambridge University Press: Cambridge, 2001), 197.

¹⁵ David Kunzle, “Hogarth’s Piracies and the Origin of Visual Copyright,” in *Fair Use and Free Inquiry: Copyright Law and the New Media*, ed. John Shelton Lawrence and Bernard Timberg, (Ablex Publishing Corporation: Norwood, N. J., 1980), 22.

¹⁶ As petitioned in Hogarth’s letter, *The Case of Designers, Engravers, Etchers etc.*, quoted by Kunzle, “Hogarth’s Piracies,” 21. For nineteenth-century discussions of the relative interpretative qualities and fidelity to artists’ intentions of prints and photographs and their right to protection, see Stephen Bann, *Parallel Lines: Printmakers, Painters and Photographers in Nineteenth-Century France* (Yale University Press: New Haven and London, 2001).

with free Access to view ... not only for the inspection and entertainment of the learned and the curious, but for the general Use and Benefit of the Public ... for the Advancement and Improvement [of speculative Knowledge] whereof the said Museum or Collection was intended ... and may, in many Instances, give Help and Success to the most useful Experiments and Inventions.”¹⁷ The idea was that the encouragement and advancement of learning would lead to society’s profit. This is an abiding sentiment in Britain. It was just re-launched for the twenty-first century in a government review of intellectual property, which opens by stating: “In the modern world, knowledge capital ... drives the U.K. economy ... the ideal intellectual property system creates incentives for innovation.”¹⁸

Although the origins, collecting histories, and terms of governance of the principal U.K. museums differ, they are united by the fact that they were established by acts of parliament or under government auspices and that they are public institutions. Their missions are united by underlying (though variously interpreted) notions of public access and dissemination of knowledge. In most cases, trading companies established in the late 1970s and early 1980s help to support museum activities through merchandizing the collections. Generating income is their mission, licensing images is one of their functions. The connection between these activities is acknowledged. Tom Morgan, the Head of Rights and Reproductions at the National Portrait Gallery, for example, stated that “Publishing has become aggressively competitive and financially driven. Museums and galleries are, per force, adapting to market changes. We are also constantly balancing public-service obligations with the need to improve self-reliance.”¹⁹ The National Portrait Gallery, he argues, supports “scholarship and scholarly publishing” by distinguishing between it and commercial activity in their fee structure. So it does: the maximum charge

¹⁷ *Accessing Enlightenment: An Introductory Study Guide* (The British Museum: London, 2004), 40.

¹⁸ From the Foreword to the *Gowers Review of Intellectual Property* (HM Treasury: 2006). The review was commissioned by the Chancellor of the Exchequer and is available as a pdf file on the Treasury website, <http://www.hm-treasury.gov.uk>.

¹⁹ Tom Morgan, “Publishers and Museums.” *Apollo* 152 (July 2005), 22.

for a black and white photograph, including sales tax (VAT) and rights fee for scholarly publications with print-runs of 2000 copies or fewer comes to £29-50. This is in the lower range of charges levied and there is also a discount of 50% applied where ten or more prints are needed. Still, with the relatively ample criteria being applied, Vasari's *Lives*, at least the second edition, would not meet the limit calculated for scholarly purpose, as it can be estimated that somewhere around 3000 copies of the 1568 edition of *The Lives* were printed. Even with a dispensation for the "special academic interest" of his work, had the equivalent of the National Portrait Gallery been his source, at a minimum cost of £2242 (approximately \$ 4125) he is likely to have hesitated about adding the 152 portraits to his book without seeking a sizeable grand-ducal subsidy.²⁰

In March 2006 the Courtauld Institute of Art Research Forum invited intellectual property lawyers from the BBC to join with representatives from museums, publishing, academic art history, and our professional associations to identify points of common interest. A stated goal of the meeting was to find out if there was some way of reconciling the positions taken by museums regarding copyright law and the capitalization of their collections with the obligation as well as the desire of researchers to publish their work and their means to do so.

The results were encouraging. It emerged that there was general move towards free or wider access to images, which is aided by the digitizing of collections. The recent announcement by the Victoria and Albert Museum that it will make its digitized picture library available without charge for scholarly publication confirms this trend. The British Museum will re-launch its website this April, with all of the digitized two-dimensional

²⁰ The academic rates of the National Portrait Gallery and the terms for their application are available on request from picturelibrary@npg.org.uk. The Gallery policy is based on the fact that it "is keen to support the work of academic researchers and authors. It has examined ways in which to make it easier for works in the collection to be used to illustrate academic works," by introducing these special rates.

material in the Museum available to be downloaded in sizes suitable for publication.²¹

Similar developments are likely to be announced by the National Gallery in the near future.

Historically these powerful institutions have defined learning as profitable, and there

seems to be hope that they are prepared to take the lead in allowing it to continue to be

publishable.

Patricia Rubin

March 2007

²¹ As explained by Antony Griffiths in The British Museum 2007 Newsletter to the Friends of Prints and Drawings, describing the “Merlin Plan,” which is the term used for the collections database. He notes that “at present 120,000 objects have images attached, and by 2009 we expect to reach a total of 400,000 ... The first tranche of three-dimensional works (from Egypt and Asia) will go out in April 2008, with the rest at the end of that year. Finally coins and medals will follow sometime in 2009.”