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The Auction

The auction houses Bloomsbury Philobiblon held the auction "Rare Books" in Rome on Tuesday 11 with the same catalog and the same sessions of sale which had been announced on 17 June and that had not taken place due to the seizure of more than a thousand books in order to enquire as to their origin. None of the books turned out to be of illegal origin, *unless the email Biblioteca Girolamini of Naples, with the object (really) a blatant dispossession at the hands of its former director Marino Massimo De Caro*. On this page we welcome the intervention of one of the experts called upon to assess the books seized (the other was the director of the Italian books from the British Library, Stephen Parkin) and President of the ALAI that appeals because the market of the old book *is free from the constraints of the law that are afflicting it today*. The full appeal can be read on the website www.alai.it

After the Girolamini / The Call

We, antique dealers on our toes

Fabrizio Govi

In September of 2011, as chairman of the ALAI, I received a letter from the secretary of Massimo Marino De Caro (the former director of the Library of the Girolamini of Naples, in the middle of the most stolen books of the last 150 years in Italy), in which he asked to be admitted before the official opening at the book fair that, in those days, the association was planning to have in Bologna in the context of "Artelibro." To have access to a book fair before the opening is a privilege usually given only to a few high representative of institutions. Faced with the refusal of the organization and my "Artelibro," he went into a rage and said he would present himself accompanied by the police, which promptly happened. The turning point came in the spring of 2012, when a large consignment of books from Girolamini (and possibly from other public libraries) ended up for sale at an auction house of Monaco of Bavaria. We are about a year after the appointment of De Caro and the news has now reached the ears of most of the trade. Reading the catalog of the auction, immediately clearly emerged that about 500 lots, marked with the number of only two vendors, referred to the books most likely stolen from the biblioteca. We promptly alerted the competent authority, which in any case was already in the know, and the management of the auction house decide to remove the lots indicted. De Caro was directly arrested along with his accomplices and, after a few months, as well as three rare book dealers were arrested on charges of criminal conspiracy and / or theft.

And here we come to the farce and the Italian paradox unfolds in all its bitterness. The books subtracted from the Girolamini, according to the prosecutors, are largely devoid of markings and stamps (because, apparently, removed in part by De Caro), the authorities are not able to provide a list of stolen books to professionals, such as booksellers, auction houses and international institutions active in the market, and prosecutors together with the Carabinieri decided to retrieve the books, not to cooperate with antique dealers (considering the international market as a subject in collusion with the thieves, that absorbed the books stolen from the Girolamini without blinking, as stated in "NewYorkTimes" by the prosecutor Melillo), but rather to rely on the statements of the concerned De Caro, who, in the meantime, was sentenced to 7 years and a millionaire compensation (the Court of Auditors estimated at around € 19

million the amount to be compensated by those responsible for the theft of Naples), was put under house arrest and with internet access. From his villa in Verona, the self-confessed thief writes emails (through his mother) to booksellers and industry associations, and likes to muddy the waters by launching reports to investigators who are not then supported by the facts.

As the investigation progresses, we witness with increasing concern and dismay the fact that the investigating authorities, in addition to not knowing the history of the book trade (which is more than understandable) and not wanting to get in touch in any way with experts in the field (which is much less understandable), seem to ignore the fact that books exist in multiple copies, and begin to blindly confiscate works that cannot be traced back either to the Girolamini or to other libraries. For example, in the summer of 2014, at the express request of De Caro, a full auction of books in Rome was confiscated. Two experts appointed by the ALAI (men from non-partisan institutions, and below we include the intervention of one of the two), after examining carefully and impartially all items, reported that a single book (out of a total of nearly 900 items), worth about € 150, might have a criminal origin, but without any clear mark, there could be no assurance in this regard. The expert appointed by the prosecutor, one of whom soon replaced De Caro at the direction of the Girolamini took four months (blowing up several times the sale, with great economic damage to the auction house as well as to the private collectors who had entrusted their books, one of whom - a collector of old books bought throughout the course of his life, long before De Caro came on the scene - wrote a heartfelt letter to the president on this serious injustice suffered by him), and finally, with great difficulty, they decided the continued seizure of only three books worth a total of € 250. They returned the remaining 900 books seized in June. In the reasons invoked for the seizure they state that the books do not have labels, but one of them turned out to be listed in an eighteenth-century catalog of the library. In all likelihood, once the undoubted legal origin has been found, these three volumes will be returned to the owners after the review. The logical conclusion that can be inferred from these arguments, are that the two experts seem to ignore the suppression of the religious orders and the spoliations that occurred several times during the Napoleonic period and then, even worse, that all the books in the trade, even without any mark that can show that they might have originated from a public library, are potentially liable to confiscation by the authorities, if they consider that the title should be necessarily recovered by the mere fact that it was present in the Girolamini catalogue or any other library. It matters little that the specimen is clearly different or that the origin and ownership of the asset are not demonstrable, the major causes for safeguarding the assets of the State require the confiscation to proceed. Too bad that no one then goes and checks the conditions in which the library, where the books should be preserved, is; that no one cares to enforce the ministerial regulation that requires libraries to stamp their books; that no one really wants to investigate how it was possible to appoint De Caro to the direction of a library.

The state authorities often seem willing to temporarily surpress the right to property and the freedom of citizens without making accurate screening tests, but do not seem to pay as much attention to what happens in libraries and archives. Of course it is far easier to criminalize an entire category of traders! Unfortunately, if you completely ignore the history of the book trade, it is not clear that booksellers and auction houses are a fundamental part of the "chain" of the old book. If each of the elements is not present (public libraries, foundations, private collectors, booksellers and auction houses), preservation and study of antique books are affected inevitably. The management of the

Girolamini case, so far, has neither been effective in the recovery of the still missing stolen books (the books withdrawn from the auction of Monaco of Bavaria have been in police custody German since two years), nor has it stopped the destruction of the already dying Italian market of the antiquarian book. The story is enhanced by other big issues, represented by the collapse of the internal market and the difficulties in gaining access to foreign markets due to a number of regulations, which have restricted the trade of books; In fact, the law says that any book that was printed over 50 years ago, regardless of its value, cannot leave the country without an export license (Be careful not to cross the border with an "Ostrich" of 1963 worth € 3, you may be committing a criminal offense). Because of this widespread mentality in institutions and because of such a restrictive law, much of the market of the most important pieces of Italian antiques takes place abroad. Italian operators feel they are at the mercy of the whims and abuses of authorities, which, without any real consistency on a national scale, often block property, and then do not follow up when they send notification of a cultural interest with a purchase by the State, which should be the logical consequence and as in all other countries where similar legislation exists. In this situation of complete uncertainty, collectors often waive sales for fear that their assets are notified and can not be exported. The Italian law seems designed specifically to mortify the market, harming a sector that could instead hold a significant economic importance and creating at the same time, a situation very unfavorable for the preservation of historical heritage in private hands. It is a true case of self-harm.

ALAI President

GIROLAMINI / EXPERT

The method does not work

Daniel Danes

The number of thefts of which Marino Massimo De Caro is accused (and which, in part, he has accused himself) not only in the library of the Girolamini of Naples, but in many other libraries up and down Italy (Ministry of Agriculture, Observatory Ximenianodi Florence, Padua and Verona seminars, numerous other ecclesiastical libraries, etc.) is very serious because - regardless of the legal judgments - hardly any stolen books will be found, in spite of the conviction that the one who will suffer will be judged responsible for the crimes. To make matters worse, there are two other aspects: on the one hand, the investigators seem to believe the "revelations" of De Caro, but they do not lead to anything concrete *just below-posed to a more stringent screening*; on the other hand, De Caro, under house arrest, incredibly has the ability to surf the Internet and pilot surveys, as happened recently, we repeat, *do not wear basically nothing*. The other aspect that is unsatisfactory is the confiscation, also very large, which seems to be based almost exclusively on the fact that in some catalogs antiquarian books are also in the historical catalog of the library of the Girolamini. In this vein, is part of the recent case of an auction house in Rome, Bloomsbury-Philobiblon, where substantially on the advice of De Caro, all the books of its first auction were seized (nearly a thousand books), and on the assertion of the consultants of the public prosecutor of Naples, under which, by analysis of a sample, it appeared that 10% of 160 works was included in the catalog of Girolamini. Too bad, then, it was found that none of these, nor of the other lots, came from the robbery at the Girolamini and shame that, in this case, we have news, though incomplete and uncertain, that part of the 10% had already been recovered. In the end

all the items seized (except three books worth a total of € 100) have been the subject of restitution in favor of the auction house.

At this point one wonders if higher accuracy in the phase prior to the confiscations (perhaps through more in-depth screening tests) might have led to different results. And it's clear that the stolen goods can not be found by matching random books in the robbed library catalog with books available on the internet or at an auction, each of dubious statistical basis and relying on revelations of De Caro. Among other things, this is not supposed correspondence between stolen books, and books on the art market, but among the books in the catalog and books on the market, each with no serious checks to see if they are stolen books, books that are also still present in the library or that have already been recovered. You also can not help but notice how there is a list (preferably a database) of stolen books, or a book recovered, not only to Girolamini, but also in other libraries "visited" by the former advisor to the Minister Galan. If you continue with these procedures you'll end up nowhere and hurt people and businesses that are honest. It's hard to find books by applying such rough research methodologies. The economic and image damage are incalculable while a right strategy would have been to enter into cooperation with all the parties involved or may be involved, whether they are librarians, booksellers or collectors. The offer of cooperation from the Italian and international associations of antiquarian booksellers has, however, dropped in a vacuum.

Underlying this situation is a total inadequacy of the protection activities of library and bodies that deal with it: when will the storm have passed Girolamini it is likely that everything will be as before, or maybe everything is already back to normal. He wonders how it is possible that large batches of stolen books may have gone to London and Monaco, it's not clear whether with or without export permits (after the affair Girolamini are the auction houses abroad to ask for permission to export if a book is in Italy!). All of these events, but also the epidemic of theft, even after the most striking example of what we are dealing with here, show a severe crisis of the activities on the preservation of the Italian book. Many regions, which, it should be pointed out, are the owners, have progressively weakened and neglected this sector, in the face of the Italian situation very critical for the wide dispersal of its assets in a very large number of structures objectively difficult to control.

The only way to recover the stolen books is given by the widest possible circulation, including through international channels, of the lists of stolen goods, with their accurate description, if available and if not available, a list of characteristics that can lead to recognition: stamps, bookplates, characteristics of slurs and other data material constant in a given collection. None of this seems to have been done for Girolamini (and other libraries) after nearly three years after the events: it seems that we proceed keeping secret the whole illusion that in this way you can reap the fences in the act. It is a dangerous illusion: the timeliness of interventions to identify and disclose the material stolen is critical to be able to reduce the damage. As time passes, the more the loot tends to disappear, to camouflage and hide in collections where no one will go looking for it. It would be essential to learn from this tragedy: the State and the Regions should coordinate to create a database of stolen books open with a set of the most accurate descriptions of specimens and replicas of stamps and other markings.

Past director of the historical library