

HARVARD ART LAW REVIEW

Volume I

Spring 2025

HARVARD ART LAW REVIEW

Vol. 1

Spring 2025

No. 1

VOL. 1 MASTHEAD (2025)

EDITORIAL BOARD

*Founder &
Editor-in-Chief:*

Renée Ramona Robinson

Executive Editor:

Shira Fischer

Executive Editor:

Angus Taylor

HARVARD ART LAW REVIEW

Vol. 1

Spring 2025

No. 1

CONTENTS

Letter From the Editor-in-Chief

Renée Ramona Robinson..... 1

Academic Articles

Copyright: Expressing Facts

Molly Torsen Stech..... 3

The Italian Cultural Assets Between Public Rules and Copyright Protection

Paola Nunziata..... 27

Tomb-Raiding: The Second-Oldest Profession?

Leila Amineddoleh..... 48

The Time's Up for OpenAI?

Atreya Mathur..... 81

Biblioclasm for Profit: The Legal Implications of Dismembering Western Medieval Illuminated Manuscripts

Carla Rossi..... 97

Student Notes: Case Analyses and Book Reviews

Restitution of African Belongings and the Skewed Legal Perceptions of Colonialism

Maxim Smets..... 168

Propaganda and Power: The Third Reich's Strategic Use of Art for Social and Political Control

Pauline Moorkens..... 174

The Repatriation of the Tupinambá Cloak: From Looting to Homecoming

Wendell Leal Hossu Monteiro de Melo..... 182

Case Review: Michael A. Hayden v. Jeff Koons and Jeff Koons LLC 21-CV-10249 <i>Alinda Aaron</i>	187
Book Review: Idols in Exile: India's Art La wand the global Fight for Cultural Restitution <i>Rishabh Mehta & Aishni Kalra</i>	192
Lessons in Moral Rights from the Pfizer Mural Controversy <i>Carla Frade de Paula Castro</i>	200
Investigating Bad Faith: John Lennon's Stolen Watch as a Criminogenic Collectible in the Art Market <i>Konstantin Jänicke, Maja Dehouck, & Anaïs Bayrou</i>	206
Authenticity over Aesthetics: The Psychological Construction of Value in Art <i>Shira Fischer</i>	213

BIBLIOCLASM FOR PROFIT: THE LEGAL IMPLICATIONS OF DISMEMBERING WESTERN MEDIEVAL ILLUMINATED MANUSCRIPTS

Carla Rossi¹

To the memory of Prof. Martin Aurell (1958–2025), a fearless advocate for the preservation of Western medieval manuscripts and a staunch proponent of the Organisation pour la Protection des Manuscrits Médiévaux in Paris, which is dedicated to reconstructing manuscripts destroyed by biblioclasts and defending medieval written heritage.



Cover Image Credit²

¹ Prof. Carla Rossi is a philologist and art historian specializing in Old French, Italian, and Latin textual traditions, manuscript culture, and the digital reconstruction of dismembered codices. Active in Romance philology and manuscript studies since the early 1990s, she holds a PhD in Romance Philology and two *veniae legendi* (post-Doc habilitationes) in medieval Italian literature and in the literatures of French langue d'oc and d'oïl. She regularly collaborates with European universities, where she teaches courses on the philological reconstruction of dismembered manuscripts. She is co-director of the Institut d'Estudis Filològics i Dantescos in Barcelona and works with international initiatives on manuscript restitution and provenance studies. Her recent publications include *Beyond the Margins: Female Illuminators in Medieval and Renaissance Europe* (Ethics International Press, 2025), *The Love Knot: The Book of Hours of Hendrik III van Nassau and Mencía de Mendoza* (Imago Srl, 2025), and the monograph *The 1879 Theft of Royal Ms 16 E VIII from the British Museum: Wars and Tolkien's Teacher's Role* (Cambridge Scholars Publishing, 2024). ORCID iD: 0000-0001-6557-3684. The author is grateful to Franco Langher, former Anti-Mafia Prosecutor at the Public Prosecutor's Office of Messina and Professor of Economic Law, for his invaluable insights on Italian regulations concerning the dismemberment and illicit trafficking of Western medieval manuscripts.

² Dismembered Books of Hours: Comparative Views of Intact Codices and Excised Leaves: This composite image presents three illuminated Books of Hours that were dismembered in recent years and sold leaf by leaf. Each row juxtaposes an intact codex—as it appeared in auction or dealer catalogues—with one or more excised leaves later listed individually on the rare book market. Bottom: Book of Hours of the De Ponthieu family, formerly intact ([auction listing](#)), now dispersed; a calendar leaf is currently listed [here](#).

Top: Book of Hours for the Use of Rouen, illuminated by Robert Boyvin, digitally reconstructed in *Digital Reconstruction of a Dismembered Book of Hours Illuminated by Robert Boyvin* (Cambridge Scholars Publishing, 2024). Middle: Book of Hours of Isabelle Boursier, reconstructed and analyzed in *Isabelle Boursier's Book of Hours* (Cambridge Scholars Publishing, 2024). Composite image assembled by the

Abstract

This article examines the deliberate dismemberment of Western medieval manuscripts for financial gain, its impact on the antiquarian trade, and its consequences for medieval studies. While historically linked to ideological repression, biblioclasm has become a lucrative practice driven by market demand, provenance manipulation, and legal infringements.

Through case studies from different jurisdictions, this study investigates breaches of international and national regulations, the role of auction houses and scholars in legitimizing this practice, and instances where diplomatic efforts and institutional actions have led to the recovery of single excised leaves. It also explores connections with theft, illicit trafficking, forgery, and the fencing of stolen cultural property, exposing the systemic mechanisms that sustain the trade in illuminated manuscript leaves. Additionally, it considers the impact on medieval studies, including the loss of textual and codicological integrity, the dispersal of historical evidence, and the challenges of digitally reconstructing dismembered manuscripts. The findings underscore the role of legal frameworks, international cooperation, and academic engagement in safeguarding manuscript heritage, ensuring its preservation and accessibility for future generations.

Keywords

Biblioclasm, manuscript dismemberment, illicit trade in cultural property, forgery and provenance manipulation, auction houses and due diligence, international cultural heritage law, restitution and manuscript recovery, medieval and Renaissance manuscript heritage

Introduction

Biblioclasm³—the intentional destruction of books and manuscripts—has traditionally been associated with ideological repression, censorship, and the eradication of the cultural identity of perceived adversaries. Yet as Western societies increasingly succumb to a form of cultural autophagy, biblioclasm has also taken on a commercial dimension, further entangling its political and religious implications within the antiquarian trade. Closely intertwined with theft, illicit trafficking, the fencing of stolen cultural property, and forgery, this practice is not driven by ideology but by profit. A civilization that devours its own memory severs the very ties that grant it coherence. Cultural heritage is not merely lost but deliberately consumed, piece by piece. This destructive process has led to the irreversible loss of medieval manuscripts

Organisation pour la Protection des Manuscrits Médiévaux (OProM) for scholarly purposes, based on publicly available auction reproductions and dealer listings. © OProM, 2025. Image used with permission.

³The term derives from the Greek words *biblion* (βιβλίον), meaning “book,” and *klasis* (κλάσις), meaning “breaking” or “destruction.” It thus literally identifies the “destruction of books,” including those produced before the advent of printing, which are referred to as manuscripts, or codices. The word *manuscript* itself comes from the Latin *manu scriptus*, meaning ‘written by hand.’ A manuscript is a handwritten document, typically produced on parchment or paper, before the widespread adoption of movable-type printing in the mid-15th century. Each manuscript is unique, often containing illuminations and textual variations that reflect the practices of individual scribes and the cultural context in which it was created.

illuminated by renowned artists, thereby precluding the reconstruction of their complete œuvre—an issue of particular significance in the case of female artists, whose contributions are already poorly documented, as examined in *Beyond the Margins: Female Illuminators in Medieval and Renaissance Europe* (Rossi, 2025, 63-72). This phenomenon has also led to the disappearance of rare liturgical texts, exceptionally scarce vernacular romances, legal and scientific treatises, astrological and botanical works, historical chronicles, philosophical and theological texts, and choir books, severing crucial connections to the intellectual and artistic traditions that shaped European culture. The loss of these manuscripts is particularly significant, as they represent a fundamental pillar of Western thought, forming the foundation of modern knowledge systems. Unlike printed books, which exist in multiple copies, each medieval manuscript is a unique artefact of immense textual, artistic, and historical significance. Their destruction disrupts the broader intellectual continuum that connects Western contemporary scholarship to its roots.

From the Victorian era onwards, dealers such as Léon Gruel (1841–1923), Gabriel Wells (1862–1946), and Otto Ege (1888–1951) capitalized on the fact that the dismemberment of illuminated manuscripts was far more profitable than the sale of intact codices. However, their methods differed significantly. Léon Gruel typically took a manuscript of over three hundred leaves and subdivided it into at least three smaller volumes, rearranging the folios without regard for their original sequence before selling them to private collectors and institutions in the United States.⁴ Otto Ege, by contrast, adopted a different approach. Rather than

⁴ As a consequence of this systematic dismemberment, many manuscripts preserved today—particularly in American libraries and museums—exist in an incomplete state, having been sold to North American buyers in the nineteenth century. Often unaware of this practice, these collectors paid considerable sums for what they regarded as authentic medieval ‘relics’. This phenomenon is particularly evident in the case of Books of Hours housed at the Walters Art Museum in Baltimore. One striking example is manuscript W.425, a rare and exquisite artefact. Comprising just 58 surviving folios, it was originally part of a complete opulent, small-format Book of Hours, produced in sixteenth-century Flanders and dismembered in the nineteenth century by the Parisian bookseller Léon Gruel. The surviving leaves were rebound without regard for their original sequence, resulting in a loss of textual continuity. Among the surviving leaves is an illuminated folio featuring the initials H and M, set against a deep purple background and entwined with a lover’s knot. A philological reconstruction, commissioned by Imago Srl

restructuring entire manuscripts, he systematically disassembled them and extracted select leaves from each. These he compiled into small collections, which he predominantly sold to American institutions. The extraction of leaves adorned with illuminations, decorated or historiated initials, and elaborate gold-embellished borders stripped lavishly illuminated manuscripts of their artistic and historical coherence, reducing them to mere commodities and irrevocably compromising their cultural integrity. This practice continues today, though in a far less meticulous manner, with antiquarian dealers openly dismembering medieval manuscripts and selling completely decontextualized individual leaves.

Regulatory restrictions—such as Article 22 of the International League of Antiquarian Booksellers (ILAB) Code of Ethics, which unequivocally states that *Members are committed to the preservation of historical materials and should not break complete and intact copies of books or manuscripts*—play a crucial role in protecting this form of cultural heritage.

The absence of affiliation with ILAB may suggest a lack of professional integrity, yet the reality remains that platforms like eBay offer no oversight. There, dealers shielded by pseudonyms can sell almost anything without accountability.⁵

Though less overtly politicized, this economically driven form of cultural vandalism remains a profoundly insidious practice. Despite its equally devastating consequences, it receives

of Rimini—a distinguished publisher of luxury facsimiles that assigns its commentaries to specialists—was requested from the author of this article and resolved this long-standing mystery (Rossi 2025, *The Book of Hours of Hendrik III van Nassau and Mencía de Mendoza*, Imago Srl, URL: https://books.google.ch/books/about?id=5opJEQAAQBAJ&redir_esc=y All hyperlinks referenced in this article were last accessed on 15 March 2025). These inquiries revealed that the H&M Book of Hours, from which W.425 originates, was produced between 1530 and 1538 in the workshop of Simon Bening, one of the most renowned illuminators of the Flemish Renaissance. Commissioned by Mencía de Mendoza—one of the most erudite and influential noblewomen of the European Renaissance—the manuscript was created for her husband, Hendrik III van Nassau. A handwritten note on fol. 20v, originally the final folio, confirmed that the volume, still intact at the time, was recorded in Valencia on 22 June 1585. This note, which had not been correctly interpreted until it was deciphered by the author of this article, was inscribed by Juan Vidal, a censor of the Inquisition. For a detailed analysis of this discovery, see Carla Rossi, *La filologia al servizio della storia del manoscritto W425 di Baltimora, Theory and Criticism of Literature & Arts*, 8/2 (2024), pp. 24–35 <https://chatgpt.com/c/67d28f15-9ee8-8000-be98-2934411f066d>. This case illustrates the lasting consequences of manuscript dismemberment. Commercial pressures have eroded the integrity of these cultural artefacts and obscured their historical narratives.

⁵ Puig, 2025, 12.

remarkably little attention in legal and art historical discourse, as it is often shielded by market interests.

The failure to address this phenomenon within broader discussions of biblioclasm is striking. A recent event at the Bibliothèque nationale de France, titled *Détruire le livre* (“Destroying the Book”) and held on 26 November 2024, serves as a revealing example of how biblioclasm is often framed primarily in terms of ideological destruction, while economically driven biblioclasm remains largely overlooked.⁶

While ideological biblioclasm is universally condemned, its commercial counterpart persists, driven by market interests and, at times, enabled by academic leniency. This complicity is particularly evident in the role played by certain scholars who provide expertise for auction houses. Provenance is often presented with deliberate ambiguity and frequently disseminated through self-referential online websites that obscure the origins of excised manuscript leaves while lending them an appearance of legitimacy. These sources, often maintained by individuals with vested interests in the trade, lack rigorous scholarly validation but are nonetheless cited in auction catalogues and private sales, reinforcing a cycle in which excised folios are legitimized through repetition rather than evidence.

A significant issue in manuscript studies is the misclassification of recently excised leaves as “fragments,” a practice that obscures their origins and normalizes the destruction of manuscripts. This terminological distortion not only falsifies the historical record but also risks legitimizing the commercial dismemberment of manuscripts. The use of the term *fragment* can further serve to obscure the illicit provenance of excised leaves, masking instances of theft, illegal trafficking, forgery, and the fencing of stolen cultural property. As will be demonstrated

⁶ Puig, 2025, 6.

in the case studies examined in this article, biblioclasm for profit is frequently intertwined with these illicit practices.

A clear distinction must be drawn between naturally occurring manuscript fragments and leaves deliberately excised for commercial gain. In manuscript studies, a *fragment* typically refers to a portion of a codex that has been separated due to natural deterioration, accidental damage, or historical reuse of parchment. Although incomplete, such genuine fragments retain traces of their original context and provide valuable insights into manuscript production, textual transmission, and scribal practices.

This imprecise use of terminology has far-reaching consequences, as it not only distorts our understanding of the material heritage of the past but also enables the reframing of excised manuscript leaves as independent collectables, detaching them from the cultural narratives they once embodied.

The scholarly community has a responsibility to confront the mechanisms that facilitate biblioclasm for profit. Rather than overlooking or passively accepting the dismemberment of manuscripts,⁷ it must take a firm stance against misleading classifications and work to expose

⁷ The facilitation of biblioclasm for profit is not confined to the physical dismantling of manuscripts but also encompasses the marginalization of those who seek to critically examine its mechanisms. Scholars and researchers investigating the provenance of excised folios, scrutinizing the narratives constructed around them, or addressing potential conflicts of interest within the trade may themselves become the target of professional and personal attacks. Such efforts are often aimed at discrediting critical voices and preserving the status quo. In the summer of 2022, the author of this article submitted a complaint to the Italian Carabinieri Command for the Protection of Cultural Heritage (TPC), reporting a network engaged in the illicit acquisition, dismemberment, and commercialization of medieval illuminated manuscripts. The complaint outlined how certain antiquarian dealers, in collaboration with academic and institutional actors, facilitated these activities, which pose significant risks to cultural heritage. Following the publication of research that examined these practices, the author became the subject of a sustained campaign of defamation and harassment, which also extended to her colleagues, students, and collaborators. This campaign, which persisted for over two years, employed online and offline strategies to discredit her work and professional standing. Defamatory articles were commissioned and disseminated across multiple digital platforms, while anonymous social media accounts propagated false allegations and engaged in targeted attacks. These efforts sought to isolate the author within the academic community by contacting colleagues and former publishers to undermine her reputation.

Beyond professional defamation, the attacks took on a personal and gendered dimension. The author and her family, including her daughters, received threats of physical violence. Over two years, the author endured death threats, while her Wikipedia entry was repeatedly vandalized with a fabricated date of death, leading to intervention by Wikipedia administrators. The severity of this campaign escalated with the publication of two false obituaries online, in what appeared to be an act of psychological intimidation. The campaign was further amplified by the involvement of certain journalists who republished identical defamatory content across multiple online platforms, contributing to its broad circulation. The coordinated nature of these actions raises concerns regarding the role of certain media actors in reinforcing commercial interests within the antiquarian trade. A legal case in Italy has since established the involvement of certain academic figures in the defamation campaign, including

the economic interests that sustain this practice. Ensuring that manuscript heritage is protected for future generations requires both critical engagement with terminology and a broader commitment to ethical stewardship.

It is therefore imperative that scholars and institutions adopt precise and ethically responsible language in cataloguing,⁸ conservation policies, and curatorial decisions. A rigorous approach to classification helps to prevent further losses and to reinforce the broader commitment to manuscript preservation.

Acknowledging the historical and cultural significance of intact manuscripts strengthens the case for ethical collecting practices and the preservation of these works in their original form whenever possible.

The legal framework governing medieval manuscript preservation is shaped by a combination of international regulations and national legislations, which, while varying in scope and enforcement, offer important safeguards. These differences present challenges but also opportunities for strengthening and harmonizing protective measures to ensure a more consistent approach to their preservation.

Cultural heritage is regarded as a collective asset in much of Europe, where medieval manuscripts, like all artefacts exceeding fifty or, in some jurisdictions, one hundred years in age, are classified as historical assets and are therefore subject to state protections, restrictions

members of the *Società Internazionale di Storia della Miniatura*, based in Naples, as well as individual scholars who operated under pseudonyms. This ruling highlights the extent to which segments of the academic community have, knowingly or unknowingly, contributed to efforts aimed at discrediting research that interrogates commercial interests in the trade of medieval manuscripts.

Concerns have also been raised regarding the role of the Swiss National Science Foundation (SNSF), which funds the Fragmentarium platform, a project whose approach to detached manuscript leaves has been the subject of critical analysis. The author's findings are discussed extensively in Puig 2025b, which documents the chronology and coordinated nature of the campaign, alongside its institutional implications.

Despite these pressures, the author has continued her academic work and has received strong support from institutions and scholars internationally. The affair has contributed to a heightened awareness of the ethical and legal issues surrounding manuscript dismemberment and has reinforced calls for stronger protections for cultural heritage in both national and international frameworks.

⁸ A striking example of this complicit use of imprecise terminology is the website *Fragmentarium.ms*, which will be discussed in greater detail below.

on sale, or export controls, even when privately owned. This reflects the broader principle that such items serve a social function and, in a cultural sense, belong to the community—a concept that gained prominence after the French Revolution when cultural property came to be viewed as part of the public domain.

In countries governed by civil law (such as France, Italy, or Spain), such protections are codified within statutory frameworks that explicitly regulate ownership, trade, and export. By contrast, common law jurisdictions (such as the United Kingdom, the United States, Canada, and Australia) rely more heavily on case law and contractual agreements, which can lead to a more fragmented and market-driven approach to manuscript preservation. Despite these differences, the systematic dismemberment of Western medieval and Renaissance illuminated manuscripts for the commercial sale of individual leaves constitutes a form of cultural vandalism. This practice is regulated in various jurisdictions through legal frameworks that govern the trade and preservation of manuscript heritage.

Strong legislation, such as the Italian legal framework that we will examine in detail—responsible for significant recoveries and repatriations of cultural artefacts—serves as a critical deterrent and a potential model for other countries seeking to strengthen the protection of Western medieval manuscript heritage.

This article examines the legal frameworks governing biblioclasm for profit and assesses their effectiveness. Through an analysis of case studies from different jurisdictions, it investigates violations of international and national laws, the illicit circulation of dismembered manuscript heritage, and instances where legal action has successfully led to recoveries.

The Legal and Ethical Implications of Dismembering and Selling Medieval Manuscripts Across Different Jurisdictions and Case Studies

In jurisdictions following the civil law tradition, dismantling an antiquarian book or manuscript for financial gain constitutes an offence against cultural property, as it irreversibly compromises the work's integrity and historical significance. This act frequently involves stolen material, making theft the predicate offence that triggers a series of further crimes, including forgery, handling of stolen goods, and illicit exportation. These offences fall within the broader category of crimes against cultural heritage and are central to illicit trafficking networks that exploit bibliographic patrimony. When unlawfully transferred across borders, illicit exportation facilitates the dispersion of these works, significantly complicating recovery efforts.

From both a legal and preventive perspective, the movement of cultural property plays a crucial role in safeguarding antiquarian books, which are explicitly recognized as part of this category. The competent authorities are responsible for overseeing such movements to prevent unlawful exportation and the consequent permanent loss of these works. Various legal frameworks have been established at international, regional, and national levels to address the illicit trade in cultural property.

The export of antiquarian books and manuscripts is governed by a well-established international and regional legal framework designed to protect heritage materials. A cornerstone of this system is the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property, adopted in Paris on 14 November 1970 and ratified by 132 States. The convention defines cultural property to include rare manuscripts, incunabula, antiquarian books, documents, and publications of particular historical, artistic, scientific, or literary significance, whether individually or as part of collections. It establishes clear principles for the prevention of illicit

trade and mandates signatory states to adopt appropriate measures, including criminal or administrative sanctions, to safeguard cultural heritage.

Complementing this framework, the 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects provides mechanisms for restitution, reinforcing international cooperation and legal certainty in cross-border claims. It sets out provisions that facilitate the return of unlawfully exported objects and clarify ownership rights, ensuring a structured legal process for recovery efforts.

At the European level, Directive 2014/60/EU on the return of cultural objects unlawfully removed from the territory of a Member State strengthens legal instruments for heritage protection within the European Union. The directive enhances cooperation among Member States and streamlines procedures for the return of cultural goods, including manuscripts, per established legal principles.

Through this comprehensive legal framework, international and regional regulations play a fundamental role in safeguarding antiquarian books and manuscripts, ensuring provenance verification, responsible trade practices, and the protection of cultural heritage.

In summary, civil law jurisdictions impose strict legal provisions on the export and sale of cultural property, requiring due diligence in transactions and enforcing clear restrictions on the dismemberment and unauthorized trade of manuscripts. These regulations aim to preserve the integrity of heritage materials and curb their unlawful circulation.

In contrast, common law systems—particularly those of the United Kingdom, Australia, and the United States—place a stronger emphasis on individual property rights. Privately owned cultural objects are generally treated as personal assets, with fewer legal constraints on their sale, transfer, or alteration. As a result, manuscripts of Italian, French, and Flemish origin—despite being subject to robust protections in their countries of origin—often enter jurisdictions where such regulatory mechanisms do not apply. Many of these manuscripts,

stolen or illegally exported, are smuggled into the United Kingdom and the United States, where they are more easily dismantled and sold as individual leaves.

This situation is particularly evident on eBay, where significant volumes of bibliographic heritage, including looted books and manuscript leaves, are openly traded. Although the platform's official policies explicitly prohibit the sale of stolen cultural property, enforcement remains inconsistent. According to eBay's Stolen Property Policy:

The sale of stolen property is not allowed on eBay.

The sale of stolen property violates state, federal and international law, and we will work with law enforcement in any attempts to sell stolen property on eBay.

Stolen property from private individuals or property taken without authorization from companies or government cannot be listed for sale. If you see stolen property on eBay, please contact local law enforcement immediately.⁹

Despite these clear prohibitions, numerous stolen cultural artefacts, including books and manuscript leaves, continue to be listed and sold.¹⁰

The sale of stolen goods, particularly antiquarian manuscripts, is not the only violation occurring on eBay. In the following pages, we will document a striking case involving a serial manuscript dismemberer who uses eBay as a decoy to attract buyers. This individual directs potential customers to clandestine auctions featuring illuminated folios, conducted outside the eCommerce platform.

eBay's policies explicitly prohibit such activities. According to their guidelines:

⁹<https://www.ebay.com/help/policies/prohibited-restricted-items/stolen-property-policy?id=4334>

¹⁰ The most recent case of a stolen historical manuscript being sold on eBay involves the *Catasto ordinato dalla Sacra Congregazione del Buon Governo*, which was unlawfully removed from the Archivio di Stato in Rome and listed for sale on the well-known e-commerce platform. However, the manuscript was successfully recovered by the Nucleo Carabinieri Tutela Patrimonio Culturale of Rome and returned to the Director of the State Archives on 4 March of this year.

For further details, see: <https://latpc.altervista.org/category/comando-carabinieri-tutela-patrimonio-culturale/>

Offering to buy or sell outside of eBay is not allowed. Buyers and sellers also can't share contact information, including email addresses and phone numbers, prior to completing a transaction on eBay.¹¹

Such actions not only breach eBay's policies but also contravene national and international laws. In the absence of rigorous provenance checks and systematic monitoring, eBay continues to serve as a major marketplace for the trade in cultural property that would be subject to substantial legal restrictions.

Germany and Switzerland as Key Hubs for Manuscript Dismemberment: Legal and Market Factors

A combination of permissive legal frameworks, a decentralized system of cultural heritage regulation, and a well-established antiquarian market has positioned Germany as a major hub for the dismemberment of medieval manuscripts. One of the primary contributing factors is the fragmented nature of its legal protections for cultural property. Since heritage laws are determined at both the federal level and by individual *Länder*, there is no uniform national policy safeguarding historical manuscript integrity. While some federal states impose stricter controls, others maintain more lenient regulations, allowing manuscripts to be freely traded, sold, and exported with minimal bureaucratic oversight. This decentralized structure contrasts sharply with the more centralized and interventionist approaches adopted in France, Spain, and Italy, where national institutions actively monitor and regulate the movement of cultural property.

¹¹ <https://www.ebay.com/help/policies/payment-policies/offers-buy-sell-outside-ebay-policy?id=4272>

The country's long-standing antiquarian market further facilitates manuscript dismemberment. Prominent auction houses—including Kiefer Rare Books, Pforzheim; Hartung und Hartung, Reiss & Sohn, and Zisska & Lacher—regularly offer individual manuscript leaves, often without stringent provenance verification.¹² Unlike in jurisdictions where auction houses must conduct more rigorous due diligence, the legal framework in Germany permits a more flexible interpretation of provenance standards, thereby enabling the circulation of illuminated manuscript leaves of uncertain or illicit origin.

Export regulations remain relatively permissive as well. Although the 2016 *Kulturgutschutzgesetz* introduced stricter measures to prevent the loss of significant cultural artefacts, manuscripts frequently fall below the financial thresholds that would subject them to export controls. As a result, smuggled or unlawfully acquired manuscripts can enter the country, be dismembered, and subsequently dispersed through international markets without triggering regulatory intervention.

The financial incentives for dismemberment are considerable, as individual leaves often command significantly higher prices than intact codices. This economic reality, combined with legal loopholes and inconsistent enforcement, has made Germany a focal point for the dismantling and global dispersal of medieval manuscripts within the antiquarian trade.

¹² A notable case is that of a rare manuscript by Nostradamus, stolen from the General Library of the Centre for Historical Studies of the Barnabites in Rome and put up for sale in Pforzheim in 2021. One of the pages displayed on the auction house's website revealed the presence of a stamp from the "Biblioteca SS. Blasi Cairol del Urbe", a library incorporated into the General Library of the Barnabite Fathers in 1991. Following a request for legal assistance issued by the Italian judicial authorities to their German counterparts, the auction was halted, and the manuscript was placed under police custody in Stuttgart, pending its repatriation. The return of the manuscript was facilitated through a European cooperation mechanism between the Italian Ministry of Culture and its German counterpart.

During the same proceedings, a 16th-century illuminated parchment, originally part of a Missal by Ludovico da Romagnano, was also repatriated from Germany to Italy. This Missal had been stolen from the archives of the Episcopal Curia of Turin in 1990 and subsequently dismembered.

In 2022, both the Nostradamus manuscript and the missal leaf were officially returned to their respective institutions, with the Nostradamus volume restored to the head of the General Library, Father Rodrigo Alfonso Nilo Palominos.

<https://grifoneartigliopenna.com/2022/04/24/beni-storici-che-tornano-in-italia-e-accordo-tra-carabinieri-tpc-e-iit-istituto-italiano-di-tecnologia/>. All hyperlinks referenced in this article were last accessed on 15 March 2025.

Switzerland's legal framework on cultural heritage differs significantly from both the continental European model and the Anglo-Saxon approach. Although the country is a signatory to major international conventions on cultural property protection, including the 1995 UNIDROIT Convention and the 1970 UNESCO Convention, its domestic regulations on privately owned medieval manuscripts remain relatively permissive. This has positioned it as a key hub in the antiquarian trade, where the commercialization and dismemberment of codices are common practices.

Unlike in countries such as Italy and France, where national heritage laws impose automatic restrictions on the sale, export, or dismemberment of significant cultural artefacts, Swiss legislation does not systematically classify medieval manuscripts as protected heritage unless they have been formally designated as such. As a result, private owners can freely sell, trade, or dismember manuscripts unless specific cantonal or federal restrictions apply—an uncommon occurrence.

The country's role as an international center for the trade in art and antiquities has further reinforced its prominence in the manuscript market, particularly in the sale of excised leaves. Auction houses such as Koller Auctions in Zurich and Dr. Jörn Günther Rare Book have played a significant role in the dispersion of manuscript leaves. Since there are no stringent legal requirements for provenance verification, dealers and auction houses often handle material of uncertain or dubious origin with minimal regulatory oversight.

Export and import laws governing cultural objects are also relatively lenient compared to neighboring countries. While the Federal Act on the International Transfer of Cultural Property (CPTA, 2005) regulates imports, exports, and restitutions, medieval manuscripts and manuscript leaves frequently fall outside the thresholds that would trigger protection under this law — for example, they may not meet the minimum market value or may not be included in the categories listed in official inventories or bilateral agreements. As a consequence, stolen or

illicitly exported manuscripts from Italy, France, and Spain frequently pass through Swiss dealers and auction houses before reaching the international market.

The country's strong manuscript collecting tradition, coupled with a legal framework that grants private owners considerable freedom, has further fueled the market for manuscript leaves.

Case Study: A German Historical Prayer Book

As seen, Germany remains a *terra nullius* when it comes to the protection of medieval manuscripts. The practice of biblioclasm is particularly damaging not only to manuscripts of foreign origin but also to Germany's medieval heritage, as even manuscripts of extraordinary historical value—true museum pieces—are not spared, as demonstrated by the case of the Mansfeld Prayer Book, also known as the Hildesheim Psalter.

Originally comprising 183 folios measuring 165 × 131 mm, the manuscript was written in chancery script, with 20 to 25 lines per folio. Its heraldic decoration featured a coat of arms divided into eight sections, with each half containing a repeating pattern: a rampant lion facing right on a red background with dots, a notched red cross on a yellow field, three brown hills on a yellow background, and a white fleur-de-lis on a blue field. Once a remarkable example of German manuscript heritage, the codex has since been dismembered and dispersed, with its leaves scattered across various collections worldwide.

The original, intact manuscript was once in the possession of the Linel brothers, Michael (1830–1892) and Albert (1833–1916), and formed part of the Linel Sammlung (Linel Collection) in Frankfurt am Main. In 1892, it was acquired by the city of Frankfurt for the Kunstgewerbemuseum, where it entered the museum's manuscript collection under the reference Linelsammlung, LM 39. A detailed description is provided in *Die illuminierten Handschriften und Einzelminiaturen des Mittelalters und der Renaissance in Frankfurter Besitz*

(Frankfurt, 1929), no. 151, pp. 181–83,¹³ with plate LXV offering additional visual documentation. The Prayer Book included two instances of the date 1524, which appeared within its decorative borders (ff. 61v and 74, see Fig. 1).

Additionally, folio 45v featured an angel holding a shield emblazoned with the Mansfeld coat of arms, confirming its connection to the noble family. The research conducted by the author of this article has revealed that a specific branch of this family, that of Hoyer VI von Mansfeld, remained Catholic during the height of the Lutheran Reformation.¹⁴

This is particularly significant, as Saint Egidius¹⁵ appeared rubricated in the manuscript's calendar—a detail confirmed through the codex reconstruction project I conducted alongside a team of my students.¹⁶

By the mid-16th century, the manuscript had been taken to Belgium, where rubrics in French were added (Fig. 2), along with the coat of arms of Adrienne de Louvignies on f.1, marking a significant stage in its ownership history.¹⁷

In the 19th century, Count d'Aspremont-Lynden inscribed his signature in the volume, further attesting to its later provenance.

In 1987, the manuscript was auctioned at Sotheby's, where it was sold for £60,000 plus a 10% commission. A decade later, still intact, it reappeared on the market, offered at auction by the Basel-based dealer Jörn Günther and Bruce "Scissorhands" Ferrini,¹⁸ a notorious biblioclast

¹³<https://sammlungen.ub.uni-frankfurt.de/kataloge/content/pageview/6491889>

¹⁴ *Riconoscere e contrastare la biblioclastia a scopo di lucro*, in press in the series SALPA Salvaguardia Patrimonio, Alta Formazione Editrice, Rome, 2025, 30-55.

¹⁵ Hoyer, like Ogier, is a Germanic adaptation of the Latin Aegidius, a name widely associated with the veneration of Saint Giles. Given this linguistic link, it is likely that Hoyer von Mansfeld's name reflected a deliberate familial or devotional association with the saint.

¹⁶ A volume on this reconstruction is about to be published as part of the Alta Formazione Editrice series dedicated to the safeguarding of Western cultural heritage, SALPA.

¹⁷ Adrienne de Haynin de Louvignies belonged to a distinguished noble family. She was the daughter of Ghislain, Chevalier, and Jeanne de Hun, and the sister of Yolande de Haynin. She made her will on 23 July 1598, leaving behind a significant documentary record that contributes to the broader understanding of her lineage and the manuscript's journey through time.

¹⁸ Bruce "Scissorhands" Ferrini (1950–2010) was an American antiquities and rare manuscript dealer whose notoriety stemmed from his involvement in the illicit trade of historical documents and biblical manuscripts. The moniker *Scissorhands*—bestowed upon him by his own collaborators—reflected his well-documented practice of

dealer. Shortly thereafter, its leaves began to circulate individually, following a pattern observed in several manuscript sales of the period. Some of these illuminated folios remain in private hands, some still held by one of Ferrini's former business associates.

Today, the 183 original folios of the Hildesheim Psalter are scattered across collections worldwide, with some preserved at The Cleveland Museum of Art (*Jeanne Miles Blackburn Collection*, 2006.15 and 1993.136; see Fliegel 1999, nos. 65–67) and Northern Illinois University Library in DeKalb, IL.

Over the years, folios from this manuscript have regularly appeared on the market. Notably, three leaves, including prayers for St. Oswald of Worcester, were sold at Christie's on 7 December 2004 (lot 29), while a folio featuring a miniature of St. Erasmus appeared at Christie's on 14 December 2022 (lot 32).

More recently, a leaf depicting King David was auctioned at Freeman's and Hindman, Chicago, IL, on 27 June 2024. These sales illustrate the continued dispersal of the manuscript, with its folios surfacing intermittently on the antiquarian market, further complicating efforts to reconstruct its original integrity.

dismantling complete manuscripts and selling their individual leaves for profit. Ferrini played a significant role in the trade of the *Gospel of Judas*, an early Christian manuscript that emerged on the antiquities market in the 1980s. Beyond his role in the vandalization of manuscripts, Ferrini was embroiled in numerous legal and financial disputes. Accusations of fraudulent dealings, including the failure to deliver purchased manuscripts and the misrepresentation of provenance, culminated in bankruptcy proceedings in the early 2000s. His business practices, which prioritized commercial gain over scholarly and ethical considerations, rendered him one of the most controversial figures in the rare book and manuscript trade.

Despite his notoriety, Ferrini's influence on the antiquarian book and art market was considerable. Many rare book dealers and galleries that are now firmly established began their careers within his circle, operating in a commercial environment that often privileged profit over the preservation of historical artefacts. His legacy stands as a cautionary example of the enduring ethical and legal challenges surrounding the trade in cultural heritage, particularly the dismantling and commercialization of manuscript leaves.



Unless otherwise stated, the images in this article are in the public domain.

Fig. 1. Illuminated leaf from the *Hildesheim Psalter*. This folio bears the scars of biblioclasm. Along the left margin, clear traces of a blade mark the point where the leaf was cut from its original binding. The ornate border, with its intricate floral motifs, fantastical creatures, and the date 1524 prominently

displayed in a cartouche, speaks to the craftsmanship irreversibly disrupted by this practice.



Fig. 2. Illuminated leaf from the *Hildesheim Psalter*, with French rubrics added in the mid-16th century.

Italy: A Robust Legal Framework with Enforcement Challenges

Among European nations, Italy offers one of the strongest legal protections for manuscript heritage under the Cultural Heritage and Landscape Code (*Codice dei Beni Culturali e del Paesaggio*):

- Article 10(3)(c) explicitly classifies medieval manuscripts as cultural property, even when held in private collections.
- Article 20(1) prohibits the destruction, damage, or misuse of cultural assets in ways that compromise their historical or artistic value.
- Article 30(3) obliges private owners to ensure the proper preservation of manuscripts.

In Italy, cultural property is governed by a legal framework that regulates its ownership, protection, and circulation. The *Decreto Legislativo 22 gennaio 2004, n. 42 (Codice dei beni culturali e del paesaggio)* implicitly establishes the status of medieval manuscripts as *beni culturali* (cultural assets) *de facto* by defining as such all objects of significant historical, artistic, palaeographical, bibliographical, or documentary value. Given their intrinsic characteristics, medieval manuscripts fall within this legal definition and are therefore subject to the protective measures outlined in the law (*Article 10*). As such, they are automatically subject to state protection, irrespective of whether they have been formally declared of cultural interest.

This means that any transaction involving a medieval manuscript—whether through sale, donation, or export—is subject to strict legal oversight. The unauthorized sale, movement, or alteration of such manuscripts may result in legal consequences, including administrative penalties and criminal liability.

In particular, the dismemberment, illicit sale, or international trafficking of a medieval manuscript constitutes a violation of cultural heritage laws, with both the seller and the buyer being held accountable.

For example, when a manuscript or individual folios appear on online platforms such as eBay without the necessary authorization, the Italian authorities can intervene. If the item is identified as cultural heritage, both the seller and the buyer may face sanctions, as possession of unlawfully traded cultural assets is a punishable offence.

Italian law allows for the seizure and restitution of such manuscripts, as well as fines or, in more serious cases, imprisonment.

Additionally, *Article 60* grants the state a *diritto di prelazione* (right of pre-emption), allowing the authorities to acquire a manuscript before it is transferred to a private buyer. Export restrictions under *Article 65* further require ministerial authorization before any manuscript can be removed from Italian territory.

These legal provisions reflect the principle that medieval manuscripts, regardless of ownership, are part of Italy's cultural heritage and must be preserved in the public interest. Their unlawful sale, dispersal, or export constitutes a legal offence, reinforcing the necessity of strict regulations to prevent the loss of valuable documentary heritage.

This entails precise legal constraints: cultural property cannot be moved, restored, or altered without prior authorization from the competent protection authority, and its sale is subject to the state's right of pre-emption, which allows the authorities the opportunity to acquire the property before it can be transferred to a private buyer. The rationale behind these restrictions is that cultural heritage, even when privately owned, is deemed to be of collective importance and must remain accessible and protected accordingly.

The Italian legal system enshrines the right to private property in both the Constitution and the Civil Code. *Article 42* of the Italian Constitution guarantees private property but subordinates

its enjoyment to the broader principle of “social function”, allowing the state to impose restrictions when necessary to safeguard public interests. This principle is reinforced by *Article 832* of the Italian Civil Code, which defines ownership as the right to fully and exclusively enjoy and dispose of property, but always within the limits and obligations established by law:

Il proprietario ha diritto di godere e disporre delle cose in modo pieno ed esclusivo, entro i limiti e con l'osservanza degli obblighi stabiliti dall'ordinamento giuridico.

[Translation: The owner has the right to enjoy and dispose of things fully and exclusively, within the limits and in compliance with the obligations established by the legal system].

This legal framework reflects a civil law tradition that does not conceive of property rights as absolute but rather as being subject to regulation to ensure the preservation of cultural heritage for future generations.

By contrast, common law jurisdictions—such as those in the Anglo-Saxon tradition—tend to emphasize the sanctity of private property, often with fewer direct state interventions. However, even in these systems, legal mechanisms exist to protect cultural heritage. In the United States, for instance, the *Native American Graves Protection and Repatriation Act* (NAGPRA) regulates the return of certain cultural objects to Native American tribes and descendants. Additionally, the *Archaeological Resources Protection Act* (ARPA) imposes restrictions on the excavation and trade of archaeological artefacts found on federal and Native American lands. In the United Kingdom, cultural property is protected under laws such as the *Ancient Monuments and Archaeological Areas Act 1979* and the *National Heritage Act 1983*, which regulate the listing of historic buildings and sites, as well as the export of significant cultural objects. While British law does not impose a general pre-emption right akin to the Italian system, export licensing requirements under the *Export Control Act 2002* serve to prevent the unrestricted sale of important cultural artefacts abroad.

This divergence in legal approaches highlights the different philosophies underlying civil law and common law traditions: whereas the Italian model reflects a historically rooted view of cultural heritage as a collective asset requiring active state intervention, Anglo-Saxon legal systems place greater emphasis on individual property rights, with protections for cultural assets typically arising through specific legislative measures rather than a general principle of state oversight.

The concept of the social function of private property is logically applicable to cultural property, and the reason is quite clear. It is necessary to protect and preserve cultural heritage because it must be known to future generations, essentially to all of humanity, as it belongs to the entire human race. This underpins the concept of access to cultural heritage: access essentially means knowledge. In this sense lies the social value of understanding cultural heritage, including, and perhaps especially, the cultural property that belongs to private individuals. It is no coincidence that the Cultural Heritage and Landscape Code states that:

La valorizzazione consiste nell'esercizio delle funzioni e nella disciplina delle attività dirette a promuovere la conoscenza del patrimonio culturale e ad assicurare le migliori condizioni di utilizzazione e fruizione pubblica del patrimonio stesso, anche da parte delle persone diversamente abili, al fine di promuovere lo sviluppo della cultura. Essa comprende anche la promozione ed il sostegno degli interventi di conservazione del patrimonio culturale.

[Translation: Enhancement consists of the exercise of functions and in the regulation of activities aimed at promoting the knowledge of cultural heritage and ensuring the best conditions for its use and public enjoyment, even by people with disabilities, in order to foster cultural development. It also includes the promotion and support of interventions for the conservation of cultural heritage.”]¹⁹

¹⁹ Art. 6 Cultural Heritage and Landscape Code.

If cultural property—whether in private or public ownership—is fundamentally intended to be accessible for collective enjoyment and understanding, then its regulation within the framework of the social function of private property is fully justified. Consequently, legal measures aimed at guaranteeing public access and preservation are both necessary and legitimate.

Antiquarian books and manuscripts, as primary vehicles for the direct transmission of cultural knowledge, fall unequivocally within the scope of cultural heritage protection. Their safeguarding not only ensures their physical preservation but also upholds their role in fostering historical and intellectual continuity.

The preservation and promotion of cultural heritage inherently require a robust legal framework, including criminal law provisions. Recognizing this need, Italy introduced *Legge 9 marzo 2022, n. 22*, which came into effect on March 23, 2022, establishing specific criminal offences related to cultural heritage (*Disposizioni in materia di reati contro il patrimonio culturale*). This law integrated *Titolo VIII-bis*, entitled *Delitti contro il patrimonio culturale*, into the Italian Criminal Code, thereby strengthening protections and imposing stricter penalties for crimes affecting cultural assets.

This legislative development follows Italy's ratification of the *Council of Europe Convention on Offences relating to Cultural Property*, adopted in Nicosia on May 19, 2017, and ratified through *Legge 21 gennaio 2022, n. 66*. Previously, criminal provisions concerning cultural heritage were contained within the *Codice dei beni culturali e del paesaggio (Cultural Heritage and Landscape Code)*. However, with the reform introduced by the 2022 law, these provisions have been transferred to the Criminal Code to enhance enforcement and deterrence.

Titolo VIII-bis defines and penalizes a range of criminal offences that directly endanger cultural heritage, all of which are classified as *delitti* (serious crimes) and subject to imprisonment and

finer. These provisions explicitly extend to offences involving antiquarian books, manuscripts, and archival materials, including those held in private collections.²⁰

Destruction, dispersion, deterioration, defacement, soiling, and unlawful use of cultural or landscape assets (*Distruzione, dispersione, deterioramento, deturpamento, imbrattamento e uso illecito di beni culturali o paesaggistici*);²¹ Handling of stolen cultural property (*Ricettazione di beni culturali*).²²

The phenomenon of biblioclasm, from a legal perspective, manifests through the destruction or deterioration of an antiquarian book or manuscript. Article 518-duodecies of the Criminal Code clearly states:

Chiunque distrugge, disperde, deteriora o rende in tutto o in parte inservibili, ove previsto, o non fruibili beni culturali o paesaggistici propri o altrui è punito con la reclusione da due a cinque anni e con la multa da euro 2.500 a euro 15.000.

[Translation: Anyone who destroys, disperses, deteriorates, or renders, in whole or in part, unusable—where applicable—or inaccessible cultural or landscape assets, whether their own or belonging to others, shall be punished with imprisonment of two to five years and a fine ranging from €2,500 to €15,000].

This legal provision addresses a broad spectrum of illicit activities, including the destruction, dispersal, and deterioration of cultural property. This legal provision addresses a broad range of illicit acts involving cultural property, including the destruction (*distruzione*), dispersal (*dispersione*), and deterioration (*deterioramento*) of cultural assets. While the Italian Criminal

²⁰ Further insights into this legislative reform can be found in the analysis published on the *LaTPC* platform: La riforma dei reati in materia di tutela del patrimonio culturale.

²¹ Article 518-duodecies of the Criminal Code. Further readings available at: <https://latpc.altervista.org/le-nuove-disposizioni-in-materia-di-deturpamento-di-beni-culturali/>.

²² Art. 518-*quater* *ivi*.

Code does not formally define these terms in technical language, the offence introduced by Article 518-quater identifies them as punishable when committed with intent or awareness that the object in question is of cultural significance.

In this context:

- **Destruction** refers to the irreversible elimination of a cultural asset, rendering it impossible to restore or reintegrate.
- **Dispersal** denotes the severance of a cultural asset from its original, contextual unity — as often occurs when folios are excised from a manuscript and sold individually, making traceability and reintegration exceedingly difficult.
- **Deterioration** applies when damage is so extensive that the asset cannot be meaningfully restored to its original condition.

Criminal liability under Article 518-quater arises regardless of whether the object is publicly or privately owned, provided the perpetrator was aware of its cultural nature. The subjective motive — profit, negligence, or otherwise — is irrelevant under the statute.

However, administrative thresholds established under the Code of Cultural Heritage and Landscape (D.Lgs. 42/2004) determine whether an item is automatically protected or subject to notification and export restrictions. Manuscripts and detached folios are protected if they are over 70 years old and of significant historical interest, or if they have been declared of cultural interest by the Ministry (Art. 10–12).

In practice, many medieval manuscript leaves escape these thresholds, particularly when:

- sold individually rather than as part of a codex,
- lacking clear provenance, or
- assigned an art-market value below the reporting threshold set for export certificates.

As such, dispersion of manuscript leaves often falls outside the radar of formal protection mechanisms, even when the cultural damage is profound.

Criminal offences affecting cultural heritage typically fall within one of these categories. For liability to arise, the perpetrator must be fully aware that the object in question constitutes a cultural asset and must act with the intent to dismember, damage, or otherwise compromise its integrity. The specific motivation behind the act—whether financial profit or another incentive—is legally irrelevant. Significantly, the law explicitly affirms that these provisions apply regardless of whether the asset in question, such as an antiquarian book or manuscript, is publicly or privately owned.

Additionally, the legislation contains a residual punitive clause, imposing sanctions on anyone who renders a cultural asset, in whole or in part, unusable. This means that criminal liability is established even in cases where the asset has not been physically damaged or destroyed but has been rendered inaccessible, thereby preventing it from fulfilling its role in transmitting knowledge and being available for study or public enjoyment. In practice, financial motives often underpin such offences, at which point the crime of handling stolen cultural property (*ricettazione di beni culturali*) becomes particularly relevant.

It is useful to cite the exact wording of the law governing this offence, i.e., Article 518-quater of the Criminal Code:

Fuori dei casi di concorso nel reato, chi, al fine di procurare a sé o ad altri un profitto, acquista, riceve od occulta beni culturali provenienti da un qualsiasi delitto, o comunque si intromette nel farli acquistare, ricevere od occultare, è punito con la reclusione da quattro a dieci anni e con la multa da euro 1.032 a euro 15.000. La pena è aumentata quando il fatto riguarda beni culturali provenienti dai delitti di rapina aggravata ai sensi dell'articolo 628, terzo comma, e di estorsione aggravata ai sensi dell'articolo 629, secondo comma.

[Translation: Except in cases of participation in the predicate offence, anyone who, with the intent of obtaining a profit for themselves or others, purchases, receives, or conceals cultural property originating from any criminal offence, or otherwise facilitates its purchase, receipt, or concealment, shall be punished with imprisonment of four to ten years and a fine ranging from €1,032 to €15,000. The penalty is increased if the cultural property originates from the aggravated offences of robbery, as defined in Article 628, third paragraph, or extortion, as defined in Article 629, second paragraph.]

The term *ricettazione* (handling stolen property) derives from the verb *ricettare*, which means to provide shelter, concealment, or protection for something. In the context of cultural heritage law, it refers specifically to the unlawful possession, acquisition, or transfer of cultural property, including antiquarian books. This offence is legally complex and, statistically, among the most frequently committed crimes against cultural heritage.

Before examining its constituent elements, it is necessary to establish a fundamental premise. The offence of handling stolen cultural property presupposes the commission of an antecedent crime from which the asset originates, such as theft. For criminal liability to arise, the perpetrator must not have participated in the predicate offence (e.g., theft), as involvement in the original crime would instead result in liability for that offence rather than for handling stolen goods.

The offence is characterized by conduct aimed at acquiring, receiving, or concealing a cultural asset of illicit provenance. Acquisition entails an exchange (*do ut des*) in which the asset is obtained in return for payment; receipt involves the physical possession of the asset; and concealment refers to any act intended to obscure the asset's illicit origin or prevent its recovery.

For criminal liability to be established in cases of handling stolen cultural property, four key elements must be satisfied:

1. The asset in question must be a cultural property that originates from a criminal offence, such as theft.
2. The perpetrator must have knowledge of the asset's unlawful provenance.
3. The perpetrator must be aware that the asset qualifies as cultural property; otherwise, the act would constitute general handling of stolen goods rather than the specific offence related to cultural heritage.
4. The perpetrator must have acted with the intent to obtain a financial or other material benefit, either for themselves or for a third party.

Additionally, the law imposes penalties on those who act as intermediaries in the purchase, receipt, or concealment of stolen cultural assets. The provision also includes an aggravating factor if the cultural property originates from the aggravated offences of robbery or extortion. This analysis demonstrates that Italy has consistently devoted special attention to the protection of cultural heritage. This commitment is evident not only from the international legal instruments incorporated into domestic law but also from the proactive approach of the national legislature in enacting specific and stringent protective measures.

Due to the richness of its medieval manuscript heritage, Italy experiences an exceptionally high rate of cultural property theft, particularly involving books and manuscripts, given the sheer volume of its artistic and historical heritage. Unlike large-scale artworks or archaeological finds, manuscripts are easy to transport, conceal, dismember and sell, making them a prime target for traffickers.²³

²³ As noted by Virgil Cândea in a 1974 publication edited by UNESCO, “illustrated manuscripts represent a unique and deeply troubling case in the unfortunate history of dismembered artworks. The challenges associated with their reconstitution are among the most formidable, and the achieved results thus far have been rather limited and frequently unsatisfactory” (Candea, 1974, 188). Cândea suggested the creation of what today we would call *databases*, which (he wrote) “will help us in carrying out future reconstitutions. First of all, full documentation on these works is of course indispensable ... we must prepare directories of dismembered illuminated manuscripts”.

Many of these objects are housed in provincial libraries, diocesan archives, and monastic collections, where security measures are often inadequate, and cataloguing is incomplete or outdated. This lack of oversight makes it easier for stolen manuscripts to go unnoticed for years, sometimes even decades.

As a result, despite having one of the most stringent legal frameworks for cultural heritage protection, Italy continues to suffer from the widespread theft and dispersion of its manuscript heritage. The combination of an overwhelming abundance of valuable cultural assets, inadequate security, and high international demand sustains a thriving black market, making it exceedingly difficult to track, recover, and restitute stolen manuscripts once they enter the antiquarian trade.

American libraries and museums are among the institutions most vulnerable to the consequences of biblioclasm, as they frequently acquire excised manuscript leaves in good faith, relying on expert attributions and the provenance assurances provided by major auction houses and leading antiquarian dealers. However, when these acquisitions are later revealed to have illicit origins, institutions often find themselves entangled in legal disputes and subject to diplomatic pressure to repatriate cultural property.

This recurring cycle not only exposes them to financial and reputational risks but also highlights persistent gaps in provenance verification within the antiquarian market.

By strengthening due diligence protocols and adopting more rigorous standards for manuscript acquisitions, American institutions have the opportunity to play a leading role in curbing the trade in dismembered and unlawfully obtained manuscripts, setting a precedent for ethical collecting practices worldwide.

Case Studies: 1. The Castelfiorentino *Antiphonary D*, the Cleveland Museum of Art's Acquisition and the Koller Gallery Sale (2015)

A significant example of the illicit manuscript trade is the case of two illuminated leaves from the so-called *Antiphonary D* of the Church of Saints Ippolito and Biagio in Castelfiorentino, which were stolen in the 1950s, illegally exported, and subsequently lost for decades.

In 2015, following a sale in Zurich, a university professor identified two 14th-century illuminated leaves (part of *Antiphonary D*) in the United States and promptly reported them to the Carabinieri Command for the Protection of Cultural Heritage (TPC).²⁴

The first leaf (Fig. 3), containing the responsory for the feast of Saint Lucy (13 December), was located in the Cleveland Museum of Art, while the second, featuring the responsory for the feast of Saint John the Evangelist (27 December), had entered a private collection, having been acquired at an auction in Switzerland. This leaf was sold by the Koller Gallery in Zurich in 2015 (Fig. 4), a transaction that took place despite its illicit provenance.

The expertise accompanying the sale of this leaf was offered by a Swiss university professor from the University of Zurich,²⁵ who is widely known for his ties to biblioclasts. His role in authenticating dismembered manuscript leaves has repeatedly facilitated their circulation in the

²⁴ In 1969, Italy established the Comando Carabinieri Tutela Patrimonio Culturale (TPC), a dedicated unit within the Carabinieri tasked with protecting the nation's cultural heritage from theft, illicit trafficking, and forgery. Operating under the Ministry of Culture, the TPC plays a central role in investigating crimes related to art and antiquities, working both nationally and internationally to recover stolen cultural property. Recognising the growing challenges posed by the illegal art market, Italian authorities have progressively equipped the TPC with advanced tools to track and retrieve looted artefacts. In 1980, the unit introduced Leonardo, a centralised database aimed at cataloguing stolen artworks and providing law enforcement agencies worldwide with access to critical information on missing cultural objects. Today, it holds records for over 1.1 million stolen items, making it one of the most extensive resources of its kind. To further enhance public engagement in identifying lost artworks, the TPC launched iTPC in 2014, a mobile application available in both Italian and English. This tool allows users to compare images of artworks against the database, facilitating the detection of stolen cultural heritage. By integrating digital solutions into its investigative work, the TPC has strengthened its ability to counteract the illicit trade in artefacts and promote the restitution of cultural property to its rightful owners.

²⁵ Years later, in December 2022, the same Swiss professor took part in a campaign to discredit those denouncing the dismantling of manuscripts. This conduct was formally reported in Italy in 2023 (see note 5).

antiquarian market, allowing stolen or recently excised folios to be presented as legitimate artefacts with obscured provenance.

Following a comprehensive investigation, the TPC assembled conclusive documentary evidence verifying the manuscript's provenance and unlawful removal. As a result, both leaves were successfully repatriated and reinstated in their rightful place at the Santa Verdiana Museum of Sacred Art in Castelfiorentino.

This case highlights critical flaws in the antiquarian manuscript trade, particularly regarding provenance research and the due diligence of auction houses:

- The dealer declared the leaf's provenance but failed to disclose its stolen status, facilitating its circulation within a legal grey area.
- The Carabinieri TPC successfully recovered the leaf after verifying its presence in their online database of stolen cultural property.
- Despite being a valuable resource, this database (<https://tpcweb.carabinieri.it/SitoPubblico/home/funzioni/ricerca-dati-immagini>) remains underutilized by auction houses and dealers, who often fail to conduct thorough provenance checks. Even when acting in good faith, many rely too heavily on assurances provided by individuals who may be complicit with biblioclasts, thieves, or traffickers, thereby unwittingly facilitating the circulation of unlawfully acquired manuscript material.



Fig. 3. The stolen leaf from Castelfiorentino Antiphonary D, containing the responsory for the Feast of Saint Lucy (13 December). As can be observed, the leaf was literally cut at the top when removed from the parent manuscript, resulting in the truncation of the musical staff.



Fig. 4. A leaf from *Antiphonary D*, stolen in Castelfiorentino, was sold at auction by Koller in Zurich and subsequently recovered by the Carabinieri Command for the Protection of Cultural Heritage (TPC) following a formal report. An image of the leaf is also available in the TPC's online public database of stolen cultural property. URL: <https://tpcweb.carabinieri.it/SitoPubblico/home/funzioni/ricerca-dati-immagini>

This instance underscores the urgent need for stricter regulation and greater accountability within the antiquarian manuscript market, particularly regarding the verification of provenance before the sale of historical artefacts.

2. The Boston Public Library Restitution: A Dismembered Venetian Manuscript Leaf and Its Repatriation to Italy

On April 19, 2017, the Boston Public Library, in collaboration with UNITED STATES Immigration and Customs Enforcement (ICE) and Homeland Security Investigations (HSI), formally returned several cultural artefacts to the Italian government, including an illuminated leaf excised from a 15th-century Venetian manuscript. This leaf had originally belonged to the *Mariogola della Scuola Grande di San Giovanni Evangelista*, a guild register containing the statutes and governing principles of one of Venice's most prominent confraternities.

The leaf had been unlawfully removed from the complete manuscript at an unknown date before entering the antiquarian market. It was later acquired in good faith by the Boston Public Library. However, its origins were ultimately traced back to Italy, where it had been taken from a historical collection without authorization. Upon confirmation of its illicit provenance, the Boston Public Library worked alongside ICE, HSI, and the United States UNITED STATES Attorney's Office for the District of Massachusetts to ensure its repatriation.

The increasing number of successful restitutions of Italian cultural property from international institutions and private collections highlights a growing awareness of the need to curb the illicit trade in stolen artefacts. However, despite significant progress, countless manuscripts and rare books of Italian origin remain dispersed across the global antiquarian market, often having been illicitly removed from libraries, archives, and ecclesiastical collections. The hope remains that,

in the coming years, there will be a greater focus on the protection of Italy's written heritage and a stronger commitment to the repatriation of dismembered and unlawfully exported books and manuscripts.

A significant step towards achieving this goal was taken on 29 October 2020, when the Italian Ambassador to the United States, Armando Varricchio, and the UNITED STATES Assistant Secretary for Educational and Cultural Affairs, Marie Royce, signed the "Memorandum of Understanding on the Imposition of Restrictions on the Import of Categories of Archaeological Material from Italy" at the Italian Embassy in Washington, D.C. This agreement, building upon a previous accord signed in 2001, establishes a legal framework for cooperation between Italian and American authorities in combating the illicit trafficking of cultural property. It strengthens the collaboration between the Carabinieri Command for the Protection of Cultural Heritage (TPC) and United States law enforcement agencies, facilitating the identification, recovery, and restitution of stolen or unlawfully exported Italian artefacts discovered in the United States. While this agreement primarily addresses archaeological material, it underscores the broader need for comprehensive international measures to prevent the unlawful circulation of manuscript heritage. The hope is that similar bilateral frameworks will be developed to tackle the specific vulnerabilities of historical books and manuscripts, ensuring that institutions exercise greater diligence in provenance verification and that a growing number of unlawfully exported items are restored to Italy's cultural institutions.

The Memorandum marks a significant step in the ongoing efforts to curb the illegal circulation of cultural heritage, including manuscripts and illuminated leaves, which are frequently trafficked through the antiquarian market under falsified provenance. By reinforcing the mechanisms for cross-border cultural property restitution, the agreement highlights the necessity of international cooperation in preserving and protecting Italy's historical and artistic heritage.

Spain: Legal Protections for Cultural Heritage and Manuscripts

The Spanish legal framework, akin to the Italian legal system, reflects a strong commitment to the preservation of cultural heritage. In the realm of bibliographic heritage, Spain adheres to the widely recognized principle that any document, book, or manuscript over 100 years old is to be considered a cultural asset. A key legal reference in this regard is the *Ley 16/1985, de 25 de junio, del Patrimonio Histórico Español*, which establishes the regulations for the protection, conservation, and promotion of Spain's historical heritage.

Article 1.1 of this Law 16/1985 defines the composition of the Documentary and Bibliographic Heritage of the Nation and lists four distinct categories of objects. The first category includes:

*El original y copias de las obras literarias, históricas, científicas o artísticas de más de cien años de antigüedad que se hayan dado a la luz por medio de la escritura manuscrita o impresa.*²⁶

[Translation: The original and copies of literary, historical, scientific, or artistic works that are over one hundred years old and have been made public through handwritten or printed writing].

This law includes specific provisions regarding the conduct of private individuals who own medieval manuscripts, as well as the export and alienation of such cultural assets, requiring prior authorization for the exportation of objects deemed part of Spain's historical patrimony. Additionally, the Article 52 of this legislation explicitly states:

²⁶ *Boletín Oficial del Estado*, Nr. 155, 29 June 1985, pp. 20342-20352
<https://www.boe.es/buscar/doc.php?id=BOE-A-1985-12534>

Todos los poseedores de bienes del Patrimonio Documental y Bibliográfico están obligados a conservarlos, protegerlos, destinarlos a un uso que no impida su conservación y mantenerlos en lugares adecuados.

[Translation: All holders of Documentary and Bibliographic Heritage assets are required to preserve and protect them, ensure their use does not compromise their conservation, and keep them in appropriate conditions].

Furthermore, Real Decreto 111/1986, de 10 de enero, which partially develops Ley 16/1985, provides additional clarification on the procedures for declaring assets as cultural heritage and the conditions under which they may be exported. These legal instruments collectively underscore Spain's commitment to safeguarding its bibliographic patrimony from loss, deterioration, or dispersal, reinforcing the state's role in regulating private ownership and international circulation of historical manuscripts.

Over time, various amendments have been made to this law. What is particularly relevant in this context is that the Bibliographic Heritage includes:

Las obras literarias, históricas, científicas o artísticas de carácter unitario o seriado, en escritura manuscrita o impresa, de las que no conste la existencia de al menos tres ejemplares en las bibliotecas o servicios públicos.

[Translation: Literary, historical, scientific, or artistic works, whether in a single volume or serial format, written in manuscript or printed form, for which there is no record of at least three copies in public libraries or services].

According to this legal provision, every Book of Hours qualifies as a unique work with no identical copies, as each may contain both specific prayers and one-of-a-kind miniatures. Consequently, Books of Hours would fall under state protection. In this regard, we will examine the 2018 recovery of folios from a richly illuminated Book of Hours by Joan Pere Ballester, which were on the verge of leaving Spain for Switzerland (Figg. 6 and 7), where an interested buyer had already been found.

Case Study: A *Book of Hours* illuminated by Juan Pere Ballester (active c. 1470–1492)

Joan Pere Ballester, also known by the Spanish name Juan Pedro Ballester, was a Catalan illuminator active in the Crown of Aragon during the 15th century. One of the illuminated Books of Hours attributed to his hand was partially dismembered in the late 19th century. Some of its folios were sold abroad and reached the United Kingdom, while others remained in private collections in Spain. The dismemberment of the manuscript resulted in the dispersal of its illuminations across institutions and private hands, with individual leaves resurfacing on the antiquarian market at different times.

Among the surviving folios, two significant miniatures from the manuscript are now housed in the Fitzwilliam Museum in Cambridge, bearing witness to Ballester's refined artistic style and the manuscript's original unity.

These folios, catalogued as Marlay Cuttings Sp.1a–1b, (Fig. 5 and 5 bis) depict the Annunciation and the Nativity and are among the earliest identified pieces of the original manuscript. Before entering the Fitzwilliam Museum's collection, these leaves had already been well-documented in British collections, having been displayed at the Burlington Fine Arts Club in London in 1886. However, they were initially misattributed as Netherlandish miniatures in the French style. This error persisted until scholars such as Phyllis M. Giles and Francis Wormald correctly identified their Valencian origin in the mid-20th century.

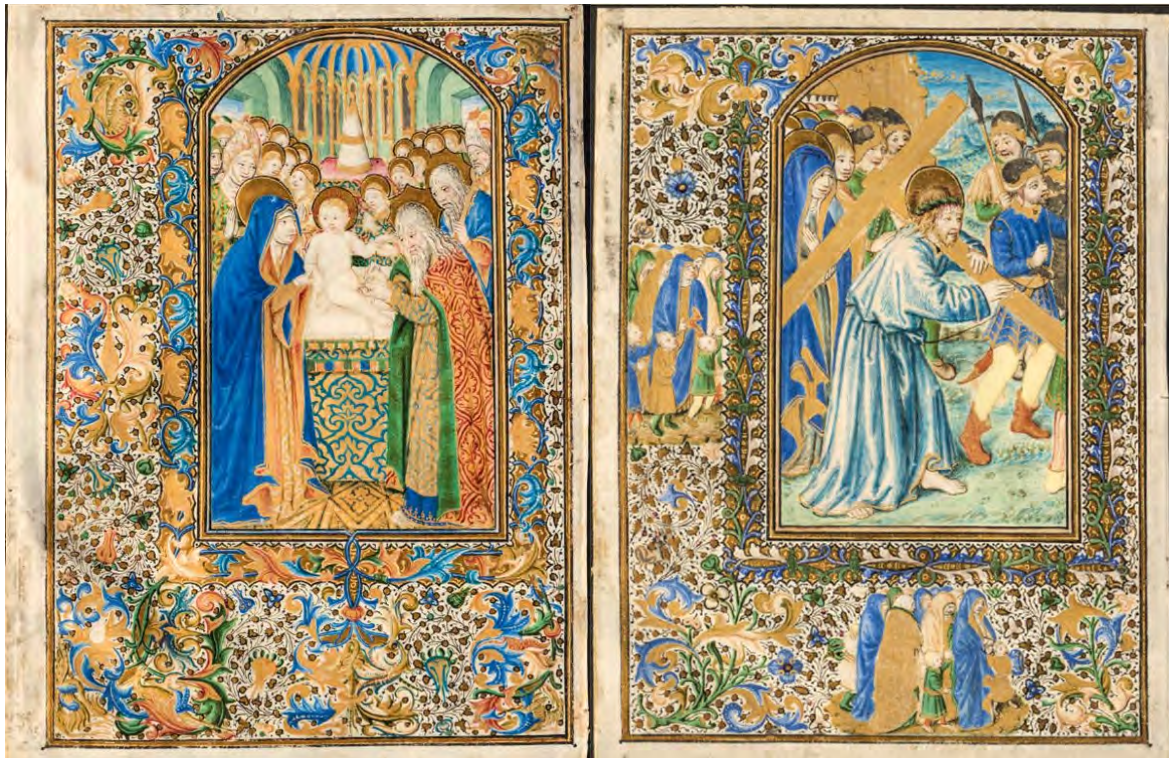
In 2018, additional leaves from the same manuscript were about to be exported from Spain to Basel, Switzerland, when the Spanish Ministry of Culture intervened, invoking Ley 16/1985, de 25 de junio, del Patrimonio Histórico Español. This law stipulates that manuscripts classified as being of public interest, even when privately owned (as is the case in Italy), cannot be exported without prior authorization from the state. Recognizing the artistic and historical significance of these folios, the Biblioteca Nacional de España (BNE) acquired them, securing their preservation within Spain's national collections.



Figs. 5. Cambridge, The Fitzwilliam Museum. *Marlay cuttings Sp. 1a*, and 5 bis, *Marlay cuttings Sp. 1b*

The intercepted folios, now catalogued as RES/124/19 and RES/124/20, depict:

- The Circumcision of Christ (Fig. 6)
- Christ Carrying the Cross (Fig. 7)



Figs. 6 and 7. Madrid Biblioteca Nacional de España, *Res. 124. 19*, 137 x 103 mm, and *Res. 124. 20*, 135 x 103 mm

These miniatures feature intricate gold detailing, refined Valencian Gothic ornamentation, and expressive compositions, consistent with Ballester's known works.

Despite the Spanish government's successful intervention in retaining some folios, others had already left Spain and arrived in Switzerland before the 2018 interdiction. That same year, four additional miniatures were sold on the international antiquarian market by Dr. Jörn Günther Rare Books, a leading dealer in Basel specializing in illuminated manuscripts. These folios were subsequently acquired by a prominent Mexican collector known for his interest in medieval books. Until September 2022, these additional folios had remained completely unknown to art historians and had never been referenced in studies of Valencian manuscript illumination.²⁷

²⁷ Significantly, these folios had also been entirely unknown to Josefina Planas Badenas, a scholar specializing in manuscript studies. It was only after the author of this article brought them to her attention that she became aware of their existence: See <https://www.aboutartonline.com/i-manoscritti-miniati-medievali-e-prerinascentali-occidentali-biblioclastia-e-ricostruzione-digitale/>

The author of this article was the first to identify them on the Swiss antiquarian market, recognizing their stylistic and historical connection to the folios previously intercepted by the Spanish authorities and those already housed in the Fitzwilliam Museum, Cambridge.

This underscores the critical role played by individual researchers in tracing dismembered manuscripts, monitoring the antiquarian market, and reconstructing their histories through comparative stylistic analysis.

The four illuminated leaves sold in Switzerland belong to the Hours of the Cross cycle in the original *Book of Hours*, indicating that their placement followed a structured iconographic programme. They depict:

1. The Agony in the Garden of Gethsemane (Fig. 8)
2. The Betrayal and Arrest of Christ (Fig. 9)
3. The Mocking of Christ (Fig. 10)
4. The Deposition from the Cross (Fig. 11)

These miniatures display sophisticated narrative compositions, intricate border decorations with acanthus leaves, delicate gold embellishments, and expressive figural rendering, all characteristic of Ballester's Valencian style. Their discovery significantly enhances our understanding of the manuscript's original artistic programme.



Figs. 8-11

United States: The Case of an Illuminated Book of Hours by Jean Coene IV

**Formerly Owned by Miss Mary Benson and Held at the Brooklyn Museum Until 2021,
Dismembered and Sold on eBay**

The United States, a relatively young nation with a history of European colonization, does not possess a medieval manuscript heritage of its own—though it has spent well over a century acquiring one. It has long been a major center for the collection and trade of such materials, with universities, libraries, and private collectors actively acquiring manuscripts since at least the nineteenth century.

The legal framework governing the protection of medieval manuscripts in the United States reflects this historical role, operating within a system that prioritizes private property rights over national heritage considerations. Unlike civil law jurisdictions, where antiquarian books and manuscripts are often classified as part of the national patrimony irrespective of ownership, United States law generally treats them as personal assets, granting owners broad discretion over their sale, transfer, or even physical alteration.

The National Stolen Property Act (NSPA, 1934) provides a key federal mechanism for addressing the illicit trade in cultural objects, criminalizing the possession and trafficking of stolen property across state and international borders. However, its applicability to manuscripts depends on the ability to demonstrate prior theft or unlawful removal from their country of origin. The Cultural Property Implementation Act (CPIA, 1983), which implements the 1970 UNESCO Convention, enables the United States to impose import restrictions on designated cultural goods from states that have concluded bilateral agreements. Yet, medieval manuscripts are not systematically covered by such agreements, allowing many to enter the United States market without significant legal barriers.

Given the strong emphasis on private ownership rights and the absence of comprehensive

federal protections for manuscript heritage, the trade in medieval manuscripts—including those of uncertain provenance—has flourished in the United States antiquarian market. While leading institutions have increasingly adopted ethical acquisition guidelines, the broader regulatory framework remains fragmented, with enforcement largely dependent on case-specific legal challenges rather than a cohesive heritage protection policy.

Here, a particularly emblematic case has been selected: a manuscript that was undeniably a museum-quality piece—formerly held at the Brooklyn Museum—yet nonetheless dismembered and sold off leaf by leaf on eBay. The absence of specific legal protections allowed this to happen, yielding over \$60,000 in profit against an initial purchase price of just \$13,000.

In 2021, as part of a broader deaccessioning initiative aimed at alleviating financial pressures exacerbated by the COVID-19 pandemic, the Brooklyn Museum chose to sell several illuminated manuscripts from its collection, including Books of Hours bequeathed by Miss Mary Benson in 1919. Among these was a French Book of Hours, accession number 19.77, which was auctioned at Sotheby's on 30 November 2021, as Lot 67.²⁸

The sale of this manuscript marked the beginning of a troubling trajectory.

By the summer of 2022, the author of this article observed that a well-known manuscript dismemberer based in Akron, Ohio, had begun listing a series of folios on his eBay shop. These leaves—evidently freshly excised from a richly decorated manuscript—were entering the market in a gradual and disorderly fashion, a common pattern when a Book of Hours is dismantled. Given the substantial number of folios such manuscripts contain, their dispersal can take place over several years.

A biblioclast motivated by financial gain will typically introduce text leaves first, followed by

²⁸<https://www.sothebys.com/en/buy/auction/2021/music-and-antiquarian-books-and-manuscripts/book-of-hours-use-of-paris-illuminated-manuscript>.

those featuring miniatures, and finally, after some time, any remaining textual folios.

Among the newly listed leaves, one, in particular, stood out: a Pentecost miniature bearing a penned folio number 112 on its verso (Figs. 13 and 14).

The stylistic features of the illumination closely resembled the work of Jean Coene IV, aligning with a French Book of Hours, use of Paris, which had been auctioned at Sotheby's in November 2021. The manuscript's finely executed foliate borders and figural compositions strongly suggested a connection.

Definitive confirmation of the manuscript's provenance arrived when the dealer listed a leaf featuring the Annunciation to the Shepherds miniature (Fig. 15). The presence of this folio left no doubt that the pages appearing on eBay had once belonged to the Brooklyn Museum's collection. The Pentecost miniature leaf, for instance, was listed at \$2,400, further underscoring the commercial motivations behind the dismemberment.



Figs. 13 and 14 illustrate the recto and verso of the Pentecost leaf, whose dimensions measure approximately 4.25 x 2.9 inches (c.110×65mm); 13 lines per page (c.60×40mm) in bâtarde script. The illuminated border features a vibrant, multi-hued floral design on a gold background, a characteristic

motif in Parisian-produced Books of Hours.

Music and Antiquarian Books and Manuscripts / Lot 67



Property from the Brooklyn Museum, sold to support Museum Collections

← 66 67 68 →

Book of Hours, use of Paris, illuminated manuscript on vellum [France (Paris), early 16th century]

Estimate: 7,000 - 10,000 GBP

[SAVE](#) [Log in to view results](#)

 Print



Fig. 15 illustrates the devastating mutilation. The top image shows Lot 67 at Sotheby's, where the Book of Hours appears intact, open to the Annunciation to the Shepherds illumination. The bottom image depicts the same folio, now excised from its original codex and listed for sale on eBay.

On 30 November 2021, the Book of Hours achieved (only) £13,860 (with buyer's premium). It is worth noting, almost to the point of redundancy, how the manuscript has been undervalued, potentially even intentionally so. However, upon closer examination, it becomes evident that with a modest amount of research, one can unveil its intended recipient, unravel its fascinating history, and trace it back to the workshop responsible for its creation.

Mary Benson's legacy as a collector is essential to understanding the provenance of the dismembered Book of Hours. The donation she made to the Brooklyn Museum was originally described as follows:

"The illuminated manuscripts consist of eight volumes of *Horæ Beatæ Mariæ Virginis*, or Books of Hours, one Missal, and a double page from one of the latter, emphasising the growth of the Museum's collection of such material." (Hutchinson, 1919, 222).

Born on 25 July 1859, Mary Benson belonged to a distinguished family of collectors and scholars devoted to preserving fine objects. Her father, Arthur W. Benson, and her brother, Frank Sherman Benson, a respected collector and numismatist, fostered a deep appreciation for artistic and historical artefacts. Throughout her life, Benson remained immersed in the world of antiquities and connoisseurship. Though she passed away at the relatively young age of 59, on 10 October 1918, she ensured that her passion for historical manuscripts would endure beyond her lifetime. She was laid to rest in Green-Wood Cemetery in Brooklyn, a place that now bears silent witness to her devotion to the arts.

Benson's bequest to the Brooklyn Museum was intended to ensure the preservation of her medieval manuscripts, safeguarding them from disassembly, dispersion, and loss. However, despite her intentions, subsequent institutional decisions led to the dismantling of some of her most significant donations. The manuscripts entrusted to the museum were meant for study and conservation, yet curatorial oversight resulted in the neglect of key aspects of their documentation. For over a century, the Book of Hours in its care remained largely unstudied,

with no comprehensive catalogue entry or photographic records made at the time of donation. This lack of archival diligence meant that when the manuscript was sold at Sotheby's in 2021, its dispersal went unnoticed until individual folios began appearing on online marketplaces. What was once an intact medieval artefact—protected under Benson's bequest—has now been irretrievably lost to dismemberment. Its scattered leaves, now in private collections, stand as a testament to the consequences of mismanagement and ill-considered deaccessioning policies. The author of this study found that this Book of Hours represented a kind of medieval artistic chimaera—a manuscript known from historical records but lost to scholars for centuries, its whereabouts unknown until its unexpected resurfacing. For generations, its existence had been acknowledged in archival documents, yet no physical trace of it remained, leaving its fate shrouded in uncertainty.

A careful analysis of the final bifolio—provided free of charge for study by the dealer, who deemed it unsellable due to its lack of decoration—under ultraviolet illumination gradually revealed hidden details inscribed in the vellum. As the Wood's lamp passed over the leaf, erased markings—long thought lost to time—began to resurface. Then, a remarkable discovery emerged: the spectral signature of the book's first owner, summoned back from history.

“Moi Issabele, veve Jean Hammelin...” the faded yet elegant script read, identifying the Book of Hours as once belonging to the medieval Parisian widow Isabelle Hammelin. The revelation of her name, obscured for centuries, provided an invaluable link to the manuscript's provenance. By a fortunate twist of fate, the dismemberment of the codex had left this crucial leaf unexamined for over a century, ever since the book departed from Isabelle's hands. Now, reunited through digital reconstruction,²⁹ its ultraviolet analysis (Fig. 16) unlocked vital clues about the woman who had once commissioned and cherished it.

Previously, while still safely housed in the Brooklyn Museum, this manuscript had never been

²⁹ <https://www.oprom.eu/brooklynboh>

subjected to detailed scholarly analysis.

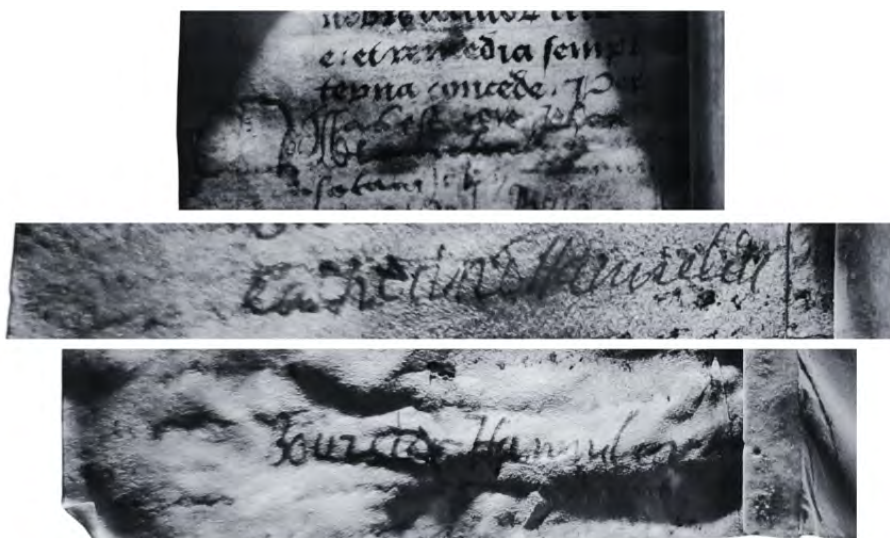


Fig. 16. The partially erased inscription becomes more legible when illuminated with a Wood lamp. 1. Issabele veve Jehan Hammelin 2. Catherine Hammelin 3. Boursier Hammelin. Image reproduced by kind permission of the Organisation pour la Protection des Manuscrits Médiévaux©.

The erased inscription appearing at the bottom of the final leaf of the manuscript reads as follows: “Moi Issabele, veve Jehan Hammelin [followed by some barely legible words, which could be *fortune ... bourgeois à Paris* and possibly the maiden name of Isabelle, *Boursier*. The name Catherine Hammelin – daughter of Issabele - is also legible]”.

During her research in the French archives, Susan Broomhall had noted the description of some Books of Hours belonging to the widow of Jean Hamelin, but she did not realize that one of the manuscripts mentioned in the Parisian document was located at the Brooklyn Museum.

In 1522, Isabeau Boursier, the widow of Jean Hamelin, merchant and bourgeois of Paris, listed as her library, “A Book of Hours, usage of Paris, printed letters, A little Book of Hours, on parchment, printed letters” and finally, a more luxurious, “Two books of Hours, on parchment, printed letters, historiated, with gold lettering, of which one is covered in camel skin and the other covered in black velvet. (Broomhall, 2005, 113)

In reality, several documents related to Isabelle Boursier, the widow of Jean Hamelin, a bourgeois merchant residing on Rue Saint-Jean-de-Beauvais (*à l'enseigne de la Fleur de lis*), are recorded in the Parisian archives.³⁰

Among these documents are Isabelle's testament (Coyecque, 1905, 70, notice n° 322) and the inventory of the belongings after her death (*Minutes et répertoires du notaire Pierre Crozon, 27 mars 1517 – 5, mars 1532*, MC/ET/XXXIII/6, fol. 303-335).

It should be noted that the notary who drafted the post-mortem inventory of Isabelle's assets, Pierre Crozon, was none other than her son-in-law, having married her daughter, Catherine, as indicated in the same document.

Inventaire après décès d'Isabeau Boursier, veuve de Jean Hamelin, marchand bourgeois de Paris, demeurant Rue Saint-Jean-de-Beauvais, à l'enseigne de la Fleur de lis, dressé à la requête de Jean et Robert Boursier, oncles et tuteurs de Gabriel et Martin Hamelin, enfants mineurs des défunts, de Jean et Thomas Hamelin et de Pierre Crozon, notaire au Châtelet, et Catherine Hamelin, sa femme, également enfants des défunts.

14 octobre 1522 ³¹

These records offer valuable insights into the life of this lady, shedding light on her identity and her profound connection with Books of Hours. Of particular interest is an inventory compiled between 14 October and 26 November 1522, which lists three printed Books of Hours alongside a single manuscript. This reference leaves little room for doubt: the manuscript in question is highly likely to be the very same Book of Hours that was once part of Miss Mary Benson's collection. The inventory records the following:

³⁰ Rossi, *Isabelle Boursier's Book of Hours*, 57.

³¹ Documents du Minutier central des notaires de Paris, Inventaires après décès, tome I, 1483-1547, catalogue [1532 actes], par Madeleine Jurgens, Paris, Archives nationales, 1982, p. 73, notice n° 152. Online: https://francearchives.gouv.fr/en/search?q=Boursier+Hamelin&es_escategory=archives&es_escategory=siteres

- Unes Heures en parchemyn, escriptes en la main, historiées, garnies de deux fermouers d'argent doré, couvertes d'une chemisette de camelot, LVI s. p. (fol. 305 vo).
- Unes paires d'Heures, usage de Paris, lectres d'impression, II s. p. (fol. 309 vo).
- Unes petites Heures, en parchemyn, historyées, lectres d'impression... (fol. 312 vo).
- Deux paires d'Heures, en parchemyn, lectre d'impression, historiés, à lectre d'or, dont l'une garnye d'une chemysette de camelot et l'autre couverte de velous noir, XLVIII s. p. (fol. 316).

[• A Book of Hours on parchment, handwritten, illuminated, fitted with two gilded silver clasps, and bound in a camlet chemise cover. (56 sols parisis) [fol. 305 verso]

- A pair of printed Books of Hours, Use of Paris. (2 sols parisis) [fol. 309 verso]
- A small Book of Hours, on parchment, illuminated, in printed script... [fol. 312 verso]
- Two Books of Hours, on parchment, printed text, illuminated with gold lettering; one bound in a camlet chemise cover, the other covered in black velvet. (48 sols parisis) [fol. 316]

]

The first listed Book of Hours is a parchment manuscript (*Heures escriptes en la main*), featuring illuminated miniatures (*historiées*). Its binding consisted of a *chemise* made of camel-skin, a slip-on protective cover, indicating that the manuscript was of relatively small dimensions. It was further adorned with two gilded silver clasps (fol. 305 verso), enhancing its portability.

The inventory, dated 1522, values the manuscript at 56 Parisian *sols* (fol. 305 verso), a significantly higher appraisal than the printed Books of Hours listed in the same document. This discrepancy suggests that the manuscript's craftsmanship, the presence of illuminated miniatures, and its origins from a renowned workshop contributed to its elevated status.

Despite this evident artistic and historical value, the manuscript's significance was overlooked by Sotheby's experts. However, it did not escape the attention of a biblioclast dealer, who

systematically assessed each miniature at an estimated value of \$2,000. Given that the manuscript contained 10 full-page miniatures and 13 smaller ones, its dismembered folios collectively far exceeded the valuation of the complete volume. This stark contrast highlights the economic motivations underpinning the practice of manuscript dismemberment.

The Role of Online Platforms in Obscuring Provenance

Case Study: The Dispersal of a rare Flemish Book of Hours commissioned by an Italian Patron and illuminated by a female miniaturist in Bruges

Among the many cases illustrating how online platforms facilitate the circumvention of legal protections for cultural heritage, the Madruzzo Book of Hours stands as a particularly striking example. This finely illuminated Flemish devotional codex, produced around 1480, was systematically dismembered and sold on eBay, following a pattern frequently observed in the antiquarian market. The individual responsible, a former German university assistant who later relocated to Escondido, California, has long been associated with the dismantling and commercialization of Western medieval manuscripts. Active since the 1980s, he has contributed to the irreversible loss of rare books, incunabula, and manuscripts of considerable historical and artistic value.

Originally a diminutive manuscript, measuring just 90 by 65 mm and intended for the private devotion of Maria Maddalena della Torre (Maria Magdalena von Thurn und Valsassina zu

Kreuz),³² the manuscript was richly illuminated by Marie Vreland,³³ whose meticulous artistry reflects the refined techniques of Flemish miniature painters. The manuscript's intricate details, achieved through the use of magnifying lenses typical of Flemish ateliers, exemplify the exceptional craftsmanship of its creator.

It first appeared on the market on 13 July 2016, when it was offered at Christie's London (Lot 115) with an estimated value of £30,000 to £50,000. However, it failed to sell and was returned to its owner. The following year, on 6 July 2017, it was relisted by another British auction house, Dreweatts 1759 Fine Sales, where it fetched just £27,000, a sum well below its initial valuation.

The book was later acquired by Hartung & Hartung Antiquariat, a German auction house known for handling significant volumes of medieval manuscripts. Listed in their catalogue for 3 May 2022 (Auction 151, Lot 2) with an asking price of €32,000, it was soon purchased by the dealer mentioned earlier, who subsequently dismantled it.

This process aligns with the broader trend observed in Germany, where numerous complete manuscripts—primarily of Flemish, French, and Italian origin—have been acquired intact at auction, only to be dismembered and sold in individual leaves.

³² Maria Maddalena, born in 1464 to Phoebus della Torre and Lucia Arcoloniani, bore a name that resonates with the prominence of Mary Magdalene, a figure prominently featured in the manuscript's imagery. In 1480, the likely year of the manuscript's production, she married Georg von Lamberg zu Ortenegg (1460–1499). The emphasis on Mary Magdalene's iconography within the manuscript, coupled with the inclusion of a prayer referencing a "great sinner," strongly suggests that the Book of Hours was created specifically for Maria Maddalena, possibly as a wedding gift or a devotional work intended to accompany her transition from her family home to her new life. Genealogical research indicates that Maria Maddalena and Georg enjoyed a fulfilling marriage and were blessed with no fewer than ten children. She lived a long life, passing away in 1556, leaving behind a legacy intertwined with the devotional and artistic heritage of the period.

³³ Marie Vreland was an exceptionally skilled illuminator, active between 1460 and 1491, and a fully recognised member of the Guild of St. John the Evangelist. Following the death of her husband in 1481, she took full control of the atelier, managing its operations independently for the next decade. Her artistic output reflects a mastery of Flemish miniature painting, characterised by intricate detailing and refined use of colour and gold. Some scholars have suggested that Marie Vreland may be identified with the *Maitre de la Vraie Cronique d'Escoce*, an illuminator active in Bruges from the 1460s to the 1480s. This attribution is based on manuscript 9469-9470 of the Royal Library of Belgium, for which she is believed to have created the sole miniature. If correct, this connection would further establish her as one of the leading female artists in the Bruges illumination scene of the late 15th century.

Following the sale, folios from the Madruzzo Hours began to appear on eBay, listed at extraordinarily high prices by the same dealer.

The fifteen original miniatures, among the most valuable components of the manuscript, were sold privately to select collectors. To better understand this dealer's methods, the author's research institute acquired a textual folio from his eBay store. Upon arrival, the package contained a note inviting participation in private auctions for additional leaves, including those featuring the manuscript's principal miniatures.

This revealed a well-established sales strategy: while eBay serves as a public-facing platform to attract potential buyers, the dealer subsequently engages them in private correspondence, offering "privileged access" to high-value illuminated folios.

Each month, a curated catalogue is distributed to a select group of clients, featuring the most sought-after manuscript leaves, with illuminated examples often commanding prices exceeding \$3,000 each. This exclusive sales model underscores the highly profitable nature of manuscript dismemberment. However, access to these private offerings is strictly controlled. Upon discovering that our research center was actively engaged in the digital reconstruction of manuscripts he had dismantled, the dealer removed us from his client list, further illustrating the secrecy surrounding these transactions. Following the complaint filed with the Carabinieri Command for the Protection of Cultural Heritage (TPC), his eBay store was temporarily taken offline, revealing a clear awareness of the legal risks associated with his activities.

On platforms such as eBay and Catawiki, manuscript leaves are frequently sold under fictitious seller names, enabling vendors to obscure provenance and construct misleading narratives regarding the origins and legitimacy of the items. This practice facilitates a shadow market that circumvents both ethical guidelines and legal requirements designed to protect cultural heritage.

The activities of this dealer exemplify a clear disregard for both legal obligations and ethical principles, as they directly contravene international cultural heritage laws, eBay's own policies, and the fundamental tenets of manuscript preservation.

Beyond violating eBay's policies, the dealer's actions constitute clear breaches of multiple legal provisions, including laws on fraudulent misrepresentation, tax evasion, and illicit commercial practices. His systematic falsification of provenance, circumvention of financial regulations through private off-platform transactions, and deliberate attempts to obscure the origins of manuscript leaves raise serious legal concerns. These infractions not only facilitate the illicit trade in cultural heritage but also obstruct scholarly efforts to document and preserve historical manuscripts.

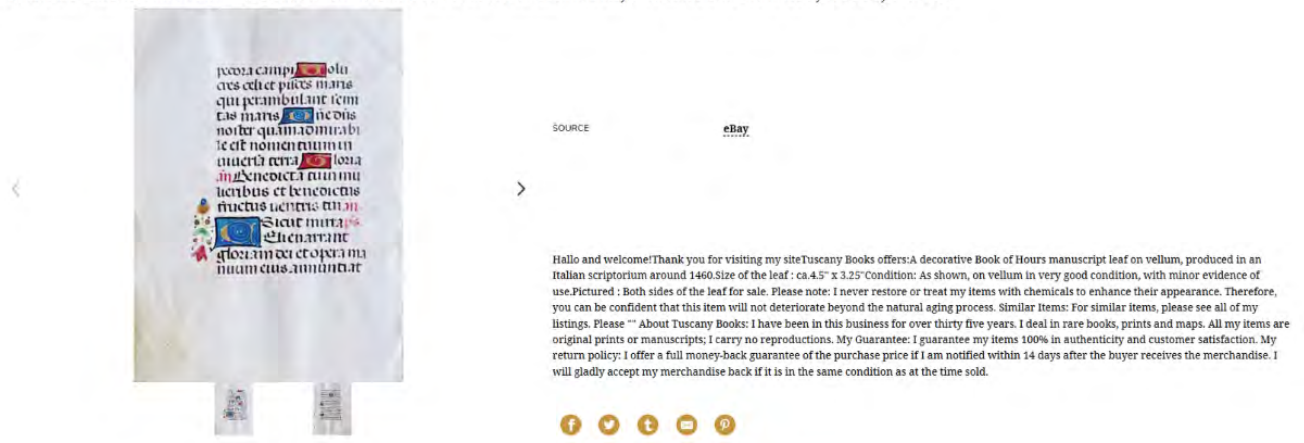
- Fraudulent Misrepresentation and Consumer Protection Violations

A key legal issue concerns the dealer's deliberate falsification of provenance. As evidenced by multiple listings, he has provided conflicting descriptions for manuscript leaves originating from the same dismembered codex. For instance, two leaves from the Madruzzo Book of Hours were separately advertised—one as part of an Italian manuscript dated 1460, the other as a Flemish manuscript from 1475 (Fig. 17). Despite these contradictory claims, both leaves exhibit identical text layout, script, and decorative initials, leaving no doubt that they belong to the same manuscript. This practice amounts to fraudulent misrepresentation under consumer protection laws, as buyers have a legal right to accurate and transparent information regarding the items they purchase.

Under consumer fraud and unfair trading legislation, including the Consumer Protection from Unfair Trading Regulations 2008 (UK) and comparable statutes in the United States and the European Union, knowingly providing false information about an item's origin constitutes an unfair commercial practice. Such conduct is particularly egregious in the trade of cultural

property, where provenance verification is essential to ensuring lawful ownership and ethical acquisition. By fabricating multiple, contradictory provenances, the dealer not only misleads buyers but also undermines due diligence processes designed to prevent the sale of illicitly acquired antiquities.

MEDIEVAL BOH MANUSCRIPT LF.1 LARGE SCROLL INITIAL,6 SMALL INITIALS,ITALY,C.1460



BEAUTIFUL MEDIEVAL BOOK OF HOURS MANUSCRIPT LEAF FANCY INITIALS, FLANDERS, CA. 1475

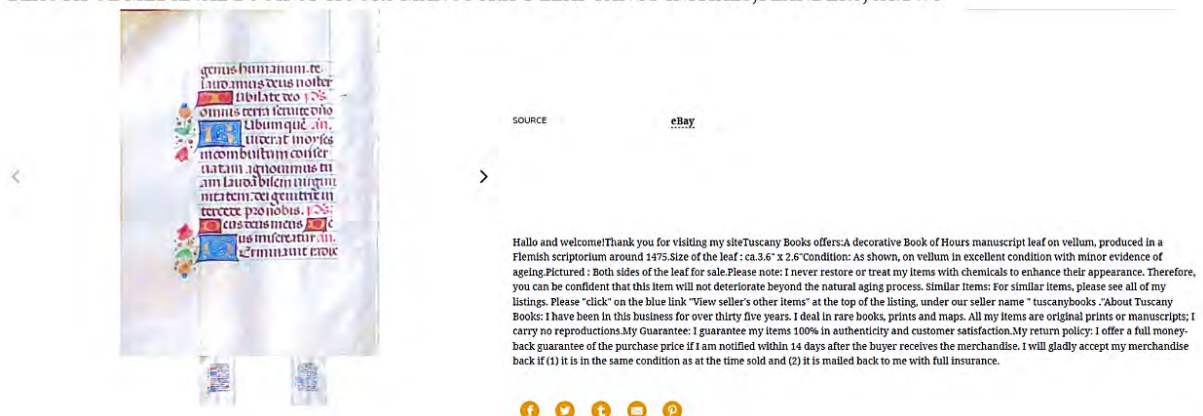


Fig. 17. Two leaves from the Madruzzo Book of Hours listed separately, with one falsely described as originating from an Italian manuscript dated 1460 and the other misattributed to a Flemish manuscript

from 1475. This deliberate falsification is evident in the identical text layout, script, and decorative initials of both leaves, leaving no doubt that they belong to the same manuscript.

- Tax Evasion and Financial Violations

Another major legal breach relates to the dealer's use of clandestine private auctions conducted outside eBay's regulated marketplace. Upon purchasing a textual folio from his eBay store, the author's research institute received a direct solicitation to participate in private sales for additional leaves, including those featuring miniatures. Such practices enable the dealer to evade platform fees, avoid transactional scrutiny, and, crucially, bypass tax obligations.

Under tax law in the UK, the EU, and the United States, commercial sales are subject to value-added tax (VAT) and income tax obligations. By conducting transactions outside formal marketplaces, the dealer likely engages in tax evasion, a criminal offence in most jurisdictions. Additionally, soliciting off-platform transactions violates eBay's Terms of Sale Policy, which explicitly prohibits sellers from directing buyers to private sales to circumvent platform regulations. The avoidance of financial oversight through private auctions exacerbates the opacity of these dealings, shielding them from legal scrutiny and increasing the risk of further illicit activities, such as money laundering.

The Role of Academic Responsibility in Cases of Misrepresented Provenance

Academic institutions and research initiatives play a critical role in shaping the discourse on manuscript heritage. While many contribute to conservation and responsible scholarship, others, whether through negligence or intent, risk legitimizing biblioclastic practices by failing to apply rigorous provenance standards. A particularly concerning example is the systematic

misclassification of excised manuscript leaves, where recent dismemberments are catalogued as *fragments*, effectively masking the destruction of complete codices. This practice not only distorts scholarly understanding but also facilitates the circulation of manuscript leaves devoid of their historical and legal context. The website *Fragmentarium.ms* exemplifies how scholarly platforms, instead of mitigating the damage caused by manuscript dismemberment, can inadvertently facilitate and normalize it. The platform routinely fails to disclose the provenance of manuscript leaves, classifying them as *fragments* without acknowledging their removal from once-intact manuscripts. By presenting recently excised folios as naturally detached remnants, *Fragmentarium* reinforces a narrative that obscures biblioclasm and its commercial motivations. One of the most striking examples is the Madruzzo Book of Hours, whose dismembered leaves have surfaced in various collections. A folio from this manuscript, now held at the University of Cincinnati, was added to the *Fragmentarium* database in 2024 (see Fig. 18) without any reference to its source manuscript, despite its clear identification by the author's research center in a digital reconstruction that has been publicly available for years (see the OProM digital reconstruction at <https://www.oprom.eu/madrizzo>).

Notably, *Fragmentarium* failed to cite this reconstruction, despite cataloguing the folio long after the manuscript's provenance had been firmly established. This omission reflects a broader pattern in which manuscript leaves are stripped of their historical context, reinforcing the perception that they exist as isolated artefacts rather than as parts of systematically dismantled codices.

This omission is not an isolated case but rather part of a pattern of inconsistent and often misleading cataloguing, which routinely neglects to acknowledge that many of the leaves listed on the platform originate from manuscripts that were systematically dismantled for commercial purposes.

Such omissions are not merely academic failings; they also raise significant legal concerns. In the European Union, Directive 2014/60/EU on the Return of Cultural Objects Unlawfully Removed from the Territory of a Member State establishes clear obligations regarding provenance documentation. While primarily aimed at preventing the illicit trade of cultural property, the directive reinforces the principle that accurate provenance is essential to the legal and ethical circulation of historical artefacts. Similarly, UNESCO's 2015 Recommendation concerning the Preservation of, and Access to, Documentary Heritage including in Digital Form underscores the responsibility of institutions to provide clear and verifiable provenance information when cataloguing historical materials. *Fragmentarium*'s failure to disclose the original source of the manuscript leaves not only undermines scholarly research but could also be interpreted as facilitating the circumvention of provenance verification standards, which are critical in preventing the trafficking of unlawfully acquired artefacts.

Beyond issues of provenance, concerns have also been raised about the conduct of certain individuals associated with the *Fragmentarium* project, particularly concerning the systematic defamation of scholars advocating for the ethical treatment of manuscript heritage. It is well-documented that some of its affiliates have actively participated in a campaign aimed at discrediting researchers who expose biblioclastic practices, including the author of this article. This extends beyond academic disagreement and raises broader ethical questions regarding the responsibilities of scholarly institutions in fostering integrity and accountability within manuscript studies.

The case of *Fragmentarium.ms* underscores the broader implications of inadequate provenance documentation in the digital humanities. As a platform that influences both scholarly research and public perceptions of manuscript leaves, it bears a heightened responsibility to ensure accuracy and transparency. The continued misrepresentation of manuscript origins—whether through omission or systematic misclassification—not only distorts historical understanding

but also raises fundamental questions about academic and legal accountability in the study of manuscript heritage.



The screenshot shows the Fragmentarium website interface. At the top, there is a search bar and navigation icons. Below the search bar, the URL "F-uz3q; BX2080 .B454 1475" is displayed. The main content area features a thumbnail image of a manuscript fragment on the left, which is a parchment leaf with Latin text in a Gothic script. To the right of the image, the title "Book of Hours - Fragment" is prominently displayed. Below the title, the physical description "Parchment · 1 leaf · 1451 – 1500 CE · Belgium, Flanders · 91 x 66 mm" is provided. The identifier "F-uz3q" is shown, followed by the location "Cincinnati, University of Cincinnati, John Miller Burnam Classics Library, BX2080 .B454 1475". Permalink and metadata links are listed. A "HOW TO QUOTE" section provides citation information. A "CENTURY" section indicates the "15th century". A "TEXT LANGUAGE" section lists "Latin". A "LITURGICA" section identifies the text as "Book of hours". A "SUMMARY" section describes the fragment as part of a prayer, "Protege Domine populum tuum", from a larger text, "Omnes sancti tui to eternum concede. Per Christum. The last seven lines are blank."

Fragmentarium

Search

F-uz3q; BX2080 .B454 1475

Collection: 16 / 17

Overview Facsimile Description Print

Book of Hours - Fragment

Parchment · 1 leaf · 1451 – 1500 CE · Belgium, Flanders · 91 x 66 mm

F-uz3q

Cincinnati, University of Cincinnati, John Miller Burnam Classics Library, BX2080 .B454 1475

Permalink: <https://fragmentarium.ms/overview/F-uz3q>
Metadata: <https://fragmentarium.ms/metadata/iii/F-uz3q/manifest.json>

HOW TO QUOTE

Book of Hours (Fragment), Cincinnati, University of Cincinnati, John Miller Burnam Classics Library, BX2080 .B454 1475 (<https://fragmentarium.ms/overview/F-uz3q>)

SCHOLARLY DESCRIPTIONS

William Duba, Fragmentarium 2024
[Show description](#)

CENTURY

15th century

TEXT LANGUAGE

Latin

LITURGICA

Book of hours

SUMMARY

Part of the Prayer "Protege Domine populum tuum", from Omnes sancti tui to eternum concede. Per Christum. The last seven lines are blank.



Fig. 18. And 18bis.: Entry in *Fragmentarium*, <https://fragmentarium.ms/overview/F-uz3q>, which provides no information regarding the provenance of a leaf now held at the University of Cincinnati, excised from the Madruzzo Book of Hours.

The same leaf, identified as fol. 112 recto/verso, as incorporated into the digital reconstruction by the Organisation pour la Protection des Manuscrits Médiévaux (OProM). Images reproduced with the kind permission of OProM.

“Fragmentology” vs. Reconstruction

In a 1974 UNESCO publication, Virgil Cândea observed that “illustrated manuscripts represent a unique and deeply troubling case in the unfortunate history of dismembered artworks. The challenges associated with their reconstitution are among the most formidable, and the achieved results thus far have been rather limited and frequently unsatisfactory” (Cândea, 1974, 188). Recognizing the difficulty of restoring dismembered manuscripts to their original form, Cândea advocated for the systematic documentation of excised leaves and the creation of resources to facilitate their future reconstruction. He proposed what we would now describe as a digital database, stating that such tools would be indispensable for scholarly reconstitution efforts: “Full documentation on these works is, of course, indispensable... we must prepare directories of dismembered illuminated manuscripts” (Cândea, 1974, 191).

This vision aligns closely with the objectives of the Research Centre for European Philological Tradition and the Organization pour la Protection des Manuscrits Médiévaux (OProM), both of which have undertaken extensive efforts to compile and develop structured databases of medieval dismembered manuscripts. In collaboration with libraries and heritage institutions committed to manuscript preservation, these organizations adhere to the methodological principles articulated by Cândea, applying contemporary digital tools to advance the study and reconstitution of fragmented codices.

Since Căndeia's observations, digital technology has significantly expanded the possibilities for manuscript reconstruction. However, rather than mitigating the destruction of medieval and pre-Renaissance manuscripts, the increasing demand for illuminated leaves in the antiquarian market has, if anything, exacerbated the practice of biblioclasm. The urgency of reconstructing dismembered manuscripts is therefore greater than ever, requiring not only technological advancements but also robust methodologies grounded in philological and codicological principles.

As Căndeia further noted:

“Such directories would have the merit of hastening the reconstitution of dismembered manuscripts... Furthermore, they would be excellent tools for research workers, librarians, antiquarians, and collectors who have to deal with unlisted fragments which are still not permanently housed. The directories would also help in the tracking down of fragments that were reported a long time ago in public or private collections but which have since changed hands. Finally, they might give a list of the publications required to publish all the fragments of an entire work which had been discovered, this being the most usual means of reconstituting dismembered illuminated manuscripts” (Căndeia, 1974, 191).

The need for such systematic approaches has been central to my own research, which has long been dedicated to rescuing these artefacts from the historical obscurity imposed upon them by acts of biblioclasm. Over the years, I have developed and refined a rigorous scholarly methodology that applies philological principles to scattered leaves, allowing for their digital reassembly and the restoration of their original codicological and textual contexts.

This method termed the WayBack Recovery Method (WBRM), represents a structured approach to the digital reconstruction of dismembered manuscripts, providing scholars with a tool for reintegrating dispersed folios and mitigating the long-term consequences of manuscript dismemberment.

Any discussion on digital manuscript reconstruction necessitates a theoretical framework, drawing upon established principles of restoration and cultural heritage preservation. Two critical perspectives inform this approach: Cesare Brandi's theory of restoration and Walter Benjamin's discourse on *aura*.

Brandi (1906–1988), an Italian art historian and conservation theorist, articulated a comprehensive philosophy of restoration in his seminal work, *Theory of Restoration* (1963). He argued that the conservation of an artwork should preserve both its historical and aesthetic integrity, ensuring its transmission to future generations without distorting its essence. His concept of “dynamic conservation” rejected the notion of freezing an object in time; instead, he maintained that restoration should reconcile past and present, allowing the artwork to retain its vitality while acknowledging the interventions necessary to preserve it. In some respects, this perspective resonates with the Japanese art of kintsugi, which finds beauty in the visible traces of restoration.

Brandi's approach to restoration insists on a profound understanding of the artwork's original context, function, and artistic intent. This principle is particularly relevant in the reconstruction of dismembered manuscripts, where each fragment must be contextualized within the broader codicological and historical framework from which it was severed. His theory offers a compelling methodological foundation for digital manuscript restoration, ensuring that reconstructed works do not become mere aesthetic approximations but instead uphold the integrity of the original artefact.

Walter Benjamin's reflections in *The Work of Art in the Age of Mechanical Reproduction* (1936) provide another crucial dimension to this discussion. Benjamin identified the concept of aura as the unique presence and authenticity that emanates from a work of art in its original form. This aura is not merely a function of the object's materiality but derives from its historical context, its singular existence, and its embeddedness within tradition and ritual. According to

Benjamin, the reproduction of an artwork inevitably alters its relationship with time and space, detaching it from the unique conditions that define its authenticity.

Applying Benjamin's insights to the reconstruction of manuscripts raises profound ethical and methodological questions. If an artwork has been intentionally destroyed for commercial gain, how should scholars approach its digital restoration? Does a reconstructed manuscript retain any vestige of its original aura, or does it become an entirely new entity, distinct from its historical antecedent? More importantly, do scholars engaged in digital restoration bear an ethical responsibility to recover and transmit the lost aura of an artefact that human greed has shattered into pieces? These questions do not permit simple answers, but they compel scholars to reflect on their role as custodians of cultural memory, entrusted not only with the preservation of the past but also with its meaningful transmission to the future.

The affirmative response to these ethical concerns leads naturally to further reflection on the nature of historical discontinuity, an issue highlighted by Benjamin himself. The destruction of medieval manuscripts by biblioclastic dealers represents a violent rupture in the transmission of cultural heritage, depriving future generations of access to irreplaceable historical sources. This phenomenon could be termed, with a neologism, a form of "memoricide"—the systematic obliteration of cultural memory through the dismemberment and dispersal of textual artefacts. In this context, every act of reconstruction serves not only as an attempt to restore a lost work but also as a direct indictment of those responsible for its destruction. The digital reassembly of scattered folios ensures that the manuscript's intellectual and artistic unity is not wholly lost, even if its physical integrity cannot be recovered.

The act of reconstructing a Book of Hours, for example, is not merely a scholarly exercise; it is an act of defiance against the forces that seek to erase history for profit. The echoes of those who once held such a manuscript in their hands, reciting psalms and prayers, are not entirely silenced. Even in digital form, the reconstructed manuscript retains traces of its former function, allowing its dispersed voices to resonate once more. While the damage inflicted by biblioclasts

cannot be undone, the digital realm provides an alternative space for the restitution of cultural memory. As annotations, commentaries, and marginalia accumulate around these reconstructions, they become dynamic texts, evolving over time while preserving the knowledge embedded within them.

Brandi's and Benjamin's theoretical frameworks offer critical guidance for digital restoration efforts. Brandi's emphasis on understanding an artwork's historical and sociocultural context before undertaking restoration ensures that digital reconstructions remain faithful to the original codex, respecting its material and intellectual history. Benjamin, in turn, reminds us that even a digital facsimile carries traces of the original's aura, provided that it is reconstructed with an awareness of its historical significance. Neither theorist prescribes an exact methodology, but together they illuminate a pathway towards responsible and ethically grounded digital reconstructions.

The ultimate ambition of such efforts is not to create a facsimile that mimics the original, but to produce a meaningful synthesis that reconnects scattered fragments into a coherent whole. A digitally reconstructed manuscript will inevitably differ from its lost predecessor, but if undertaken with scholarly rigour and ethical intent, it can serve as a bridge to the past, safeguarding knowledge that would otherwise be irretrievably lost.

In 2006, the author of this article launched the "Biblioclasm & Digital Reconstruction" project, committed from the outset to the principles of Open Access. In collaboration with the Research Centre for European Philological Tradition, a specialized programme was developed to facilitate the digital restoration of dismembered manuscripts. Since 2016, and with the support of numerous scholars, these efforts have resulted in the successful reconstruction of approximately five hundred fragmented manuscripts. It is important to emphasize that all of this work has been carried out *pro bono*, with no financial gain derived from the reconstructions, ensuring that these artefacts remain accessible to the widest possible audience.

Every digital reconstruction, as well known to the members of the teams that have collaborated alongside the author of this article over the past twenty years, inevitably sheds light on the individuals responsible for specific instances of manuscript dismemberment, as well as on the broader networks of complicity that enable such practices. While only a small portion of these findings can be addressed within the scope of this article, cases involving legal infractions have been systematically reported to the relevant authorities following the legal frameworks of the jurisdictions concerned.

As these research efforts have progressed, they have also prompted reactions from certain sectors of the antiquarian market and affiliated academic circles. This response underscores the complexities surrounding the trade in manuscript leaves, where financial interests often intersect with questions of scholarly ethics and cultural heritage preservation. In light of these challenges, it became necessary to adopt a structured and coordinated approach, reinforcing efforts to safeguard manuscript heritage through both academic research and institutional collaboration.

One of the most significant outcomes of this work has been the formalization of the *Organisation pour la Protection des Manuscrits Médiévaux* in France, consolidating a long-standing commitment to the safeguarding of manuscript heritage. Among its key initiatives is the *Archivum Codicum Manuscriptorum Disiectorum*, a digital repository dedicated to documenting and preserving images of manuscript folios that have been excised from their original codices. These leaves, once integral parts of coherent works, have been systematically disassembled and dispersed by a trade that prioritises financial gain over historical integrity. The *Archivum* serves not only as a repository but also as a means of reconstructing, as far as possible, the original integrity of these manuscripts, ensuring that they remain accessible for scholarly study and public engagement. Each entry in the *Archivum* represents a step towards reconstructing the manuscripts that have been fragmented through commercial practices. The initiative is not merely an exercise in conservation but an assertion of scholarly and ethical

responsibility. By ensuring that these invaluable cultural artefacts remain documented, studied, and accessible, the *Archivum* stands as a testament to the resilience of those committed to preserving the legacy of the past. It also serves as a reminder of the ongoing challenges posed by the antiquarian trade in manuscript leaves, reinforcing the necessity of continued scholarly engagement in the protection of manuscript heritage.

In parallel with these digital initiatives, the *Biblioclasm & Digital Reconstruction* project has also given rise to a dedicated scholarly series, *Dismembered Medieval Manuscripts: Biblioclasm and Digital Reconstructions*, published by Cambridge Scholars Publishing. This series embarks on a critical exploration of medieval manuscript preservation, addressing the ethical and historical implications of manuscript dismemberment. Integrating cutting-edge methodologies in digital humanities with philological and historical approaches, the series provides in-depth analyses and critical editions of reconstructed manuscripts. It critically examines the deaccessioning practices that have facilitated the dispersal of cultural heritage and interrogates the wider implications of manuscript vandalism. Designed for academics, preservationists, and those interested in the complex process of cultural heritage conservation, each volume serves as a testament to the dedication required to safeguard our collective past. The series also contributes to broader academic discourse by addressing the interplay between history, ethics, and preservation.

Through the *Organisation pour la Protection des Manuscrits Médiévaux* [link: <https://www.oprom.eu/browsethemanuscripts>], readers can access and virtually leaf through these digitally reconstructed manuscripts, providing an experience akin to viewing them in a museum. This initiative reinforces the ongoing commitment to preserving and sharing these cultural treasures, ensuring that even manuscripts that have been physically fragmented remain accessible as part of our shared intellectual and artistic heritage.

Conclusion

The systematic dismemberment of Western medieval manuscripts for financial gain constitutes a violation of both legal frameworks and ethical standards in cultural heritage preservation. As demonstrated in the cases examined in this article, these acts often involve breaches of international and national laws governing the protection of historical artefacts, fraudulent provenance claims, and illicit trafficking. The recovery of physically excised manuscript leaves—such as those identified and reclaimed from commercial platforms and auction houses—highlights the role of investigative scholarship and legal intervention in counteracting biblioclasm.

While agreements such as the 1970 UNESCO Convention and the 1995 UNIDROIT Convention establish essential protections for cultural property, enforcement remains inconsistent. Jurisdictional differences, particularly between civil law systems that afford manuscripts the status of protected heritage and common law traditions that prioritize private ownership, create opportunities for illicit trade. Auction houses and antiquarian dealers have repeatedly exploited these legal ambiguities, facilitating the sale of manuscript leaves without adequate provenance documentation. The cases discussed illustrate how national and international legal mechanisms have been leveraged to challenge these transactions and, in some instances, secure the restitution of unlawfully traded artefacts.

Additionally, breaches of financial and tax regulations—including the circumvention of taxation through off-platform sales, falsified valuations, and the evasion of due diligence requirements—underscore the need for heightened regulatory scrutiny. The case of a dealer selling excised folios through clandestine auctions, bypassing eBay's policies and financial oversight mechanisms, exemplifies the wider problem of unchecked commercial exploitation. The enforcement of existing legal provisions against fraudulent transactions and illicit cultural property transfers must be strengthened to prevent the continued dispersal of manuscript

heritage.

Despite these legal challenges, proactive recovery efforts have demonstrated that targeted interventions can lead to the successful identification and retrieval of dismembered manuscripts. The archival and legal documentation compiled by institutions such as the Organisation pour la Protection des Manuscrits Médiévaux has facilitated the tracing of excised folios, ensuring their reintegration into historical and scholarly contexts. These efforts, supported by forensic research and digital methodologies, contribute not only to the restoration of manuscripts but also to the broader accountability of those engaged in their dismemberment and resale.

Beyond physical recovery, digital reconstruction remains an essential tool in mitigating the impact of biblioclasm. The *Biblioclasm & Digital Reconstruction* project has played a pioneering role in this regard, reconstructing approximately 500 dismembered manuscripts and making them accessible through open-access platforms.

The establishment of a dedicated scholarly series, *Dismembered Medieval Manuscripts: Biblioclasm and Digital Reconstructions*, further advances these efforts by integrating legal, philological, and historical approaches to manuscript preservation. Through initiatives such as the *Archivum Codicum Manuscriptorum Disiectorum*, a growing number of digitally restored manuscripts are now accessible to both researchers and the public, reaffirming a commitment to ethical custodianship and scholarly integrity.

Ultimately, the protection of manuscript heritage requires a multifaceted approach that combines legal enforcement, academic accountability, and digital preservation. As biblioclasm continues to threaten the integrity of medieval manuscripts, a concerted effort among legislators, scholars, and cultural institutions is necessary to uphold the legal and ethical principles governing historical artefacts. Strengthening provenance verification standards, reinforcing regulatory oversight, and expanding digital restoration initiatives are all critical

measures in ensuring that manuscript heritage is safeguarded for future generations.