



# A LEGAL MISCELLANEA

A NEWSLETTER FOR THE FRIENDS OF THE JACOB BURNS LAW LIBRARY

VOLUME 8, NUMBER 1, SPRING, 2011 :: THE GEORGE WASHINGTON UNIVERSITY LAW SCHOOL

## SPECIAL COLLECTIONS FOCUS:

### *A Treatise of the Lawes of the Forest (1615)*

Trees, both figurative and physical, have recurred as a theme in acquisitions for the Law Library. The “tree of consanguinity” models found in the works of early jurists provided a roadmap for determining whether prospective marital alliances would be legal under canon law (see “Special Collections Focus: *Arbor Cōsanguinitatis* (1500),” *A Legal Miscellanea*, Vol. 7, No. 2 (Autumn, 2010)). Unlike these kinship visuals, there is no helpful graphic which decodes the skein of social, legal, and environmental interlacings of the early modern forest. In their quest to determine exactly what “the forest” signified in earlier societies, scholars often begin by looking at jurist and forest scholar John Manwood’s works, especially the 1615 edition of *A Treatise of the Lawes of the Forest* (London: Societie of Stationers).

John Manwood (d.1610) was an *amateur* of the forest, in the best sense of the word. As a barrister at Lincoln’s Inn, gamekeeper of Waltham Forest, and Justice in Eyre of the New Forest under Elizabeth I, Manwood possessed a mix of legal and practical knowledge, and a love, of forests which impelled him to assemble the ancient and extant forest laws in England, and comment

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## FROM THE LIBRARY OF JACQUES-AUGUSTE DE THOU: HOTMAN’S DE FEUDIS [1573]

**R**ebel with a cause.

At each turn in his life, the French Huguenot jurist François Hotman (1524–1590) courted controversy. Born only a short time after Martin Luther nailed his Ninety-Five Theses to the door of the Castle Church in Wittenberg, Hotman’s life unfolded during the ecclesiastical upheaval of the Reformation. A man in revolt, he relinquished his prominent robe-noble family’s Catholic faith for Calvinism, ending up in permanent exile in Switzerland after the St. Bartholomew’s Day massacre in 1572. In law and political theory Hotman was no less bold. A respected but iconoclastic jurist, he advocated a reorganization of jurisprudence, specifically preaching the reversal of the Roman law influence in favor of formalization of the homegrown customary law in France. In governance, Hotman favored a version of popular sovereignty. He wrote prolifically, and his seminal works are found in most



Courtesy of The Jacob Burns Law Library

Through the generosity of Richard and Diane Cummins: *De Feudis Commentatio Tripertita* [1573], in mottled calf with *de Thou’s* coat of arms and cipher.

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### A LEGAL MISCELLANEA IS THE RECIPIENT OF AALL PUBLICATIONS AWARD.

We are pleased to announce that *A Legal Miscellanea* has been honored with the 2011 Law Library Publications Award (Print Division) by the American Association of Law Libraries. The award recognizes achievement in creating in-house library materials that are outstanding in quality and significance. The awards ceremony is scheduled for July 25 during AALL’s annual meeting in Philadelphia.



historical collections of French legal and political theory: *Antitribonian* (1567), *Francogallia* (1573), *De Furoribus Gallicis* (1573), and *Brutum Fulmen* (1586).

Through the generosity of two longstanding supporters and best friends of the Law Library, Richard and Diane Cummins, the Library has acquired a copy of Hotman's work *De Feudis Commentatio Tripertita* (Lyon: Jean Lertout, [1573]) which once belonged to the celebrated scholarly library of statesman and historian Jacques-Auguste de Thou (1553-1617). *De Feudis* joins another Hotman work owned by the Law Library with the de Thou library provenance – *De Successione Praerogativae Primi Principis Franciae* (1588).

Hotman's attraction to feudal law grew not only from his deep interest in historical French legal culture, but also from necessity: as professor of law at the University of Bourges, he was obliged to teach the subject to many students who traveled from Germany to study with him. *De Feudis* sprang primarily from his academic responsibilities, and this work in turn served as a building block, along with his continuing studies in French public law and history, for his reassessment of French constitutional history which became *Francogallia*.<sup>1</sup>

**Thuanus: statesman, historian, book collector.** Although Jacques-Auguste de Thou (self-styled as “Thuanus”) is best-known today as a book collector with a glorious scholarly library (characterized by the seventeenth-century erudite Adrien Baillet as “the most perfect and select library of his age”), his roles as historian, jurist, diplomat and helpmate to two kings of France in turbulent times preempted for the most part the truly bibliocentric life this man of letters might have preferred. Like Hotman, de Thou was the product of a noted *famille de robe*, and like his progenitors pursued a career in law (and crossed paths with Hotman when he engineered a short stay at Bourges during his legal studies to attend Hotman's and legal humanist Hugues Doneau's lectures). Jacques-Auguste's contemporaries considered him a man of genuine influence, naturally enough since his positions as *maître des requêtes* and member of Henri IV's *Conseil d'État et Finances* established him firmly as a high-rank-

ing magistrate and politician beginning in the mid-1580s, long before he became *Président à mortier* in the Paris *Parlement* (1595), and before his opus *Historiarum sui temporis* (*History of His Time*) began to appear in 1603.<sup>2</sup> Controversy did not spare him – frank talk in his *History* sympathetic to Protestant scholarship and critical of papal policies landed the work on the Index, and later he was blind-sided by political sleight-of-hand which sabotaged his legal career in the Paris *Parlement* – and he found sanctuary in his writing, love of books, and his library.

**Bibliotheca Thuanana.** Though physical details of de Thou's library are lacking – the hôtel de Thou was demolished in 1898 – we do know that the library was spread over three areas of the

manse, and one of these housed the manuscripts. We also know that, harking back to the ancient Roman tradition of hanging inspiring portraits in one's library, its walls were decorated with portraits of scholars and writers, among them Budé, Rabelais, Cujas, and Ron-sard.<sup>3</sup> The documented *luxe* of the hôtel de Thou certainly would have been true of the library: it is easy to picture an opulent oasis of learning, its cornucopia of carefully-chosen scholarly works distinctively bound especially for de Thou, and bearing the crest appropriate to the period of a book's purchase, whether Thuanus bachelor, Thuanus marriage

one, or Thuanus marriage two.

De Thou began building his collection in 1573. At his death, it contained about 9,000 works in nearly 6,000 volumes.<sup>4</sup> Jacques-Auguste acquired his books through the usual routes: purchase, gift, and bequest. He inherited the collection of his father, the distinguished jurist and *Premier Président* of the Paris *Parlement* Christophe de Thou (1508-1582), who led the redaction effort for the 1580 *Coutumes de Paris*. Among the many leading intel-



Title page with vignette from Hotman's *De Feudis Commentatio Tripertita*.

Courtesy of The Jacob Burns Law Library

<sup>1</sup> Donald R. Kelley, *François Hotman: A Revolutionary's Ordeal* (Princeton: Princeton University Press, 1973), 192, 204.

<sup>2</sup> Ingrid A.R. de Smet, *Thuanus: The Making of Jacques-Auguste de Thou (1553-1617)* (Genève: Librairie Droz, 2006), 17-18.

<sup>3</sup> De Smet, 189-190.

<sup>4</sup> De Smet, 178.

lectuals who gave him gifts of books were Hugo Grotius, Justus Lipsius, Joseph Justus Scaliger, Isaac Casaubon, and John Barclay. The library contained a number of works from the collection of famed bibliophile Jean Grolier, some through his father's collection. De Thou collected across a spectrum of subjects, and his simple collecting philosophy – collect the most recent and most correct version of a title – points to a goal of assembling an up-to-the-minute working collection rather than a shrine to past intellectual triumphs.

De Thou continued to build his collection until his death, and with his eye for fine books and the means to purchase them, the collection achieved international celebrity. Scholars were invited to use the collection, although the library was not “public.” He specified in his will that the collection be maintained intact – and this wish was honored for a time – but eventually it was dispersed. Today, a number of research libraries owns one or more books, or in some cases a collection of books, with a Bibliotheca Thuana provenance. And, as evidenced by the Law Library's recent acquisition of the two Hotman titles, the de Thou library maintains a commercial as well as scholarly presence as some of its works continue to change hands on today's international book market.

**De Feudis and other works of François Hotman are in Special Collections and available for research. Also see Kasia Solon's article, “A Life of Controversy: François Hotman, Huguenot Jurist,” in *A Legal Miscellanea, Spring 2007 (Vol. 4, no. 1)*, 4-5.**

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De Smet, Ingrid A.R. *Thuanus: The Making of Jacques-Auguste de Thou (1553-1617)*. Genève: Librairie Droz, 2006.

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University of Rochester, River Campus Libraries. “*Collection Highlight: Pope Urban VIII, Poemata*.” University of Rochester, Department of Rare Books, Special Collections, and Preservation. Web. 12 April 2011 <http://www.lib.rochester.edu/index.cfm?PAGE=3848>. 🌸

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(A Treatise of the Lawes of the Forest from page 1)

on them. His work achieved a long publishing history. In 1592, Manwood's *A Breve Collection of the Lawes of the Forest* was printed for private circulation and not for sale. The first edition, which appeared in 1598, built upon the 1592 private version, and this enlarged work was titled *A Treatise and Discoverse of the Lawes of the Forrest*. Our 1615 edition, the second, restores some material from the 1592 version which did not appear in the 1598 first edition, enriching the work and giving its readers an expanded window to Manwood's own first printed look at the forest. The “corrected and much enlarged” third edition, the lengthiest at 552 pages, was issued in 1665. Abridged versions of just over 100 pages were published as part of Nicholas Cox's *The Gentleman's Recreation*, a hunting treatise, in the 1697, 1706, and 1721 editions. And finally, the fourth (1717) and fifth (1741) editions, now entitled *Manwood's Treatise of the Forest Laws*, were “corrected and enlarged by

William Nelson,” a practitioner in the Court of Chancery. Various editions continue in reprint and electronic format today. Only the 1592 and 1598 printings appeared during Manwood's lifetime.

We think we know what a forest is today – typically a large, densely-wooded area – but what was it in Manwood's time and before? In medieval England, the word “forest” was not always synonymous with trees *per se*, but rather was a legal definition which referred to areas set aside by royal mandate for the king's pleasure, to wit, hunting. Forests were outside the public domain, and could not be cultivated or exploited for grazing or wood-gathering. Generally they comprised a mix of wooded and open lands. Per Manwood, “A forest is a certen Territorie of wooddy grounds & fruitfull pastures, priviledged for wild beasts and foules of, Forest, Chase, and Warren, to rest and abide in, in the safe protectiō of the King, for his princely

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## FOR INFORMATION

on the topics covered in this newsletter, Special Collections, or the Friends, please contact the editor, Jennie C. Meade, Director of Special Collections, at [jmeade@law.gwu.edu](mailto:jmeade@law.gwu.edu) or (202) 994-6857.

delight and pleasure...” It is not difficult to envision how the royal establishment of forests and the consequent legal restrictions on forest use confronted ancient customary forest use by commoners to beget disharmony. Conflicts of traditional hunting, grazing, and wood-gathering practices – indeed, practices which constituted the livelihood of many forest users – converted the forests into a bucolic battleground of sorts, on political and ideological planes as well as on the practical level. A separate forest law system punished offenses against the animals and trees of the forest – killing the King’s beasts, cutting trees, exploitation of forest resources – while the common law applied to crimes committed against humans in the forests. Blackstone states positively that the afforested areas of medieval England were exempt from the common law due to the application of the special forest laws which were made to protect the King’s game and timber<sup>1</sup>.

Indeed, according to Manwood, a forest was no forest if it lacked four attributes: *vert* (coverts to protect the beasts), *venison* (certain categories of beasts “specially privileged by the king within the forrest”), particular *lawes & privileges*, and certain officers “to thend that the same may the better be preserved and kept for a place of recreation and pastime, meet for the royall dignitie of a Prince.” So no wonder that the frank connection between the king’s pleasure and the preservation of an environment in which to practice it has led to conjecture by historians that the kings were the “first environmentalists,” centuries before “environmentalism” was conceived of or gained momentum as a political movement.

Scholars have noted that driving Manwood to assemble the forest laws of England was the belief that, in his time, forests were in a state of degradation and forest laws were scorned. Indeed, the notion of the degradation of forests, correct or not, was in the air not only in England, but also in France. In the case of the French state, a grand administrative enterprise of forest reformation capped by gathering extant forest laws as part of a broader codification project under Louis XIV produced the 1669 *Ordonnance des Eaux et Forêts* under the direction of Louis’s minister Jean-Baptiste Colbert. Acting on the assumption that France’s

wood supply, indispensable for needs of the country and the state’s shipbuilding initiatives, was dwindling, Colbert masterminded the reformation project that produced the *Ordonnance*, cited today by historians as an early monument to conservationism. Although conservation was a by-product of Colbert’s goal to control the forests for the ends of the state, it is the environmental aspect of the *Ordonnance* which appeals most strongly to the human psyche today.

Students of contemporary environmental law are well-served by studying early forest laws such as Manwood’s compilation and Colbert’s *Ordonnance* to gain perspective on earlier human efforts to protect land resources, and what the motivations were, over time and in countries other than the United States, for constructing their legal safeguards.

*The Law Library holds a historical collection of the forest and game laws of France and Great Britain, including some in electronic format, of interest to environmental law researchers, as well as those with an interest in issues related to conservation, wildlife protection, and hunting.*

*For details regarding these materials, please consult the Library’s online catalog, JACOB at <http://jacob.law.gwu.edu/>*

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<sup>1</sup> Elizabeth Cox Wright, “Common Law in the Thirteenth-Century English Forest Law,” *Speculum*, Vol. 3, No. 2 (April, 1928), 168-169.



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# SHARING THE LIBRARY'S TREASURES

The Law Library continues to seek avenues for making its rich collections available to users who cannot visit Washington, D.C. For several years, it has worked with the Law Library Microform Consortium (LLMC) to digitize parts of its historical collections. For example, the Library recently digitized its rare 1499 edition of *Consilia Oldradi* (featured in Vol. 6, No. 2 of *A Legal Miscellanea*). The Library also made materials available for LLMC's Haiti Legal Patrimony Project, which is nearing its goal of constructing a comprehensive digital database of historical Haitian legal materials in the wake of the Haiti earthquake devastation.

The Library now is joining a collective effort to enhance *World Constitutions Illustrated*, a new HeinOnline digital library which when complete will be the world's largest collection of constitutions and constitutional documents. Along with current constitutions of all countries in the world, thousands of documents of classic source materials for historical constitutions already are in the database, which continues to grow thanks to contributions from many libraries. The Library plans to lend several unique titles, including some very rare eighteenth-century works relating to the French constitution, for inclusion in *World Constitutions Illustrated*. 🌿

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## ELECTRONIC ACQUISITIONS UPDATE : Databases/Libguides/Blog/Facebook/Twitter

Nicole Harris, Head of Electronic Services

Electronic resources at the Law Library continue to grow apace.

New additions include two significant e-book collections of scholarly monographs: *Cambridge Books Online* (CBO) and *Oxford Scholarship Online* (OSO). The Library now subscribes to thirty full-text law titles from CBO and all titles (about 375) in the OSO Law collection. These e-book collections build upon existing access to electronic monographs, treatises, hornbooks, and other texts through aggregator databases such as CCH IntelliConnect and HeinOnline.

Researchers now have access to five new databases. Legislation, case law, books, journals, contracts and forms from 140 countries are available through *vLex*. *Collected Courses of the Hague Academy of International Law*, "an encyclopaedic publication on private and international law," provides access to 330 volumes spanning over eighty years of the history of international law produced by the Academy. *Investment Claims* (Oxford) covers international investment law and arbitration, including the full text of awards and decisions, bilateral investment treaties, multilateral treaties, national arbitration laws, institutional rules, and an arbitrator directory, as well as selected arbitration books and journal articles. *Eighteenth Century Collections Online Law Module* [ECCO] (Gale Digital) provides access to publications covering the development of Anglo-American

law and legal practice. Lastly, patrons can stay abreast of business law and litigation news with *Law360*. *Law360* news articles report on major litigation developments in twenty specialized practice areas, as well as developments from state, federal, and international legislatures. Articles link to court dockets and key documents; company and firm links direct users to developments related to the target organization.

Existing HeinOnline and CCH IntelliConnect subscriptions have expanded. Through HeinOnline researchers now have access to the Intellectual Property Law Collection, Scottish Legal History, and History of Bankruptcy: Tax and Economic Reform in America Part III. Through IntelliConnect, the Litigation collection, the Garrett e-Series, IP Virtual Library, and the Business Torts Integrated Library now are available.

2010 also brought enhancement to the online delivery of Law Library information and resources with the acquisition of *LibGuide*. Our librarians create and update LibGuides on many topics aimed at helping researchers use the Library's collection. For a list of LibGuides, see <http://law.gwu.libguides.com/index.php>. GW Law alumni and Friends of the Jacob Burns Law Library are invited to visit our blog, **The Burns Brief** (<http://jacobburnslawlibrary.wordpress.com>), or follow us on Facebook or Twitter (@GWLawLibrary). 🌿

# BIBLIOTRUTHS WE WOULD “PREFER NOT” TO RECOGNIZE: Changing Times in Washington Antiquarian Bookselling

Booksellers John Thomson of Bartleby’s Books and Allan Stypeck of Second Story Books Discuss the Rare Book Trade – Yesterday and Today – in the District of Columbia

With the prospective demise in summer 2011 of Bartleby’s Books as a physical presence in Georgetown, the keening in DC bibliophilic circles is thunderous. Posing the question “why” promises to exhume truths unpalatable to rare book aficionados of all stripes, from fellow booksellers, to collectors on the prowl, to strolling Georgetown browsers. The City of Washington long has played host to a hardy nucleus of sellers of used and rare books. In earlier days, old books mostly dwelled downtown in their homestead bounded north-south by K and F Streets, NW, and east-west by Ninth and Seventeenth; later they segued up the road to Georgetown. Remember Lowdermilk’s (d. 1970, victim of Metro)? Booked Up (moved “home” to Archer, TX, in the wake of rising rents)? Lloyd’s (*disparu*)? Park Reifsneider (liquidated after death of *grande dame* of DC booksellers Amalya Reifsneider)? William F. Hale (now web only)? Georgetown Bookshop (web)? Aberdeen (web, with new players)? Ptak (web)? Chaos Unlimited, Estate Book Sales, Fuller and Saunders (???)? By one account, the District of Columbia in 1941 was home to about two dozen antiquarian booksellers; by 1981, approximately ten were left standing. Not all used and rare bookstores close for the same reasons, yet the unmistakable trend in Washington, as in other communities across the country, is toward the disappearance of the antiquarian bookstores which traditionally were vital links in their

community’s business, social, and cultural chain.

John Thomson and Karen Griffin, partners in Bartleby’s Books for the past 27 years (and husband-and-wife in real life), will lose the lease on their Georgetown shop in July, 2011, to the new Hu restaurant, just around the corner from Hu’s Wear and Hu’s Shoes. This is not

their first Georgetown relocation. Five years ago they vacated their previous Bartleby’s nest to make way for a hip clothing store. Ousted first by \$300 fleece miniskirts, then by a liquor license, John and Karen plan a definitive migration of Bartleby’s, a Georgetown institution for 17 of its 27 years, to the web, where they have an established presence. Bartleby’s specializes in Americana, law, and economics.

Allan Stypeck, president of Second Story Books

since he purchased the store in 1973, handles used and rare books on all subjects, and typically maintains a large inventory of law books. He maintains two store locations: one near Dupont Circle, plus a large retail and warehouse facility in Rockville, MD, with a vast inventory of over half a million books. Allan is an accredited appraiser of books and manuscripts whose clients include the Library of Congress, the Smithsonian Institution, and the White House. From 1997 to 2009, he and veteran broadcaster Mike Cuthbert were The Book Guys, piloting a weekly NPR call-in radio program where they fielded book-related questions with gusto.

As Bartleby’s prepares for its 100% virtual existence



Eric Passaglia

At their shop in Georgetown: Karen Griffin and John Thomson, the husband-and-wife team behind Bartleby’s Books.

on the internet, John Thomson and Allan Stypeck share their insights on the changes in the Washington bookselling scene, and hazard some guesses about the whys and wherefores, and the future, of antiquarian bookselling in the Nation's Capital.

**A LEGAL MISCELLANEA: When did you first open your shop? What was it called and where was it? What sorts of books did you handle? Who were your fellow Washington booksellers at that time?**

**JOHN THOMSON:** We opened in 1984. We were, then as now, Bartleby's Books, with a shop on Woodmont Avenue in Bethesda, MD. Our books were about 50/50 used and new, with a scholarly orientation. Our bookselling colleagues included Allen and Pat Ahearn, Andy Moursund, Bill Hale, Candee Harris, Larry McMurtry, Marcia Carter, Allan Stypeck, Pete Seaborg, Sybil Pike, Doris Grumbach, Jack Morgan, Doc DeRoach, Book Cellar, Yesterday's Books, Capitol Hill Books, John Ptak, Fuller and Saunders, Park Reifsneider, and Howard Wilcox (Estate Books).

**ALLAN STYPECK:** We opened in 1973. We were called Second Story Books, and our shop was at 5016 Connecticut Avenue, NW, just below Nebraska Avenue. We handled general used books and out-of-print books with the beginnings of an antiquarian selection. Our fellow booksellers were Howard Wilcox (Estate Books), Larry McMurtry and Marcia Carter (Booked Up), Mary Reifsneider (Park Reifsneider), Alexander Lauberts (Falls Church), Allen and Pat Ahearn (Quill and Brush), Natalie Burke (Bookhouse), Mike Schnitter (Q.M. Dabney), and a bit later Bill Hale (William Hale Books).

**Apart from yourselves, who are the remaining storefront antiquarian booksellers in DC today?**

**JOHN:** There are none. By the end of July, 2011, Allan will be the last one standing.

**ALLAN:** I know only of used and out-of-print shops

with a sprinkling of antiquarian: Idle Time, Kultura, Capitol Hill Books, and Kensington Row Bookshop (MD).

**What prompted you to become an antiquarian bookseller?**

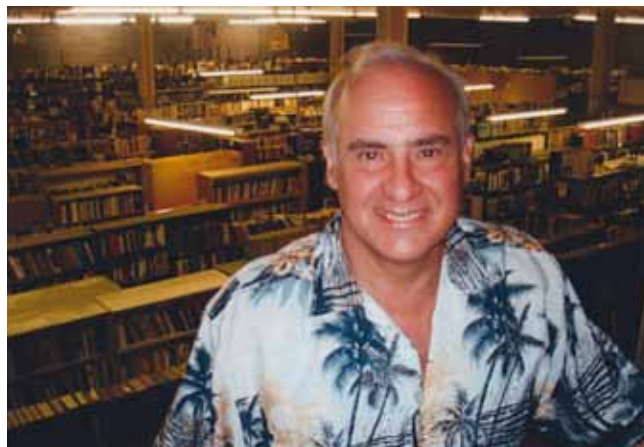
**JOHN:** I was always a reader. After exploring métiers unrelated to books – a house-painting business, later did welding for a factory which manufactured cranes - I returned to the city from country life to work for Horizon Books, a chain predating Crown Books in a similar discount overstock model. Horizon had locations on M Street at about 19th in a converted lobby, in Georgetown on M Street, and in Alexandria; its partners were two ex-Doubleday salesmen who hustled ends of library sales, hurt skids [editor's note: "hurt skids" are grab-bags of "hurts" – textually-complete in- or

out-of-print books with minor defects, wrapped in quantities onto pallets] of Harper Torchbooks and the like. Later I was hired by Kramer's to run the Kramer store below Dupont Circle on Connecticut Avenue, specializing in remainders and university press hurts, which later became David Marcuse's Common Concerns, a left-leaning political bookshop, and the site of antiwar organizer meetings in the early 1970s.

Later I was hired by Second Story where I worked for about eight months, then left to become one of the three principals who created Daedalus Books [MD] from a buyout of Kramer Books Distributors.

We created a retail outlet for our remainders along with a good selection of new books called Calliope Books up next to the Uptown Theater on Connecticut Avenue. Then, with a wife and four-year old child, little money, and having run out of people who found me employable, I conceived of going into business for myself.

Using all I had learned in the trade, I opened a new and used bookshop, Bartleby's, which lasted about two years before we got rid of the new. Changes in bookselling and intellectual curiosity turned us increasingly into an antiquarian shop. And that is the snapshot of how far the idea got before we found ourselves face-to-face with going virtual.



Allan Stypeck, head of Second Story Books, at the Rockville warehouse with some of its 500,000 books in the background.

Courtesy of Second Story Books

**ALLAN:** I started selling books by mail in 1973 and at outdoor markets, more as an income supplement (I collected books) while deciding if I wanted to go into the government, either at the Department of State or the Central Intelligence Agency, or practice law. As it happened, there was an absence of large used bookstores in the area. Loudermill's and other long-time establishments had closed. Booked Up handled primarily rare stock, and Estate was small. My business began to build, and quickly became full-time. I bought Second Story in 1973, in part to house my mail order inventory. I thought I would sell books for a year or so, and then make a career decision. Instead, I wound up expanding the business and have been in the trade for almost 40 years.

**What course has your business followed over time: changes in location, name changes, types of material handled...?**

**JOHN:** We have been in four or five locations in the DC area. Our current shop is at 1132 29th St. NW, in Georgetown; our name has remained the same.

We have become increasingly antiquarian as the years have gone by in response to the internet, which has made selling common titles incompatible with running a business.

**ALLAN:** Second Story has expanded and contracted during the past forty years, ranging from as many as six locations in the Washington/Baltimore area in the early 1980s, to our current two locations at 2000 P Street, NW, at Dupont Circle, and 12160 Parklawn Drive in Rockville, MD. Other than an ambitious undertaking in Baltimore in 1980 where we combined a new/used bookstore, bar, art gallery and a performance center in Baltimore, the stores typically have stocked used, rare, and out-of-print titles; one location stocks discounted inventory. We also handle records, CDs, prints, posters and other ephemera. We do appraisals, work with auction houses, and maintain a very large inventory on the internet.

**Do you have a "typical" client? Is this person different today from when you began selling books? What is the profile of your typical law book customer?**

**JOHN:** Our clients are diverse, yet share certain char-

acteristics. Their common bond seems to be an understanding of the world through a historical lens. Formerly there was a type of collector who would seek out everything from popular to scholarly writing on a particular subject, if he had a true and sustained interest in it. Collectors with that approach seem not to exist today. When I entered this business there were many customers with deep knowledge in specific subject areas from whom we learned; not so now. A collector's willingness to dive into a subject to virtually create his or her own bibliography seems to have dissipated; or perhaps with the availability of internet bookselling sites and auctions they have

ceased to look to the storefront booksellers to advise them and be their hunting dogs. Mostly our clients just seem older than I remember.

Lawyers, it seems, tend to value the written word perhaps more than some other professions. Certain lawyers collect only law, others collect in various niches of the humanities and as collectors have no interest in law.

**ALLAN:** We always have had high-profile locations in DC and Montgomery County

(MD). Our clientele ranges from urban and suburban families to tourists, foreign visitors, and dignitaries. The average age of our typical customer does seem to be older than in years past. The Washington metropolitan area's demographics include, to some degree, college-educated, dual-income households with probably one of the highest percentages of lawyers or law-related professionals in the world. I think if you stopped by our Dupont Circle location at any moment and asked if there was a lawyer in the store you would get a positive response.

**Have sales of law books accelerated, slowed, or remained steady since you entered business?**

**JOHN:** Law book sales have increased; perhaps that is a direct result of my knowledge of the materials and the growing pool of customers for those books. One thing that affects how we do business, of course, is supply.

**ALLAN:** For us, law book sales have remained steady.

**When did you become aware that the DC bookselling business had begun to change? What signs did you**



Open-air bookselling at Second Story's Dupont Circle location.

Isabel Wang

***see? What is the impact of the internet on antiquarian bookselling?***

**JOHN:** I don't think the change was limited to DC bookselling. The internet has been perhaps the most pervasive change, removing the book pricing function from the specialist who might have priced a book in terms of its importance, to increasing the number of copies priced at bargain-basement level, all the while pushing titles proven to be scarce to pricier levels. Formerly, booksellers congregated in run-down neighborhoods where rents were cheap. DC has a lack of such now, especially in areas where customers might venture.

**ALLAN:** Washington's situation is similar to the national trends. Over the past several years, we have seen fewer independent booksellers, certain chains have closed, and there has been a gradual decrease in bricks-and-mortar used and out-of-print shops.

The transition of the printed word to different forms of technology is inevitable. Changes in access to daily information for personal, educational, and professional needs proceeds, but I believe we are still at least a couple of decades away from a time when antiquarian books may exist only as curiosities, art forms, or tactile history.

To cannibalize Dickens, "It is the best of worlds and the worst of worlds." Booksellers now have the opportunity to sell their inventory to a worldwide market 24/7, and concurrently maintain a storefront. This combination, one hopes, supplements the costs of operation and increases the margin of profit. The internet can attract visitors to your storefront, and provide you with sources of inventory. Conversely, it may distract potential buyers, to the detriment of storefront sales, especially when a customer is comparison price-shopping or is a "fair-weather" shopper.

Internet book-buying forces the dissolution of a unique shopping experience which accentuates browsing, cultural, and social interaction, exchanges of ideas and interests, the tactile experience of handling a historical or literary treasure, and the deceleration of a society that seems destined to become engaged in endlessly staring at screens.

***How did your business respond to the perceived changes? Did you take action or adopt a "wait-and-see" stance to gain perspective?***

**JOHN:** We increasingly have pared the most commonly-available titles from our stock; these are the dross that weigh down one's inventory since, due to their ready availability from other sellers, they are of less interest and move slowly, and the profit margin typically is very slim. We work to shift resources to materials which are

in demand and/or unique, *i.e.*, broadsides, manuscripts, archival materials.

**ALLAN:** We have been active in internet bookselling since its inception, and we offer a substantial part of our inventory on our website, as well as other sites such as Amazon, Bookfinder, Abebooks, Alibris, and Biblio. We also perform appraisals for insurance, donation, estate and fair market value purposes. We will maintain our bricks-and-mortar presence and participate in book fairs as long as there is a demand. Our store sales are very healthy, and I do not see the need for radical changes in the near future.

We always have been aware of changes in the industry, and adjust accordingly to respond to market needs. We intend to remain a physical as well as an online business.

***Both Bartleby's and Second Story are Washington institutions. How does their relative "shrinking" physical presence affect the communities where they are located?***

**JOHN:** As a virtual presence by perhaps midsummer, I think the loss of the physical Bartleby's is most relevant to the young, who for the most part have not been exposed to the scope and depth of historical printed materials.

**ALLAN:** Second Story has no intention of changing its current business profile in the community. We have long-term leases for both locations and intend to provide our services for years to come. Obviously, when a store of Bartleby's caliber closes, the community suffers. The antiquarian book community is a small, dedicated group of individuals. The eclectic nature of our combined inventory and book expertise offers the community a variety of reasons to visit our shops; this experience is difficult or impossible to duplicate in a new bookstore or online. We handle many rare and sometimes one-of-a-kind items. When a community loses a landmark antiquarian storefront such as Bartleby's, that loss chips away at the unique cultural dimension in a locality which quality walk-in bookstores provide.

***Did the large book chains, at their bricks-and-mortar zenith – Crown, Borders, Barnes & Noble, for example – play a role in the demise of storefront antiquarian booksellers, if only by creating a public expectation of a book superstore versus a "boutique?"***

**JOHN:** Rather than creating a superstore expectation by the book-buying public, sellers of new materials really have more effect on the antiquarian trade by the materials they stock; this determines which titles enter the used trade, and one would expect rarities to emerge in the future from the pool of new books offered for sale

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today. A more affecting reality is the demise of, say, the *Washington Post's Book World*, the weekly stand-alone section of book articles and reviews which for many years was a mainstay of Washington's literary set, which raises the question of the importance to our culture of the printed word. For the individual who dreams of running a bookstore of general stock, making it a reality is now nearly impossible economically. That a proprietor now is hard put to select books to build a particular stock except in the higher price realms mostly rules out running a general shop.

**ALLAN:** Chain bookstores and antiquarian establishments are different entities in the same overall industry. I do not believe that the clientele of either overlaps to such a degree that chains would exert a negative impact on the second hand, out-of-print, and antiquarian book-buying public.

***What percentage of books do you sell "on the street" compared with those sold online?***

**JOHN:** My online sales are below those sold in the store, though the economics becomes equal given the cost. Most of my business is transacted at book fairs, and through quotes and catalogs.

**ALLAN:** More than half is sold through the bricks-and-mortar locations.

***What is the value of rare books to a community? A society?***

**JOHN:** Books are artifacts both of ideas and the technology of an era (as a vehicle for the broadcast of ideas). There is not currently a better marker of civilization. What better mileposts do we have? As an exercise, imagine researching an era prior to ours where no printed artifacts exist. Lacking print artifacts, one might turn to the consideration of objects, where fundamental questions of interpretation come to the fore. Objects have their place in historical research. But rare books are windows to the past. A book printed in 1694 and authored before then was handled by a person in 1694, and read, handled, studied, and perhaps annotated over the course of the next three hundred-plus years, and may have exerted a profound influence along the way. For a community or society to have a seller of such books in its midst provides an unparalleled opportunity for promotion of historical and cultural awareness and familiarity. Virtual substitutes do not provide the same immediacy and direct historical linkages.

**ALLAN:** Bookstores are pillars of the civility and intellectual imprint of a community.

When we applied for a permit to sell books on tables outside our Dupont Circle store, initially we were turned down by the local Advisory Neighborhood Commission (ANC). We questioned why other great cities like London, Paris, and New York allowed book kiosks whereas Washington did not. I wondered out loud if perhaps Dupont Circle should be converted officially to an open-air drug market. I believe the sarcasm hit the mark; the ANC overturned their ruling, and we were granted a permit. Every great society throughout history has taken pride in its libraries and access to the printed word.

***John: Bartleby's has occupied two exceptional locations in Georgetown, losing its lease on each. What changes have you noted in the DC community/marketplace which may have a bearing on the types of stores currently in favor?***

**JOHN:** I believe the future of a bricks-and mortar shop must be in locations where people have the leisure to browse and explore, *i.e.*, tourist destinations. Such shops must be supported online with their own websites, so that their specialties are well-advertised to the universe of antiquarian book buyers. Lacking this option, potential customers will chase Amazon and ISBN price fluctuations, where prices determine the volume of sales; in this scenario, a store plays an insignificant role.

***Allan: You began your bookselling career selling books by mail order. Do you feel as though you have, in a way, come full circle with approximately 50% of your sales now online?***

**ALLAN:** Not really. Using various streams of income – storefronts, auctions, appraisals, book fairs, and mail order – has remained constant throughout my career.

***How is selling books on the internet different from selling face-to-face? Do more buyers return books they obtain over the internet than books they purchase physically from your shop where they can perform a "pre-purchase examination?"***

**JOHN:** There is less customer contact, and the bookseller must cultivate a proactive approach to selling books – for example, initiating contact with potential buyers through book offers. Seller accountability is less certain: anyone can set up a virtual "shop." From the buyer's standpoint in the online environment, a bookseller's membership in the ABAA (Antiquarian Booksellers' Association of America) provides assurance of the seller's book knowledge and adherence to a code of ethics which provides safeguards against unscrupulous dealings.

*(continued on page 11, bottom)*



## PAUL G. DEMBLING: ALUMNUS, PRINCIPAL ARCHITECT OF THE NATIONAL AERONAUTICS AND SPACE ACT OF 1958

*Mr. Dembling's gift of his professional papers to the Law Library established its first archival collection.*

Attorney and distinguished public servant Paul G. Dembling died May 16 in Palm Beach Gardens, FL, of complications from a fall. He was 91.

Mr. Dembling was born January 11, 1920, in New Jersey, and earned a bachelor's degree *cum laude* with special honors in economics as well as a master's degree from Rutgers University. He received his J.D. in 1951 from The George Washington University Law School where he served as an editor of the Law Review.

In 1942, Mr. Dembling began his service with the federal government in the War Department, and in 1945 joined NASA's predecessor, the National Advisory Committee for Aeronautics (NACA), becoming in succession its Special Counsel, Legal Advisor, and General Counsel. As principal drafter of the legislation which became the National Aeronautics and Space Act of 1958, Mr. Dembling played a key role in the creation of NASA, and served the agency in a number of capacities. He was the first Chairman of the NASA Board of Contract Appeals, and later General Counsel and Deputy Associate Administrator. He was a member of the U.S. Delegation to the United Nations Legal Subcommittee, and participated in drafting several space treaties.

Mr. Dembling's rich and varied Washington legal career included the General Counsel post at the General Accounting Office (1969-1978), a fifteen-year partnership (and later a senior counsel relationship) with the law firm Schnader, Harrison, Segal and Lewis, and a long

association with the Law School as a professorial lecturer in law, teaching courses such as The International Law of Air and Space, and Legal Protection Against Technological Hazards. Mr. Dembling's many contributions to his profession include service to the American Bar Association as Chairman of the ABA Model Procurement Code Coordinating Committee, and Chairman of the Public Contract Law Section, as well as long and distinguished service to the Federal Bar Association. He received the Army's Civilian Meritorious Award, and NASA's highest award: the Distinguished Service Medal and the National Civil Service League Award.

In 2001, Mr. Dembling donated his professional papers to the Law Library, establishing the Library's first archival collection, The Dembling NASA and Government Procurement Collection. The collection spans the fifty years from 1942 to 1992, and in large part treats the legal and practical issues surrounding the creation of NASA. At the time of his gift, Mr. Dembling recorded his video oral history, the first in the Law School's Oral History Project ([http://www.law.gwu.edu/Library/Special\\_Collections/Archives/Pages/Default.aspx](http://www.law.gwu.edu/Library/Special_Collections/Archives/Pages/Default.aspx)).

Paul Dembling was a treasured friend of the Law Library. Those who knew him remember a modest and kind man with a dry sense of humor, patient, with wide-ranging interests, whose incisive and analytical mind cut to the heart of the issue before him. His was a life of exceptional contribution, and he will be greatly missed. 🌸

*(Bibliotruths from page 10)*

In the wild west of the internet, this can encourage a potential buyer to complete a transaction.

**ALLAN:** There are more steps on the internet in completing a transaction, and a special need for accurate descriptions to ensure an internet customer's confidence in purchasing books from your shop online. Regarding returns, from both store and internet sales they are *de minimus*; there is really no issue.

*Is it more difficult today, or easier, to find books to sell?*

**JOHN:** It's hard to say; the factors change constantly,

perhaps more rapidly than before.

**ALLAN:** We are selective in what we buy and sell, and always have been able to obtain books we feel are appropriate for our company.

**Allan:** *Has maintaining multiple locations and a very large inventory helped you weather the storms which have leveled many antiquarian booksellers?*

**ALLAN:** Large inventories work if there is a dedicated customer base. Multiple locations gave me the advantage of choosing the ones that showed long-term potential.

*(continued on page 12)*

**Several factors typically result in shuttering the storefronts of rare booksellers: among them are economics, landlord-tenant issues, and changing tastes of the consumer. Can you identify a single predominant factor in the decline of the DC independent bookseller?**

**JOHN:** Antiquarian booksellers are prey to the same hazards as other species of small business; I don't think any one of them predominates.

**ALLAN:** Prime locations generally have become cost-prohibitive for anyone in this trade, and this reduces the bookseller's ability to cultivate a walk-in clientele.

**How long do you plan to stay in the bookselling business?**

**JOHN:** I never see myself retiring.

**ALLAN:** I have no intention of ever leaving as long as there is a book culture.

**What advice would you offer to new antiquarian booksellers entering the trade?**

**JOHN:** "Don't, but if you do, send me your catalog" is the advice taken from an essay of a fellow bookseller. Seriously, pay attention to your stock: always work to improve it, cut what is common. That is the difference between the used bookseller and the antiquarian.

**ALLAN:** Know the market before you enter the trade, and keep your day job.

*You can find Bartleby's online at <http://www.bartlebysbooks.com/shop/bartleby/index.html> and Second Story at <http://www.secondstory-books.com/>*



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