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debated, but in general it seems greater good will come from openness and access than from denial of either.

—University of Notre Dame

ETHICS AND ACCESS: THE CASE OF THE DEAD SEA SCROLLS

Michael O. Wise

As I am neither an archivist nor an ethicist, I am uneasy about addressing myself to a question that requires me to combine my ignorance of two disciplines. Furthermore, I am sensitive to both sides of the problem of access in the case of the Dead Sea Scrolls. To varying degrees I can sympathize with both of them. As I have been asked to address myself to the question of access from the perspective of those who formerly lacked it, however, I will endeavor to represent that case the best I can.

What have been the problems of access and its lack with respect to the Dead Sea Scrolls? I think these problems have been numerous and profound. Fundamentally, good scholarship in the field has suffered, perhaps irreparably—and good scholarship ought to be the foremost concern of all involved. How has it suffered? I could offer many answers to that question, but a few considerations must suffice. For one thing, scholarship on the scrolls has been deprived of the insights of two generations of great scholars who, given access to the scrolls, might well have advanced our knowledge far beyond where it now stands. Other scholars who might have become specialists in Qumran studies have instead turned to other fields where they might more reasonably hope to be on the cutting edge. The loss of these scholars to our field and related fields can never be made up. Scholars whose competence exceeds or compliments that of the original team members have been denied access, with the result that certain ideas have either become regnant when they ought not have, or have died abirthing when they should have attained a healthy maturity. Take a recent example: an Israeli specialist in ancient cursive scripts has
identified the name of a Hasmonean king, Alexander Jannaeus (ruled 103-76 B.C.E.), in a text that apparently compares him to King David and prays for Jannaeus' welfare. The identification of this name has profound implications for basic questions involved with the scrolls, such as when they were composed and by whom. The scholar who has been assigned this text did not recognize the name because he misread the cursive hand—in other word, he did not have the proper expertise to carry out the editing of this text. An important text therefore appeared uninteresting. Because others who might have corrected his mistake could not look at it, forty years of scrolls scholarship has lacked crucial data bearing on the most basic questions of the field. Or, take another example. Recently I have been working on an Aramaic text whose mere presence among the scrolls is surprising and raises some of the same basic questions to which I have just referred. This text comprises the remains of a sort of recipe book for magical amulets to ward off evil spirits. The language of the text is difficult, but that is normal for this genre. The scholar to whom it had been assigned thought that this work was a collection of proverbs. Evidently he had never worked with magical incantation texts and inscriptions, and therefore did not recognize what he was looking at. All of us are ignorant about broad areas of ancient civilization, of course, and no one can blame him for having his own blind spots. But open access to the scrolls would have corrected his misidentification long ago. Collective competence exceeds that of the best individuals.

With restricted access, competence and good scholarship have been casualties in other ways. For example, a few years ago, in the face of continued criticism from their colleagues and the general public, some members of the original team began to distribute their treasures to their graduate students for publication. General access would have had the same result, of course—a much more rapid publication of the materials. But by choosing certain graduate students for this delicate task, the scholars could control the editing process and make sure it took what they regarded as the proper direction. The problem is that these graduate students have not always been competent. At a meeting of the Society for Biblical Literature that took place not long ago (but before the release of the
scrolls), one of these favored students read a paper in which she gave portions of her scroll in translation. During the question and answer session that followed, she was asked to read a few lines of her material in the original Hebrew. Members of the audience could more easily judge her scroll’s relation to the Hebrew Bible if they heard the text in that language. She refused to read the Hebrew, explaining that her command of that language was not expert, but volunteered to spell the words out. She then proceeded to do so. Everyone in the audience was redfaced, some out of embarrassment for the student, but more out of sheet fury that incompetent persons who could not even pass doctoral examinations at some universities should edit these treasures of antiquity, whereas scholars of proven ability who had labored in ancient texts for decades could not even see the materials.

Thus, to my mind the most deleterious effect of restricted access has been impaired scholarship and an intellectual loss that is impossible to quantify. A second pragmatic aspect of restricted access has been a tendency of scholarly empire building on the part of the anointed editors. Now, given human nature, empire building is perhaps unavoidable; but empires ought at least to emerge from fair intellectual competition. Restricted access has guaranteed those in possession of the materials the last word in any debate about the Dead Sea Scrolls. They could always silence their opponents by claiming that the totality of the evidence supported their own position. No one could check their interpretation of texts that they might or might not be understanding correctly. As a result, the scholarly work of the "haves" has been practically—and I mean that in a literal sense, practically—unassailable. General access is beginning to show that such should not have been the case, and that the team’s interpretations are not as secure as they claimed. Nevertheless, those interpretations will continue to hold the day, perhaps for decades, for simple reasons of inertia and the sheer difficulty of erasing earlier errors, if for no other reason. Absent the normal give and take of scholarship, some theories about the scrolls have become "facts."

The members of what one outsider has called the "charmed circle" have been able to establish their empire not only by virtue of lack of potential competition, but also because of the realities of
the job market. In the fields of biblical scholarship it is not unusual to have one hundred applicants for every job opening. If one of those applicants has access to unpublished scroll materials and has written on them, he is *ipso facto* elevated above the mass of his peers. He or she will very likely get one of the few jobs open in any given year. Once in position, these student will tend to support the views of their powerful mentors. That is the essence of restricted access—power. Academic power will always accrue to anyone in such a privileged position, and the case of the Dead Sea Scrolls has been a pellucid illustration of that principle. Clearly the practice of favoring students has been a pellucid illustration of that principle. Clearly the practice of favoring students that has obtained has been wrong—not merely from the perspective of scholarship, but morally and ethically wrong. Worthy people who were not favored, but who were otherwise the equals or superiors of those who were granted materials, have been denied the opportunity to earn a living in their chosen fields.

Limited access to the Dead Sea Scrolls has had other morally corrosive effects. I imagine here the situation has once again been paradigmatic of limited access in general, whatever materials may be involved. The case of the scrolls is simply more extreme because of the unusual importance of these texts. I am thinking specifically of the way in which Oxford obtained copies of the photographs of the unpublished texts last summer. That, let us recall, was some months before events forced general access upon the recalcitrant editors of the scrolls. At that time and apparently for some time previously, funds totalling in the hundreds of thousands of dollars (and perhaps more) flowed from Oxford to the international team of scrolls editors. In return, Oxford received copies of the precious scroll materials. One of Oxford’s scholars was now admitted to the team of editors and given the rights to publish certain texts. As for the money, we are still awaiting an accounting of how it was used. It is known that the first installment of $100,000 was paid by means of a check made out personally to the *quondam* head of the team. Such activities cannot fail to raise suspicions that do not reflect well on the scrolls editors or on our field more generally. But apart from such suspicions, the *quid pro quo* payment of money for scrolls is ethically repulsive. This sort
of situation is an acid that eats away at the very foundations of humanistic scholarship. And yet it is logical and perhaps an unavoidable sequel to the policy of restricted access.

By now my approach to an archivist's ethical questions about the opening of the scrolls is doubtless clear. Such questions must not be narrowly framed. Narrowly conceived, it appears that the Huntington Library may have acted unethically in opening their collection of scroll photographs last autumn. Even if its legal position is easily defensible, the library may have breached an agreement to which it was a spiritual party. But broadly conceived, in terms of what is right and best for the field of Dead Sea Scrolls research, the library surely acted ethically. Seen in the whole context, their actions were morally and pragmatically proper. By their actions they lanced a boil. Our field, which limited access had rendered more and more parochial, is already showing signs of new life. The excitement is contagious. New ideas and new approaches will surely flourish, and we may hope that many bright new minds will begin to ponder the problems of these texts. What will be the result? A better understanding of what has rightly been called the "greatest archaeological discovery of the twentieth century." A better understanding of a time and place that was foundational to western civilization; a better understanding of both Christianity and rabbinic Judaism.

I do not know much about the various circumstances that lead donors to restrict access to materials as they deposit them in archives. What are the reasons for restricting access to such collections? Doubtless there are often good reason. But as a general consideration, I wonder if limited access is not antithetical to the principles by which scholarship in every field best advances. These principles include give and take, competition, argumentation, the best marshalling of the most facts, the simplest explanation of all facts. How can these principles operate if only some people have access to crucial evidence? Thus archivists ought to think long and hard about whether they will accept materials from donors if those donors insist on restricting access—especially long term restriction. Long term restriction is potentially cancerous. From the perspective of scholarship in general short term restriction is
much less problematic; yet even that may carry with it a human cost that is ethically problematic.

While each case must be weighed separately, it seems to me that there is little in favor of long term restriction to access. The Dead Sea Scrolls are an excellent example of the problems that can arise from that approach. Short term restrictions should be spelled out; sometimes they are only fair. And, of course, one must differentiate between access—the right to see materials—and publication of those materials. Access can guide a scholar's thinking without breaching some other scholar's rights to publish. Even the rights to publication should be short term. For example, in the field of Greek papyrology, scholars usually receive the rights to a text for a period of five years. During that time, they are assured that no one will steal their thunder. If they make a discovery, they will rightly receive credit. But after five years, their text reverts to public domain. I would urge archivists not to accept donor restrictions that depart from this general spirit. One must weigh the rights of individual scholars together with those of his or her field as a whole. If these rights conflict, those of the whole must always take precedence. Speaking as a Dead Sea Scrolls scholar, that is the best ethical advice I can give. Presumably this is not new advice, but as fragile ethical beings it seems to me that it is often necessary to remind ourselves of what we already know.

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Comments on John K. Hord’s "CIVILIZATION: A DEFINITION: PART II. THE NATURE OF FORMAL KNOWLEDGE SYSTEMS"

David Richardson

I liked the second section of Hord's essay (Comparative Civilizations Review, 26, Spring 1992). His definition of the "core" of a civilization, namely "formal knowledge system" has features that particularly overlap with features of my worldview theory, with my