

ASPECTS OF THE ROLES OF TRUTH AND FICTION IN THE CURRENT STRUGGLE OVER THE MEANING OF THE DEAD SEA SCROLLS

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A recent publication of an official agency of New York City contains a series of startling claims regarding my role in the study and understanding of the Dead Sea Scrolls. Always hopeful of a truthful appraisal of the Scrolls and their significance, I present here, *seriatim*, an analysis of that document for the thoughtful consideration of serious readers.

1. In the second paragraph of this 96-page text, we read that my “theory” (i.e., my conclusion — based on specific philological, historical, and archaeological grounds — that the Dead Sea Scrolls are the remains of multiple libraries located in a major urban center, namely Jerusalem, and were hidden away in the desert at the time of the siege and sacking of the city by Roman troops in 70 A.D.) is “unpopular.” This claim may reflect the view of traditional Scroll scholars and their pupils, but it is not by any means the view of their opponents or of many intelligent laymen. The question obviously presents itself whether the author of the publication relied for his information on a disparate collection of readers, or only upon those individuals who are allied in one way or another with the traditional Qumranologists. If it is only the latter, the writer would appear to be personally drawn to their side within the context of a long-standing quarrel amongst academic scholars as to the historical significance of the Scrolls. The obvious question is whether a layman untrained in the relevant academic disciplines should be allowed to serve officially in passing judgment in such a complex and delicate matter.
2. In a similar vein, the writer states (p. 2) that “most scholars” defend the Qumran-Sectarian theory, reminding readers (*ex cathedra*) that this is the “prevailing view.” What is conveniently ignored in this statement is the current polarized state of Scrolls research reported upon in the Associated Press, the New York Times, the Wall Street Journal, Le Monde, the Cambridge History of Judaism, and still other major publications — not to mention the conclusions of such eminent Israeli archaeologists as Yitshaq Magen and the late Yizhar Hirschfeld, whose published writings have been in full support of the theory of Jerusalem origin of the Scrolls and who emphatically deny the Qumran-Essene theory. The author has merely taken for granted the views of several interested Qumranologists without divulging the findings of those who oppose them — even though recent museum exhibitors of the

Scrolls have themselves often been forced by reality to back away from the term “most” and to speak instead either of “many” or “some” defenders of the old Qumran-Essene theory. By the accumulated weight of present evidence, the assertion of the author can at the most only be called misleading, unfair to the general intelligent public and serving only as an unwarranted mouthpiece for a particular group of Scroll scholars.

3. The writer suggests (pp. 2, 7) that the exclusion, by interested parties, from science museum exhibits of evidence contradicting the Qumran-sectarian theory is not a deviation from scientific method or a violation of the ethical codes normally followed by museums, but is merely a matter of not paying sufficient “homage” to my research or of “not paying enough attention” to it. This derogation, however, is supported by no citation to any relevant source; it would appear to be someone’s spontaneous creation. The fact that there are American science museums that disallow presentations by parties who **oppose** the highly dubious belief that a sect of Essenes lived at Kh. Qumran should clearly be a matter of concern to, rather than supported by, appropriate administrative officials. The writer seems to be justifying one-sided museum presentations of the Dead Sea Scrolls, which would appear to be a highly anomalous situation given any present official capacity he may hold. This impression is further indicated by the writer’s additional assertion that I am an individual figure confronting those he terms “mainstream scholars” — by whom he apparently means traditional Qumranologists as contrasted with those who oppose them and whose writings may be found in numerous American and European publications. One cannot avoid the impression that the writer, in his official capacity, is taking sides in an obvious academic quarrel that so far has been running for over half a century, and which clearly has no justifiable place in law courts or among litigious parties.
4. The writer describes the conclusions of my research on the Dead Sea Scrolls as a matter of “belief.” Actual readers of my book on the Scrolls, and of the various articles on the subject published by me beforehand and afterwards — which are of an entirely historical and philological nature — will I trust find that my research on that subject has been guided entirely by the rational results of critical examination of empirical evidence. (It is this type of evidence, of course, that is altogether missing from the Qumranologists’ claim that a Jewish religious sect lived at Kh. Qumran.) I have often expressed the view that faith-based writings on the subject of the Scrolls should be scrupulously avoided by serious scholars. The writer’s research, however, seems to have placed him in the awkward position of actually having to defend the views and the ethics of the Qumranologists — rather than leaving them to fight their own battles with their opponents on the open ground of vigorous debate such as is the American way.
5. Under the rubric of “trial evidence,” the writer refers to statements of several individuals as if they were demonstrable facts when, by the evidence, they were made as part of an effort to malign me and to denigrate my academic integrity. The writer is once again clearly taking sides in an academic debate, thereby demonstrating all the more clearly that the goal being sponsored could hardly have been achieved through open and honest debate by the parties themselves.

6. In this vein, the writer suggests that I violated the copyright of R. Cargill by “liberally reproducing portions” of a “virtual reality” film script (for which he was responsible) in an article posted on the Oriental Institute website. The true nature of this so-called “trial evidence” may be evaluated in light of the University of Chicago’s official statement regarding this matter, informing Cargill that the university had investigated his complaints and reached the conclusion that I had not violated “any copyright or other legal right... by selectively quoting from his film script for purposes of commentary and criticism.” (See Appendix below.) The University in addition encouraged Cargill to respond to my critique of the script in question “openly and on the merits, rather than attempting to silence academic commentary and criticism through legal posturing.”
7. In a further puzzling statement apparently meant to be an attack on my academic integrity, the writer asserts that the University, after receiving Cargill’s complaint, “reposted [the article] to a site *not subject to the University’s review*.” As the University of Chicago letter makes clear, however, the article was merely transferred from the Oriental Institute website to the University’s *main* website to “shield the *Institute* from threats of nuisance litigation”; the University’s main site is indeed “subject to the University’s review”; and after conducting precisely that review, the University determined that the article’s contents were protected by basic principles of academic freedom and “Fair Use.”
8. The writer further states, with apparent reference to me, that “he discovered that he could not influence [Curator Susan] Braunstein through his connections in Israel.” The somewhat Byzantine innuendo apparently intended by this statement is puzzling, to say the least. I never initiated contact with any party or parties in Israel regarding such a matter. I never “discovered” any such thing. The only contact I had with Dr. Braunstein was a request on my part for the text of the Jewish Museum’s 2008 exhibit of the Scrolls, to which request she politely acquiesced; and, thereafter, a courtesy e-mail copy of my critique of the exhibit, which was sent to her from Chicago, not Israel. To the best of my knowledge, Dr. Braunstein was the first American museum curator to acknowledge — clearly a courageous act on her part — in an exhibit of the Scrolls that the two salient interpretations of Scroll origins were (a) that they were the writings of a sect inhabiting Kh. Qumran, and (b) that they were writings of Jewish scribes and authors adhering to a large variety of beliefs and practices, that were brought down to the Judean Desert from Jerusalem and hidden away in caves during the 1st Jewish Revolt (an hypothesis first formulate, by me, in 1970). The curators of the 2010 St. Paul exhibit followed her lead in this regard. Other museums, caving in to the policy of censorship and suppression that New York City officials appear to be defending, have yet to acknowledge this basic fact.
9. The writer similarly asserts that I “hoped to enlist the aid of third parties,” but cites no specific information as to what is supposedly meant by this apparent innuendo. How could the writer, beyond engaging in some far-fetched chain of inferences the key to which is available only in his own mind, know what I was thinking or not thinking at any given time? Likewise, if he does have such remarkable evidence and also is somehow charged with a heavy responsibility to cast aspersions on me as well as my wife and sons, why does he fail to explicate my putative wickedness?

10. What appears to lie at the bottom of the above described efforts and innuendos (as well as others not meriting reasoned response) is an **academic quarrel** focusing on charges of plagiarism, and on the ethics of research and publication practices dealing with the history, meaning and significance of the Dead Sea Scrolls.¹ Suppressing debate on this topic is clearly not the American way; and if the necessary discussion is not going to take place, that will not be the fault of individuals who have the courage to draw attention to the fundamental issues and who are subjected to retaliation for so doing.
11. The broader context of the quarrel in question is, of course, the longstanding dispute over the origins of the Dead Sea Scrolls. When the Scrolls were first discovered — in caves near Kh. Qumran — it was theorized by those who first saw and began reading them that they were the product of a sectarian Jewish group actually inhabiting the Qumran desert site itself. The theory was soon hardened into presumed factuality by several well-known and distinguished scholars, even though serious anomalies in the putative theory began emerging as early as a few years after examination of the texts had begun.

The most significant of these anomalies was the discovery, in one of the manuscript caves, of a scroll **inscribed in copper** whose almost fully readable elements provided the salient building-blocks of an entirely opposing theory: namely, that the Scrolls were the remnants of Hebraic writings possessed by Jerusalem's Jewish population that were spirited out of the city before and during the Roman siege on the capital of 70 A.D. and hidden in various caves of the Judean desert wilderness prior to the ongoing flight of the refugees — as described by the contemporary Jewish historian Flavius Josephus — **to the Jewish strongholds of Machaerus and Masada**. It is only this latter account of events that continues to provide the main empirical evidence underlying the events that surround both the hiding of the Scrolls themselves and subsequent elements of the First Revolt.

It remains a most unfortunate phenomenon that the Qumranologists either are not themselves willing to engage, or are being discouraged by others who are or may be their sponsors from engaging, in discussion and debate on the interrelated and fundamental issues surrounding the meaning of the Dead Sea Scrolls. There is no chance that the actual history of the Scrolls themselves will ever become clarified without full and **honest** debate among the presently opposing parties. The only valid criterion is and should always remain truth in scholarship.²

(See Appendix on following pages.)

¹ For further discussion, see my article, "The Confidential Letter Composed by Prof. Lawrence Schiffman of New York University," at: http://oi.uchicago.edu/pdf/schiffman_response_2010nov30.pdf.

² The above described quotations are found in a document entitled "Brief for Respondent: The People of the State of New York v. Raphael Golb," dated "August 2012," and signed by Cyrus Vance, Jr., Alan Gadlin, and Vincent Rivellese, all of whom provide "danyappeals@dany.nyc.gov" as their collective e-mail address.

APPENDIX

THE UNIVERSITY OF CHICAGO
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Russell J. Herron
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June 3, 2009

VIA EMAIL

Robert Cargill
Instructional Technology Coordinator
University of California, Los Angeles
Center for Digital Humanities
1043 Public Affairs Building
Los Angeles, CA 90095-1499

Dear Mr. Cargill:

I am responding to your email message of June 1, 2009 to Professor Gil Stein, Director of the Oriental Institute at the University of Chicago, in which you ask Professor Stein to remove Professor Norman Golb's article *The So-Called "Virtual Reality Tour" at the 2007 San Diego Scrolls Exhibit* from Professor Golb's web page located at <http://home.uchicago.edu/~ngolb/>. I am also aware of your email of June 2, 2009 to Professor Theo. van den Hout of the Oriental Institute.

You first contacted Professor Stein in February 2009 to complain that the version of Professor Golb's article on the Oriental Institute's website contained excerpts of your script for the virtual-reality tour that were used without your permission. After looking into the matter, Professor Stein responded to you via email on February 25, 2009, informing you that the Oriental Institute had "concluded that Prof. Golb's posting on the OI website does not violate copyright law." Professor Stein also informed you that although he had instructed his staff to remove the posting from the Oriental Institute website "to shield the Institute from threats of nuisance litigation," he also gave Professor Golb the option to revise his review and re-submit it for posting. As you know, Professor Golb posted a revised version of the article on his faculty webpage sometime thereafter.

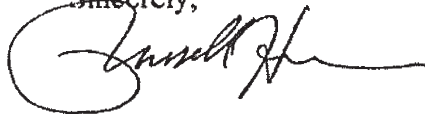
The version of the article on Professor Golb's faculty webpage continues to make use of a small number of very brief quotations from your script for purposes of commentary and criticism, in the context of a purely scholarly work. We have carefully considered the matter and are quite comfortable that Professor Golb's article does not violate any copyright or other legal right you may claim in your script, and specifically that his limited use of very brief quotations in this

context constitutes fair use under Section 107 of the Copyright Act. Nothing in the nature of your work or in the purportedly restrictive legends it contains compels a different conclusion.

We understand that you may not like Professor Golb's criticism of your work. We encourage you to respond to Professor Golb openly and on the merits, rather than attempting to silence academic commentary and criticism through legal posturing.

Please direct any future communications regarding this matter to me.

Sincerely,

A handwritten signature in black ink, appearing to read "Russell J. Herron", written over the word "Sincerely,".

Russell J. Herron

Cc: Professor Gil Stein, Director, Oriental Institute