

## **Ownership, digitizing, and sharing**

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Most of us at this conference must have memorable anecdotes from our professional experiences as the stewards of unique and rare materials that carry international significance. By way of framing my talk today, let me recount one of mine.

One day back in March of the year 2000, when I worked at the British Library, my obligations as custodian of one of the great aggregations of world-class special collections were brought home to me in a particularly poignant and vivid way. The Lindisfarne Gospels, greatest of all examples of Anglo-Saxon manuscript art, was created on the island of Lindisfarne, or Holy Island, off the north-east coast of England, “in honor of God and St Cuthbert” at the beginning of the eighth century AD. It was acquired by the sixteenth-century scholar Sir Robert Cotton, who collected numerous fine examples from the diaspora of monastic treasures after the Protestant Reformation in England. This volume descended to the British Library with the rest of Cotton’s extraordinary manuscript collection, bequeathed to the nation by his heirs. It has been periodically the subject of a passionately argued claim for ‘restitution’ to the north-east of England. That date in March was St Cuthbert’s Day. A procession of about sixty people, complete with a Member of Parliament from the north east, preceded by banners and accompanied by the music of Northumbrian bagpipes, de-trained at King’s Cross Station in London and arrived at the British Library to hold a vigil alongside the manuscript, which was on display in the Library’s Treasures Gallery. A young schoolgirl played a lament, quite magically, on a Northumbrian fiddle. Then the demonstrators gathered in the forecourt of the Library to hear speeches, before marching to the Houses of Parliament with a petition for the return of the Lindisfarne Gospels.

The case of the Lindisfarne Gospels is complicated in many ways. I will not labor the complexities of British regional politics, but there are some broader issues that this case brought home to me. First of all, the British Library possesses a fabulous collection of manuscript texts from the foundations of world religions: not only Christian devotional works but Jewish Haggadot, Islamic Qu'rans, Buddhist scrolls and Hindu vedas. They derive from many centuries of collecting by British scholars, administrators, soldiers, diplomats, explorers, and other travelers. Their routes to the British national collections are sometimes difficult to trace, with occasional clear cases of loot at some stage in the past, while sometimes – at the other end of the ethical spectrum— collections were gathered or purchased as the result of a deeply reverential, intellectual curiosity about ancient cultures in other parts of the world. (The eighteenth-century judge and scholar Sir William Jones, for example, founder of the Asiatic Society of Bengal, was largely responsible for the rediscovery of Sanskrit and for establishing it as the root of Indo-European languages. His important collections of Asian manuscripts are now in the British Library.)

Whatever their origins in the British national past, examples from among these irreplaceable artifacts now reside together on display, carefully conserved and interpreted by expert curators, in a gallery that is open every day of the week, in the midst of a great city that welcomes millions of visitors every year. The Lindisfarne Gospels is displayed in close proximity to a portion of the Codex Sinaiticus, the earliest surviving text of the New Testament, and the Diamond Sutra, a Buddhist devotional scroll that is the earliest dated example of printing in the world, printed in China in 868 AD. Parties of tourists from all over the world make special visits to see these manuscripts, which have so many meanings for people from different religious, cultural and national backgrounds. And meanwhile in the reading rooms, scholars consult hundreds of other examples that provide context for these manuscripts and raw research data for the study of world history.

What are the arguments in favor of removing single items from this concentration of carefully tended research material to return them to their place of origin? Economic

arguments are made that local and regional treasures provide a magnet for tourism to their region. But equally, treasures that are displayed far from home may have the effect of attracting tourists who might not otherwise have thought of visiting the place where these precious artifacts were created. And meanwhile, who is to pay for the care of materials that are so ancient and so fragile? Can a local museum or library afford the costs of caring for a single treasure whose needs for conservation and climate control may be unique among the rest of their collections? Who is to pay for the higher security? Can the local taxpayers and their governments be relied upon to continue their support in perpetuity? How are we ourselves to pay the high costs involved in digitization? How do we make this work a normal part of our budgets, rather than a series of projects undertaken when we can raise the money, or in response to particular political pressures?

Political arguments focus on the symbolic importance of a local or national treasure, which is beyond price to the people to whom it “belongs”. But what of those other communities, the religious groups, the descendants of people from the area who migrated to distant countries, the students and scholars of art and learning? Whose past is this anyway?

In the case of the Lindisfarne Gospels and also the Codex Sinaiticus, which was claimed by the Monastery of St Catherine’s in Sinai, the British Library has managed to assuage much of the demand for restitution of the original, and its collections remain intact. The Library has devoted great efforts to sharing its priceless heritage, first with the place of origin, and then with the world, by digitization. Codex Sinaiticus, in fact, will be restored “virtually” to its original whole for the first time since the mid nineteenth century. These are not just virtual versions of static digital images of selected pages, but comprehensive digital editions in the pioneering “Turning the Pages” series, which enable the reader to turn the pages on screen, and to zoom in to small parts of the page, examining the script and brush strokes in minute detail. When I first saw the capability of this technology, I was moved by the thought that the original scribes and artists who labored for years, and no doubt ruined their eyesight, to create these works of profound

devotion and artistry, would have been stunned to be able to see their own handiwork with such clarity.

These two examples are just single instances from the expanding universe of digital editions that all our libraries now produce. The British Library has produced a wealth of digital editions for both popular and research use, for example in its “Collect Britain” web site, sponsored as a millennium project by the UK government’s New Opportunities Fund. It now administers an ambitious “Endangered Archives Project”<sup>1</sup> funded by the philanthropist Lisbet Rausing, which as its name suggests, supports both physical and digital preservation of archives around the world that are threatened with deterioration or destruction. At Yale, we have produced separate digital editions of international treasures ranging from paintings of medical conditions by the nineteenth-century Chinese artist Lam Qua, to the Beinecke digital library of medieval manuscripts and papyri; and of course there is much more. Collaborative projects include the digital Scriptorium based at Columbia University. Think of the vast “American Memory” project at the Library of Congress. Think of Google’s ambition to produce digital versions, ultimately, of every printed book in the world. Consider the Digital edition of Bach that is based in Berlin, and think of the wonderful Malvine and LEAF projects also based at the Staatsbibliothek zu Berlin to provide cataloging schemes for manuscripts that will function in five different European languages. The Consortium of European Research Libraries, CERL, is at work on similar enterprises. And here in Weimar, think of the great digital edition of Goethe that forms part of UNESCO’s “Memory of the World”.

The wonder of each new digital miracle of reproduction wears off eventually. But it remains true that this is a revolutionary way to bring great international treasures to vastly expanded audiences, and at the same time to enhance appreciation and study of the manuscripts, even compared with studying them with the naked eye. High resolution digital images also immeasurably improve the scholar’s ability to study the originals. Characters can be deciphered that were once obscured; fakes can be detected; pigmentation can be analyzed; palimpsests can be examined to reveal the text lying

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<sup>1</sup> <http://www.collectbritain.co.uk/>

beneath layers of later script. A whole new world of shared cultural heritage is opening up, as our libraries undertake increasingly ambitious projects of digitization, the costs of production fall, and the technology becomes increasingly commonplace, at least in the developed world.

But there lies the rub. For citizens of the less developed world, whose most glorious contributions to civilization may lie buried or neglected beneath historical strata of economic disadvantage, geographic and climatic decline, or political strife, the new technology of sharing can be beyond reach. And it is also true, as none of us needs to be reminded, that the original is irreplaceable. No digital version is a complete substitute. Surely we all understood the sense of acute loss that came with the destruction of the National and University Library of Sarajevo in 1992, or the more recent calamities in Iraq. As professional custodians of treasures like theirs, our emotions may have been complex: sympathy with their loss; a wish that more of their treasures had been stored somewhere else, in a place of greater safety, like our own libraries perhaps; and an instinct to search among our own collections for materials from their history that we could digitize and so in some sense share with the deprived citizens of Sarajevo or Baghdad.

The verb “to own” has a complicated meaning. So many of the collections on which we lavish care have come to our institutions by devious routes, not always well documented, not always legitimate, but often too complicated to unravel within any clear legal framework. Take the case of the medieval Icelandic manuscripts that were returned recently to Iceland by the government of Denmark, through the good offices of the Royal Danish Library. It was natural to find materials of Icelandic origin held in Denmark by virtue of the fact that at one time the kings of Denmark ruled over Iceland. The independent Icelandic government asked for restitution of the manuscripts that they considered to be part of their heritage. But it took years of negotiation informed by careful scholarship, to determine which manuscripts truly “belonged” in which country. In the end, those that were predominantly Icelandic in origin and subject matter returned

to Iceland, but the many that reflected more evenly an intertwined inheritance of cultural and administrative history remained in Denmark.

There are of course many cases of disputed ownership that involve not national but personal ownership. Libraries generally purchase materials in good faith from reputable dealers. We generally take pains to investigate provenance. The traffic in cultural materials between countries is regulated by export regulations that provide additional safeguards. (Though the sad case of the former curator of antiquities at the Getty Museum in California, who is now being tried in Italy for trafficking in illegally exported antiquities, reminds us that you can never be too careful.) But what of collections or single items donated by private individuals, where the antecedents may be less clear, perhaps to the donor and certainly to the library that receives the collection? Recent investigations of material unlawfully seized from its owners during the Holocaust period, or in other ways during the second world war, are too numerous, and perhaps too sensitive, to mention here except in passing. We probably all know of institutions, perhaps including our own, that have faced the difficult task of dealing with a claim for restitution from a private family, where the chain of ownership has to be established by tortuous research, even though both sides have only the most honorable intentions.

Before moving on to consider some other aspects of sharing ownership, it would be wrong not to refer to the guiding principle of responsible modern libraries, museums and archives. That is that in these days, we no longer remove objects from their place of origin, however well justified it might be to do so on grounds of conservation or rescue. The days of scholarly trophy-hunting are past, I think, now, although the days of outright theft will probably never be over. Materials of a foreign culture are to be recorded, photographed, conserved, made public, but not removed. There has been a change in ethical standards here, I believe, one that I have argued elsewhere can be dated to the decades following the Second World War.

Ownership of the artifact does not necessarily confer undisputed ownership of its contents, as some of the examples I have already given imply. Of course this is not news

to librarians who deal on a daily basis with issues of copyright and permissions in modern publications and texts. While it is general good practice to negotiate the terms of use of a collection of modern papers with the vendor or donor before they are acquired, it is often impossible to secure agreement that the library can control access, or dictate the terms under which scholars refer to the content of the papers. How much more complex are issues of access and interpretation when they impinge on cultural heritage, of any period, that is seen by a national, ethnic, religious or cultural group as being its own special property.

One example close to home for me, is that of the Ethiopic manuscripts looted from the palace of the emperor Tewodoros after the Battle of Magdala in 1868. Tewodoros, who committed suicide after the victory of the British expeditionary force, had been systematically plundering the monasteries in his domain for years, bringing in to the royal palace their priceless Christian manuscripts. The British troops carried off his loot in their turn. For some time, I believed that the looted manuscripts all ended up in the British Library, but that turns out not to be the case. There is at least one manuscript of that provenance at Yale, and there must be others. In modern times, a group of Rastafarians and, more recently, a leading historian of Ethiopia resident in Addis Ababa, have claimed that these manuscripts should be returned to modern Ethiopia, as their heritage. The claim is surely just, in terms of ownership. The cultural claim is highly understandable. On the other hand, would these manuscripts have survived the conditions of Ethiopia in the nearly one hundred and fifty years since they were seized? Do we, the holders of this inheritance, have a moral obligation to share this material with the people of Ethiopia? Surely we do. Do we have a moral obligation to return it to a war-torn and impoverished part of the world where by the admission of their own government, there are no resources to care for it? That is a more difficult question to answer.

One new twist in the dilemma that faces special collections librarians is to be found in the case of the Tuareg manuscripts which are kept in that ancient and under-estimated capital of learning, Timbuktu. These are the subject of strenuous efforts to maintain the cultural

autonomy and pride of the people to whom they belong. The World Amazigh Action Coalition issued a press release in June 2002 announcing that the Timbuktu High Commission, mayor and religious leaders authorized Issa Ag Mohammed, Amazigh of Mali, 'To retrieve, confiscate, and return all ancient manuscripts which have been scanned or photocopied from the libraries of Timbuktu by US private concerns, without specific authorization of the Mali government or the local authorities of Timbuktu to use these manuscripts'.<sup>2</sup> The text goes on to plead for awareness that funding should be provided for the preservation of Malian cultural heritage, and asserts that African scholars understand better than Americans the cultural context of Timbuktu's literary heritage. It includes a call to 'the University membership of our US community' to promote awareness of the Amazigh heritage of Timbuktu and Mali.

These special collections remain in their place of origin, but the dilemmas of those who care about them have much in common with others. The attention of the international scholarly community is courted and needed; but foreign scholars nevertheless are expected to maintain an intellectual distance. Since that press release was issued, some fruitful collaboration with North American libraries has taken place. Nevertheless, the first message retains its power: these original manuscripts contain within them the identity and pride of an ancient civilization, and no copy nor any amount of respect paid from alien civilizations will substitute for the artifacts themselves, owned inalienably by the descendants of the scholars who created them.

There can be ways to use the power of digitization to restore part of the identity of historic communities, however, that do not risk imputations of cultural imperialism. One of my favorite examples of electronic sharing, which illustrates an early and highly creative use of digitization and the internet, is "Documenting the American South", run by the University of North Carolina Library at Chapel Hill. It is, to quote its web site, "a digital publishing initiative that provides Internet access to texts, images, and audio files related to Southern history, literature, and culture from the colonial period through the

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<sup>2</sup> See [www.tazzla.org](http://www.tazzla.org) and a story on the foreign service web site of the Washington Post, [www.sum.uio.no/research/mali/timbuktu](http://www.sum.uio.no/research/mali/timbuktu)



first decades of the 20th century. Currently DocSouth includes eight thematic collections of books, diaries, posters, artifacts, letters, oral history interviews, and songs.”<sup>3</sup> This remarkable enterprise was the brainchild of now emeritus university librarian Joseph P. Hewitt, and the project began in the early 1990s. It has put into the hands of a world public a huge body of material that otherwise only a few scholars and students in North Carolina would have seen. DocSouth, as it is known, contains digitized versions of more than 1,250 full-text books, along with scanned manuscripts, images, artifacts and audio files. In 2003 it received some 36 million hits on the web site. In 2000 it was awarded a regional Outstanding Library program award, and it has received over \$600,000 in external grants from the Library of Congress/Ameritech Digital Library Competition, the National Endowment for the Humanities, the Institute for Museum and Library Services, and the State Library of North Carolina.

*Documenting the American South* includes a compilation of readers’ comments, which I read when I first encountered the project, with tremendous admiration. Members of the general public sent in grateful messages about what they had learned from these primary sources. African-Americans, descendants of slaves, wrote to thank the library for opening up their own history to them and helping them to understand their backgrounds. A Polish MA student wrote to say that she was writing her MA dissertation on slavery and the Civil War period, and had suffered from a hopeless scarcity of source materials, until she discovered this web site. Let me read to you just one small excerpt from what she found available to her there:

The story of Louis Hughes, born into slavery in 1832, begins as follows:

*“I was born in Virginia, in 1832, near Charlottesville, in the beautiful valley of the Rivanna river. My father was a white man and my mother a negress, the slave of one John Martin. I was a mere child, probably not more than six years of age, as I remember, when my mother, two brothers and myself were sold to Dr. Louis, a practicing physician in the village of Scottsville. We remained with him about five years, when he died, and, in the settlement of his estate, I was sold to one Washington Fitzpatrick, a merchant of the*

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<sup>3</sup> <http://docsouth.unc.edu/>

*village. He kept me a short time when he took me to Richmond, by way of canal-boat, expecting to sell me; but as the market was dull, he brought me back and kept me some three months longer, when he told me he had hired me out to work on a canal-boat running to Richmond, and to go to my mother and get my clothes ready to start on the trip. I went to her as directed, and, when she had made ready my bundle, she bade me good-bye with tears in her eyes, saying: "My son, be a good boy; be polite to every one, and always behave yourself properly." It was sad to her to part with me, though she did not know that she was never to see me again, for my master had said nothing to her regarding his purpose and she only thought, as I did, that I was hired to work on the canal-boat, and that she should see me occasionally. But alas! We never met again. I can see her form still as when she bade me good-bye. That parting I can never forget. I ran off from her as quickly as I could after her parting words, for I did not want her to see me crying. I went to my master at the store, and he again told me that he had hired me to work on the canal-boat, and to go aboard immediately. Of the boat and the trip and the scenes along the route I remember little - I only thought of my mother and my leaving her."*

The story becomes more harrowing as it goes on, with its account of Hughes's sale and re-sale, and the whippings and maltreatment that became a common part of his life. It is presented in deadpan and modest style and so, all the more eloquently, speaks of the horrors of slavery, a narration that the author, writing in the 1890s, justifies because, as he writes, "*As the enlightenment of each generation depends upon the thoughtful study of the history of those that have gone before, everything which tends to fullness and accuracy in that history is of value, even though it be not presented with the adjuncts of literary adornment, or thrilling scenic effects.*"

"The enlightenment of each generation depends upon the thoughtful study of the history of those that have gone before". "Everything which tends to fullness and accuracy in that history is of value." The freed slave Louis Hughes expressed, I think, the heart of our mission today. Whatever the complexities of ownership and whatever conflicts we may face over claims to the content of our special collections, surely our first task is to ensure

that these materials are well stewarded, and made available to the many communities that can benefit from studying them. I hope the examples I have given here will help provide a framework in which to think about some of the issues, in the era of digitization.

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