

# Publication of Manuscripts: Devaluation or Enhancement?

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**D**OES THE publication of previously unpublished historical manuscripts such as letters, documents, diaries, ledgers, journals, memoranda, receipts, and checks affect their commercial value? "No," says the historian, who refuses to allow any monetary consideration to take precedence over the potentially incalculable cultural and intellectual value of the release of information that is accomplished through publication. Most autograph dealers reply to this question with an emphatic "yes." Between these poles, there are other gradations of opinion. The answer to the question attempted in this present statement of the problem is not a categorical acceptance of either point of view, but is to be—one hopes—an analysis of the evidence and an interpretation of many related criteria.

There is a problem of definition, first of all, as to what is meant by the term "historical manuscript." For the purposes of this discussion, a so-called "historical" manuscript may be any piece of writing such as a letter, document, diary, ledger, memorandum, check, or receipt, of whatever form or shape, the circumstances of whose composition have relevance to some person, place, or event in either the recent or the remote past. Though in his mind's eye the commentator might tend to think more in terms of the papers of a leading political or diplomatic figure when the phrase "historical manuscript" is used, the definition should be sufficiently broad to include "literary" manuscripts as well. The definition should cover literary manuscripts to the extent that they are documents or letters by or referring to authors of literary works such as novels, plays, poems, and short stories; yet it would exclude the novels, plays, poems, and short stories themselves on the ground that such original manuscripts are not so often used in documentary historical publication as letters and other documents.

Value may depend to a considerable extent upon the use made of a document in an intended publication; and since the "worth" of almost any article is usually measured by the consumer's need for it, there is the important consideration of how much of the historical manuscript is to be printed. What kind or style of printing is contemplated? A scholarly editorial project may use manuscripts very differently from a revisionist article or book that brings to light unknown facts. The article or book

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may feature a newly discovered manuscript and cause great attention to be focused upon it, whereas the editorial project might simply include it, appropriately annotated, with scores of other documents. One may argue that prominence through publication might be said to make values soar, but on the other hand, once the content of a manuscript is known to the world, does the revelation cancel any necessity for the original? Or, to state the question differently, does the paper itself, owing to publication, lose value as a collector's item for purposes of purchase by an individual or acquisition by a library or some other institution for further research?

In an earlier article in the *American Archivist*, this writer expressed his belief that publication did not make the value of original manuscripts tumble.<sup>1</sup> To find any convincing proof of this statement additional research was undertaken. Interviews with scholars, librarians, and collectors seemed to be the only really feasible way to test the validity of the assumption.

The original suggestion of persons to be interviewed included dealers, collectors, and editors.<sup>2</sup> To these have been added the thoughts of some librarians and curators of historical societies, many of whom are custodians of large manuscript collections. Naturally, only a representative sampling can be presented here. The results of this series of interviews have tended to give, however, a definite pattern of experience that is in some ways surprising and in other ways consonant with formerly held opinions.

Manuscripts may be used in certain definite ways by those concerned with them as either professionals or amateurs. This is not to say that a given individual or institution cannot use manuscripts in more than one way. It is believed, however, that the use in connection with the occupation or particular interest of the user has largely determined individual attitudes toward value. Thus there can be widely differing and still perfectly worthwhile views among these experts as to the effect of publication upon valuation.

There appear to be at least five major uses of historical manuscripts that could be said to determine attitudes toward the value of documents after publication: (1) legal uses by attorneys; (2) uses by editors and historians; (3) sales by dealers; (4) purchases by collectors; and (5) acquisition by librarians.

Though they are unprepared with any yardstick for a comparison of the values of published and unpublished documents, lawyers and others generally concerned with writing on the subject of ethics in the handling of personal papers feel that the intangible consideration of confidentiality has great value and that there is a distinct bearing of publication upon

<sup>1</sup> Henry B. Cox, "The Impact of the Proposed Copyright Law Upon Scholars and Custodians," in *American Archivist*, 29:226 (Apr. 1966).

<sup>2</sup> Interview with Oliver Wendell Holmes, Executive Director of the National Historical Publications Commission, July 8, 1966.

the loss of privacy. Few would dispute that a letter writer has a right to privacy; and case law supports this view. There is, for instance, no basis for permission to search and publish family papers if such publication is only the gratification of mere curiosity.

Raw curiosity and scholarly concern are, however, two different matters. It is to be hoped that an unconscionable delay in the printing of manuscripts owing to the common law requirement of obtaining remote heirs' permissions to publish will be largely overcome by a long-awaited overhaul of the Federal law on copyright.<sup>3</sup> In the meantime, attorneys generally feel that there is confusion as to what is meant by an ultimate loss of value through publication, because there are at least two ways in which publication of family papers might detract from real value: (1) loss of respect for a person or persons formerly held in high esteem owing to revelations of unsavory activities, though such detriment is hardly transferable into wholly monetary values; and (2) a more measurable category in the potential loss to the family of a literary property right in the manuscript material—over which the family may choose to exercise publication rights—by the unauthorized printing of such letters, documents, prose, and poetry.<sup>4</sup> This second category refers to material that may appear on the autograph market and thus could be purchased and used by the public. Voluminous literature on the subject of confidentiality concludes with the general assertion that the custodian of such personal papers, whether he is the lawyer for an estate, or a curator, or even a collector, has a special duty of extreme caution to exercise in favor of the original holder of publication rights; that is, the writer of the manuscript or his heirs.<sup>5</sup> Although not prepared to say what proportion of the worth of a manuscript would be sacrificed by publication, the holders of this conservative view are content to say it would be "substantial." Perhaps no one can measure this alleged devaluation by a general rule because each case usually bears distinct features of its own.

Editors take the natural position that scholarly publication of manuscript letters, documents, and related materials enhances not only the usefulness of the manuscripts to the world but also their value to the owner.<sup>6</sup> Confirmation of the importance of a document is found in its selection for inclusion in letterpress publications for permanent reference

<sup>3</sup> Cox, *op. cit.*, p. 217-227.

<sup>4</sup> The court in *Philip v. Pennell* (1907), 2 Chitty 577, held that in a case where no prior agreement existed as to a division of profits resulting from the printing of unpublished manuscripts, publication could be withheld by the copyright owner, who was a descendant of James McNeill Whistler.

<sup>5</sup> Edgar R. Harlan, "Ethics Involved in the Handling of Personal Papers," in *Annals of Iowa*, 3d ser., 16:615-617 (Apr. 1929). See also Noel C. Stevenson, "Genealogy and the Right of Privacy," in the *American Genealogist*, 26:145-152 (July 1949); Laurence J. Burpee, "Restrictions on the Use of Historical Materials," in American Historical Association, *Annual Report*, 1914, 1:314-337.

<sup>6</sup> Arthur S. Link to the writer, Feb. 28, 1964.

use.<sup>7</sup> Does this attitude prevail in the minds of all historians as regards publication of all forms of manuscripts? Ray Allen Billington of the Huntington Library feels that broadly speaking, certain manuscripts may suffer some losses in publication.<sup>8</sup> Huntington has over a hundred overland journals that, he asserts, will not command the same interest when published as they did before publication. The library will print them, however, as its staff believes that the printing of the overland journals is an important project. Each such publication represents a certain monetary setback; and to compensate for this, the library attempts to acquire all it can on microfilm from other institutions in order to save for the purchase of other significant items. John E. Pomfret of Huntington has cited the salability of microfilm copies as one means of recouping part of the purchase price of the original that is being given away.<sup>9</sup> Historians as custodians of research materials thus often differ from their editorial counterparts in their view of the effect of publication on values.

Each of these kinds of historians has a different outlook from that of the group who is most consistently opposed to publication and whose livelihood has always had a direct bearing upon the question of value. This group is the autograph dealers, whose business is the buying and selling of historical and literary manuscripts. Few dealers, asserts Mary A. Benjamin, handle manuscripts exclusively.<sup>10</sup> She has been emphatically opposed to allowing material in her possession to be copied. Citing the cost of insurance and mailing, the time it takes away from her business, and many other activities that demand expenditure of time, Miss Benjamin further asserts that part of the attractiveness of an item to the buyer is content, and why should this be given away for nothing?

Other dealers, who handle both books and autographs, are less extreme in their condemnation of copying.<sup>11</sup> Surprisingly, there is no general unanimity among dealers that publication constitutes devaluation, although those who feel it is a boost to values would be a distinct minority.<sup>12</sup>

<sup>7</sup> Lyman Butterfield to the writer, Dec. 16, 1963.

<sup>8</sup> Interview with Ray Allen Billington, July 22, 1966.

<sup>9</sup> Interview with John E. Pomfret, July 22, 1966.

<sup>10</sup> Miss Benjamin is a noted New York dealer. Her article, "Shall the Dealer Permit His Manuscripts To Be Copied?" in the *Collector*, 60:49-54 (Mar. 1947), is a standard reference work and summarizes the views of leading autograph dealers.

<sup>11</sup> The Abraham Lincoln Book Shop in Chicago will permit students to copy material in stock. The proprietor will not copy manuscripts in his office for appraisal, nor will he reproduce that which is sold but not yet delivered to a client. Normal business ethics in this case would prohibit copying until permission of the ultimate purchaser had been obtained. Interview with Margaret April, July 14, 1966, and Ralph Newman, Sept. 16, 1966.

<sup>12</sup> Two San Francisco businessmen who deal in both books and autographs are William P. Wreden and John R. Howell. Mr. Wreden believes that publication of an archival series up for sale would definitely reduce its value. He once bought 139 letters of George Sand, only to find that they had been microfilmed. He was unable to dispose of these letters until he discovered that the microfilm copy was imperfect and that much of the original material was missing. Only then, he said, was he able to dispose of the lot to a library. Interview

The major point here relates to marketability. Almost none of the dealers interviewed would argue that a fine Washington or Lincoln letter is debased for connoisseurs by any number of printings and even facsimile reproductions. By far the greater proportion of Washington and Lincoln letters extant have, in fact, been collected in major institutions and published, making increasingly rare those still in circulation on the market and in private hands. Dealers believe that publication reduces the "ultimate" market, since the appeal of original manuscripts to all classes of buyers, both individual and institutional, could be curtailed owing to the fact that, after publication, scholarly work can be done without recourse to the original manuscript. Institutions are loath to purchase for their reference collections material that scholars would regard as ground already traversed. It is, therefore, not the intrinsic value of the item which is lost but its marketability; so that, if the whim of the wealthy collector is not lured to the point of attraction to acquire a manuscript that has been printed and the library does not want it because it has been published, the dealer has an unsold document he may have to carry in stock for years. The gradual closing down of the avenues for disposal of manuscripts would thus tempt the dealer not to cooperate with the scholar. The dealer does not necessarily believe that a document would decrease in value, but he knows that an important part of his clientele might think so. Indeed, the dealers are among the first to try to purchase good manuscripts, rarely if ever ask if they have been published, and can usually place outstanding items quickly.

The clientele spoken of is usually the individual collectors. Most collectors can afford to hold on to manuscripts for long periods before thinking of resale, even if they are so inclined to dispose of their documents. They can thus overcome the burden of the dealer's profit attached to an item at the time of sale and later market it, usually at a profit to themselves. A limited number of collectors do speculate, but short-term gain is not the primary aim of most serious collectors in assembling "blue chip" names such as Washington, Franklin, Jefferson, and Adams. Most collectors like possession for ownership's sake alone.

Collectors can thus do what the dealer cannot—tie up capital and retain material, wait for an inflationary market to carry values skyward (which has hardly ceased to happen since collecting manuscripts became a reasonably serious pursuit in America a century ago), and sell to whom they please. The increasing popularity of the hobby makes finding individual outlets no problem when the decision to sell is made. In the

with William P. Wreden, July 20, 1966. Mr. Howell states that no categorical answer is possible. He does see a tendency for devaluation to occur to original material if it is microfilmed, "since libraries are not in a position to possess vanity copies of a work if it is available in cheaper form." Howell is generally sympathetic to the needs of the scholar and will permit the copying of a unique document by a serious student. Autographs are, however, a small part of his business, which is primarily in rare books. Interview with John R. Howell, July 20, 1966.

meantime, the collector has had no overhead to pay, no office staff, and no need for maintaining an inventory of items lying outside his interest, while a dealer has to appeal to all segments of the collecting spectrum. The collectors can thus afford to be generous with material at their disposal. Generally speaking, the collector believes that publication is no loss to him personally, since the retention factor is usually wholly in his favor and he can usually sell when he pleases as the scarcity increases.<sup>13</sup> Some collectors refuse to permit publication on the ground that family papers, once filmed, could be less marketable to dealers or libraries.<sup>14</sup> This refusal does not generally extend to single items whose value is assured in any generation, but only applies to manuscripts whose content is their chief interest and whose author may be obscure.

There is not the wide divergence of opinion among collectors that exists among librarians and directors of historical societies. In fact, many of the dealers' views on this subject are directly traceable to the attitudes of librarians and other curators of manuscript collections.<sup>15</sup> To a librarian, value is partly measured in terms of the publicity that the collections of his institution may enjoy. Consequently, a wise manuscript curator will attempt to buy judiciously, to make his budget obtain for him the greatest possible good new material to enhance the research reputation of his collections.<sup>16</sup> This Benthamite view is surely justifiable to the extent that some institutions have little, if any, money; and they must rest their hopes for future reputation and success on the generosity of certain benefactors. The turning-point of their argument is: should these dear-bought treasures be lightly surrendered? If a library has documents it wants and plans to publish and has paid hard cash for them, certain librarians argue, why should not the library get the full value of its purchase by first publication and refuse entry into the collection by outside researchers?<sup>17</sup> The cost of processing a collection is one consideration that militates against granting permission without some compensation for the library's efforts. An example of one method

<sup>13</sup> Interviews with Stuart Schimmel, former president of the Manuscript Society; Paul V. Lutz, Texas attorney; and Nathaniel Stein, leading collector; Sept. 15-17, 1966. Mr. Lutz asked: "Why should publication of either significant or insignificant individual autographs affect their value? The significant piece is further authenticated, and the lesser brought into prominence. So far as publication is concerned, autograph dealers quote *in extenso* from their wares in catalogs advertizing either direct sale or auctions of material. They have utilized the greatest portion of value for publication purposes by the time the autograph goes out on approval; yet, want to be sure that the prospective purchaser has not photocopied it or reproduced it himself if he returns it. Such an attitude is inconsistent."

<sup>14</sup> Interview with Richard Maass, New York collector, Sept. 17, 1966.

<sup>15</sup> Mary A. Benjamin asserts, *op. cit.*, p. 59-60, that a statement made by the director of a large manuscript library to the effect that his institution would not be interested in having original manuscripts if microfilms or photostats could be obtained first, alerted her "to the dangers, from a business angle, of supplying copies of my letters to institutions."

<sup>16</sup> Interview with Archie Motley, manuscript division, Chicago Historical Society, July 13, 1966.

<sup>17</sup> *Ibid.*; interview with James de T. Abajian, librarian, California Historical Society, July 21, 1966.



adopted in some libraries to help defray the costs involved is that of imposing a standard fee for the use of the microfilm.<sup>18</sup>

The view that some librarians hold regarding the negative influence of publication on the value of institutional holdings is vehemently denied in other quarters. "Such an attitude is both unusual and amazing," said several librarians who could scarcely believe that this was the attitude of their colleagues.<sup>19</sup>

The following principle and corollary have tended to be uniformly acceptable: There is or will be no subsequent devaluation by publication of a unique letter, or a letter or document of such quality that collectors will continue to seek after it. A manuscript of less quality should receive general enhancement through the authentication it receives by publication. A *caveat*, however, must quickly follow: the manuscripts spoken of here are usually single items. To many of those familiar with the subject, including collectors, dealers, scholars, and librarians, a collection of a man's letters, whether small or large, is still more attractive unpublished than published. This is due largely, as has been indicated, to the fact that what a relatively obscure individual might have said about his life and times is taken by many to *be* the value of his papers; and, once printed, the papers are said to have been drained of their untapped resources. Not so, urges Syracuse University Librarian John Mayfield, who finds that the way something has been said is still more explicit from original documents, whose blurring, strike-outs, handwriting character or type, and frequent disparity from printed texts will always make them worth consulting.<sup>20</sup> Mayfield believes that printed editions are useful tools or guides but not the final word in the matter of discerning an author's mental process as he has set down his words for posterity.

Neither the writer nor the reader can conclude, therefore, that the controversy over values is a simple black and white confrontation between dealer and editor. Some historians are reluctant to publish material from their library's collection, while certain dealers have few reservations that publication will devalue their stock. Editors of historical projects, dealers, and collectors alike are beginning to realize that one of the most direct forces in perpetuating the argument that publication devaluates manuscripts is the outlook advanced by some librarians and manuscript curators, who subsequently influence the dealer, the

<sup>18</sup> *Ibid.*; interview with John E. Pomfret, July 22, 1966.

<sup>19</sup> Interviews with Bernard Wax, Director, American Jewish Historical Society, and P. William Filby, curator of manuscripts, Maryland Historical Society, Sept. 17, 1966.

<sup>20</sup> Interview with John Mayfield, Sept. 17, 1966. Mr. Mayfield believes that in most cases it is not publication that destroys value, but sometimes the lack of it. He has found that a comparison of original documents and printed copies may sometimes reveal startling omissions. In the printing of the Leigh Hunt Diary, a whole page was left out. Study of the original was able to point up the fact of such a loss. The papers of insignificant persons could well lose value if not printed, because the items themselves are not intrinsically significant. Originals might never suffer in value from publication, however, because they may be suggestive of further interpretations as historical methods change.

private collector, and ultimately the public.<sup>21</sup> Librarians assuredly have legitimate rights to protect collections they have purchased or have used the funds of their benefactors to obtain. But are these private or public rights? Institutions that derive even a small part of their support from Federal, State, or local public funds should not restrict historical manuscripts they have acquired on the ground that prior publication by a visiting scholar defeats the purpose of acquisition. It may be a portion of the scholar's tax dollar that helped to obtain the document in the first place.

Could not such an institution gain reciprocally by a more enlightened policy of broadly sharing the fruits of learning? To do otherwise smacks of academic provincialism and makes the task of gathering, editing, and ultimately disseminating the cultural heritage of the United States more difficult for those who have dedicated themselves to it. Such reluctance is incompatible with the technical skills of this age and the abilities of most historical practitioners, to whom freedom of information is a byword. When it can be demonstrated that much of this reluctance to publish stems from attitudes of some of the very administrators of the informational revolution, we should not indict the dealers, the collectors, or the public itself whose manuscript material *is* private property and yet whose cooperation with historical projects has for the most part been magnanimous. Dealers gage the marketability of their wares and spread the "gospel" of devaluation by publication in direct proportion to the extent of the outlets they enjoy; and, if these markets are restricted, so will be their attitude toward publication. Depending upon how widely spread their activities may be, dealers have an inevitable influence on many persons, including collectors, estate administrators, and the rest of the public. Hence it may be quite important to look to the manuscript curators and their policies in the various State and local historical societies and libraries as one possible source for the belief that publication affects values downward. Even certain private libraries of a quasi-public nature contribute to this feeling.

The usefulness of manuscripts and their physical type can be of unquestionable importance in determining their value or theoretical "loss of value" through publication. Understanding these facts, scholarly editors and others may find it important to attempt to reach a meeting of the minds with fellow practitioners of the art of history, to the end of arriving at some guidelines within their own fraternity toward a meaningful policy on this vexing problem.

<sup>21</sup> Interview with James de T. Abajian, July 21, 1966. Mr. Abajian commented, "If all but ten of a man's papers had been printed and these ten came up for auction, they would be worth more to the librarian unpublished than published, though probably not to the individual collector." He indicated that libraries by restricting use of collections they acquire might be the cause of certain problems, yet he believes that the library should have the chance at first publication if it has gone to the expense of acquisition. The California Historical Society has no funds for obtaining original materials; and the society must depend upon the generosity of certain benefactors.