

Soli Deo Gloria?

The Scholars, the Market, and the Dubious Post-2002 Dead Sea Scrolls-like Fragments

Meanwhile, however, since the early 1990s, researchers in fields like archaeology and heritage studies have expressed growing concern about the role of academics as facilitators of illicit trading in ancient texts and objects from countries suffering from extensive looting and unlawful removal of prehistoric material. Despite this widespread awareness, reflected in a growing number of laws, regulations and international policies to prevent looting, smuggling and illegal trade in cultural objects, many scholars in the field of biblical studies continue to receive unprovenanced material with enthusiasm.

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Since 2002, i.e. the last 15 years or so, more than 75 new so-called Dead Sea Scroll fragments have surfaced on the antiquities market. The majority of these has subsequently been bought for astronomical prices by wealthy collectors and, since 2009, by American evangelical institutions. The most famous post-2002 fragment is still on the market – a three columns wide fragment from the book of Genesis. And the asking prize? Somewhere in the range of 40–70 million dollars. Most of the fragments come from Bethlehem antiquities dealer William Kando, son of the legendary Khalil Iskander Shahin, or “Kando.”

With a few exceptions, the fragments are very small – professor Hanan Eshel referred to some of them as black corn flakes pieces – but they come with great narratives, pointing towards a storied past. Since 2009 there has virtually been a flood of new fragments. In 2004 Eshel spoke of 12 fragments.¹ In 2007 James H. Charlesworth reported that he had seen 35 fragments in Europe.² In 2011 Weston W. Fields said there were now over 50 fragments.³ In 2013 the number increased to 80 fragments, and somewhere between November 2016 and March 2017 the Dead Sea Scrolls Foundation adjusted the number to 150. However, the last two years have seen a growing consensus, especially among younger scholars, that a majority of these new fragments are modern forgeries.⁴

¹ Jim Davila, “News on the New *1 Enoch* Fragment,” *PaleoJudaica.com*, 22 November 2004, http://www.bibleinterp.com/commentary/comment_DeadSeaScrolls.shtml.

² James H. Charlesworth, “35 Scrolls Still in Private Hands,” *BAR* 33.5: 60–63 (62).

³ Weston Fields, “Dead Sea Scrolls: Significance of the Latest Developments,” *Lanier Lecture*, 16 April, 2011.

⁴ See for instance Kipp Davis, “Caves of Dispute: Patterns of Correspondence and Suspicion in the Post-2002 ‘Dead Sea Scrolls’ Fragments,” *DSD* 24 (2017): 229–70 and Michael Langlois, “Nine Dubious ‘Dead Sea Scrolls’ Fragments from the Twenty-First Century,” *Michael Langlois*, 8 October 2017,

In recent scholarly discussion and in the media coverage of this scandal, the question of forgery has received its fair share of attention. In this short piece, however, we will focus on elements that have received less attention thus far: The role of scholars in sustaining the market in dubious manuscripts, and the impact of this alliance, going beyond fakery.

Scholars as Market Facilitators – and a \$300,000,000 Deal

Looking back, one of the most notable things about the post-2002 fragments is the active involvement of scholars. Norwegian manuscript collector Martin Schøyen describes his early involvement with these fragments as part of a quest, encouraged by Harvard professor and famous Dead Sea Scroll scholar John Strugnell:

In those years I joined the scholars chasing numerous ‘ghost scrolls’: fragments that were rumoured to exist, but that no one had ever actually seen, and which never surfaced even in photographs. They were just ghosts, invented to get attention or to be incorporated into the Dead Sea Scrolls legacy. [...] Despite the disappointment that followed these ‘ghost scrolls’, Strugnell warmly encouraged me to continue in my quest to locate unknown Dead Sea Scroll fragments. In a letter of 24 November, 1999, he said: ‘A manuscript collector should be insatiable, as [Sir Thomas] Phillipps your model was.’ My ultimate challenge was to achieve what neither the great manuscript collectors nor major libraries and museums had managed (apart from those in Israel, Jordan, and France); it was for me a ‘Mission: Impossible’.⁵

Archaeologist Neil Brodie observes that though it is seldom acknowledged, “it seems self-evident that scholars must advise collectors about possible purchases.”⁶ In fact, most of the post-2002 fragments have been disseminated to buyers by prominent professors.⁷ Most notably, they have been actively marketed by James H. Charlesworth of Princeton Theological Seminar and Weston W. Fields, Executive Director of the Dead Sea Scrolls Foundation. Charlesworth has also been involved in several sales. Already in 1999 Schøyen bought two Dead Sea Scrolls-like fragments from him, Joshua 1:9–12, 2:3–5 (MS 2713) and Judges 4:5–6 (MS 2861).

<https://michaellanglois.fr/en/publications/neuf-fragments-de-manuscrits-de-la-mer-morte-douteux-apparus-aux-xxe-siecle>.

⁵ Martin Schøyen, “Acquisition and Ownership History: A Personal Reflection,” in Elgvin et al, *Gleanings from the Caves*, 27–31 (27).

⁶ Neil Brodie, “Scholarly Engagement with Collections of Unprovenanced Ancient Texts,” in *Cultural Heritage at Risk*, ed. Kurt Almqvist and Louise Belfrage (Stockholm: Ax:son Johnson Foundation, 2016): 123–42 (128).

⁷ Cf. for instance Armour Patterson, *Much Clean Paper for Little Dirty Paper: The Dead Sea Scrolls and the Texas Musāwama* (Collierville, TN.: Innovo Publishing, 2012), 30: “On the evening of July 4, 2009, the Pattersons, their small tour group, and SWBTS archeologist Steve Ortiz met at the American Colony Hotel in Jerusalem with Dead Sea Scrolls specialists, Hanan and Esti Eshel. There they compared the lists of fragments and photographs given to Dorothy [Patterson] by William Kando with the list in the hands of the archeologists in Jerusalem. The list in the hands of the Eshels matched perfectly the list the Pattersons had been provided by William Kando, a crucial first step in authenticating the fragments. Weston W. Fields also verified the affirmation of the Pattersons that the Kando family could have genuine fragments and that they were trustworthy.”

Before the first Lying Pen of Scribes conference at the University of Agder in 2016, “The Lying Pen of Scribes: Manuscript Forgeries and Counterfeiting Scripture in the Twenty-First Century,” a Norwegian Dead Sea Scrolls scholar was contacted by Fields. Fields strongly advised him not to mention William Kando’s name during the conference as this could compromise a \$200 million dollars deal Kando was negotiating with a group of American buyers.

Right now, a major deal is being marketed on the internet by a certain Ancient Discovery Investment Group, LLX. In their executive summary they promote “the largest [collection] outside the State of Israel of Dead Sea Scrolls and the largest collection of early Christian documents ever made available to the public since the Nag Hammadi Library.”⁸

This collection is “priceless” and undervalued and will become, regardless of place and point of exhibition, one of the most important collections of religious and historic documents since the discovery of the Dead Sea Scrolls.

Value: Authenticator (James H. Charlesworth) used the word, “Priceless” in his value in the authentication report. Sotheby’s: Vice Chairman David Reeden noted that if the description is true and authenticated, \$300M would be a significant undervaluation of this antiquity.

Sotheby’s has also stated that the value of this collection would be astronomical and command the highest collection price ever sold by Sotheby’s, attracting up to \$750,000,000, were they to be sold in a private auction, with the exhibition and display of the collection at single or multiple sites. [...]

Spiritual Benefit: In the words of the authenticator, these documents will “revolutionize our thinking about traditional Christianity”

The quoted piece illustrates well that “authentication” is first and foremost something that scholars do for the market. Furthermore, let the part about “spiritual benefit” serve to illustrate the hype that so faithfully has followed these fragments since they started to appear.

In his personal reflection in *Gleanings*, Schøyen takes credit for having opened this market for the post-2002 fragments:

The quest that started as a ‘Mission: Impossible’ [...], gradually proceeded to become a collection of c. 115 fragments from around 27 different scrolls. [...] After these acquisitions there were no more fragments left in the market that could add substantially to The Schøyen Collection, and no further acquisitions were made. At the beginning of the quest it was believed that no fragments were in private hands, but the acquisitions of The Schøyen Collection opened the market and brought long-forgotten treasures to light. Afterwards more fragments could be bought both by institutions and private collectors, fragments that hopefully will be published by scholars and that will increase our knowledge of these ancient texts.⁹

⁸ <http://scrolls.us/investments/executive-summary/>

⁹ Schøyen, “Acquisition,” 30.

At the time we write this article, it is abundantly clear that what may have looked like a mission impossible in the 80s and 90s has now grown into a market (seemingly) impossible (to stop).

Viewing the post-2002 fragments as a whole – as a collection – a quite disturbing picture emerges: Not only are over 85% of them biblical, they even have a “nice” canonical distribution. In comparison, only a fourth of the “original” Dead Sea Scrolls are biblical. Especially after 2008, when Charlesworth introduced two sensational fragments with text from Deuteronomy 27:4–6 and Nehemiah 3:14–15 respectively on his website,¹⁰ the post-2002 fragments have seemingly managed to give the market exactly what the market wants. In 2010 the Southwestern Baptist Theological Seminary buys a tiny fragment that – lo and behold – happens to contain text from *both* Leviticus 18 *and* 20 – both passages in which homosexuality is designated as an abomination. Because of its alleged “theological significance” it even carried a special price tag. In the words of Bruce McCoy: “The particular passage is a timeless truth from God’s word to the global culture today.”¹¹

Unprovenanced, but Dead Sea Scrolls by Default

Traditionally, scholars working with ancient manuscripts have relied heavily on the antiquities market in order to access new research material. They have to a great extent based their research on access to material with a rather weak and unsubstantiated pedigree, much of which has surfaced as a result of illegitimate excavation. For biblical scholars, the manuscript content has, crucially, been more important than the archaeological context. Meanwhile, however, since the early 1990s, researchers in fields like archaeology and heritage studies have expressed growing concern about the role of academics as facilitators of illicit trading in ancient texts and objects from countries suffering from extensive looting and unlawful removal of prehistoric material.¹² Despite this widespread awareness, reflected in a growing number of laws, regulations and international policies to prevent looting, smuggling and illegal trade in cultural objects, many scholars in the field of biblical studies continue to receive unprovenanced material with enthusiasm.

Since the majority of the “original” Dead Sea Scrolls were unprovenanced, strictly speaking, the guild has had a relatively relaxed attitude towards unprovenanced material. Emanuel Tov’s introduction to his publication of the Lanier fragments, Amos 7:17–8:1, is therefore symptomatic:

¹⁰ Jim Davila, “Two Ancient Biblical Scroll Fragments,” *Paleojudaica.com*, 20 July 2008.

¹¹ Daniel Estrin, “Dead Sea Scroll fragments to hit the auction block,” *Times of Israel*, May 25 2013.

¹² David W.J. Gill and Christopher Chippindale, “Material and Intellectual Consequences of Esteem for Cycladic Figures,” *American Journal of Archaeology* 97 (1993): 601–59; Colin Renfrew, *Loot, Legitimacy and Ownership: the Ethical Crisis in Archaeology* (London: Duckworth, 2000); Staffan Lundén, “The Scholar and the Market,” *Swedish Archaeologists on Ethics*, ed. H. Karlson (Lindome: Bricoleur, 2004), 197–250; Atle Omland, “Claiming Gandhara: Legitimizing ownership of Buddhist Manuscripts in the Schøyen Collection, Norway,” in *Art and Archaeology of Afghanistan: Its Fall and Survival: A Multi-Disciplinary Approach*, ed. Juliette van Krieken-Pieters (Boston: Brill, 2006), 227–64; Neil Brodie, “Consensual Relations? Academic Involvement in the Illegal Trade in Ancient Manuscripts,” in *Criminology and Archaeology: Studies in Looted Antiquities*, ed. Simon Mackenzie and Penny Green (Oxford: Hart, 2009), 41–58; Neil Brodie, “Congenial Bedfellows? The Academy and the Antiquities Trade,” *Journal of Contemporary Criminal Justice* 27 (2011): 408–37; Morag M. Kersel, “The value of a looted object: Stakeholder perceptions in the antiquities trade,” *The Oxford handbook of Public Archaeology*, ed. Robin Skeates, Carol McDavid and John Carman (Oxford: Oxford University Press, 2012): 253–72; Brodie, “Scholarly Engagement” (2016); Neil Brodie, “The role of conservators in facilitating the theft and trafficking of cultural objects: the case of a seized Libyan statue,” *Libyan Studies* (2017) DOI: <https://doi.org/10.1017/lis.2017.1>.

Three tiny fragments containing remnants of two verses of Amos are now on display at the Lanier Theological Library in Houston. Bought by Mr. Mark Lanier from the Kando family in 2013, their provenance according to the Kando family tradition is Qumran Cave 4. They are recorded here with all due caution as possibly deriving from that cave from which most Qumran fragments originated. However, the fragment could have come from any place [...].¹³

While provenance would usually encompass history of ownership including archaeological findspot, Neil Brodie and Morag Kersel have suggested that, in the contexts of the antiquities trade and its related academic fields, it is often something far less. Sometimes, even a single point such as a previous owner; a publication; an auction sale will suffice.¹⁴

Also in Tov's more recent introduction to the Museum of the Bible volume (2016), there is a fundamental lack of interest in the issue of provenance:

Some of these fragments must have come from Qumran, probably Cave 4, while the others may have derived from other sites in the Judaean Desert. Unfortunately little is known about the provenance of these fragments because most sellers did not provide such information at the time of the sale. Those that were purchased from the antiquities dealer Kando came with the label "Qumran Cave 4," but scholars often do not attach much value to that claim. [...] The fragments that were bought by Mr. Green and other collectors [...] are not connected to either excavations or Bedouin [...] for the majority of the texts no firm statement can be made about their provenance.¹⁵

The underlying attitude seems to be that the fragments are – in and of themselves – so important that there is no need to worry too much about provenance.

According to our knowledge, there are no trustworthy lists of previous owners for any of the post-2002 fragments, only vague, allusive lists, whose main function it is to "prove" that the fragments were taken out of Israel before 1970 or 1978,¹⁶ thereby implying that their removal and exportation predated and therefore have not contravened the 1970 *Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property* by UNESCO or the 1978 *The Antiquities Law of the State of Israel*. But despite their uncertain provenance and their fundamentally fishy nature, dealers, collectors and scholars have until recently treated the new fragments as Dead Sea Scroll fragments by default. They are sold as Dead Sea Scrolls, and – with one recent exception¹⁷ – published as Dead Sea Scrolls fragments,¹⁸ and are still marketed as such.

¹³ Emanuel Tov, "New Fragments of Amos," *DSD* 21 (2014): 3–13.

¹⁴ Neil Brodie and Morag M. Kersel, "WikiLeaks, Text, and Archaeology: The Case of the Schøyen Incantation Bowls," in *Archaeology of Text: Archaeology, Technology, and Ethics*, ed. M.T. Rutz and Morag M. Kersel (Philadelphia: Oxbow, 2014), 198–213 (198–99).

¹⁵ Emanuel Tov, "Introduction, Text Editions, the Collection of the Museum of the Bible, Textual and Orthographic Character, Relation to Other Fragments from the Judaean Desert," in Tov et al, *Dead Sea Scrolls Fragments*, 3–18 (5).

¹⁶ See for instance James H. Charlesworth, "The Discovery of an Unknown Dead Sea Scroll: The Original Text of Deuteronomy 27?" *OWU Magazine*, summer 2012, and Fields, "Significance."

¹⁷ Kipp Davis et al, "Nine Dubious 'Dead Sea Scrolls' Fragments from the Twenty-First Century," *DSD* 24 (2017): 189–228.

¹⁸ Esther Eshel and Hanan Eshel, "A New Fragment of the Book of the Watchers from Qumran (XQpapEnoch)," *Tarbiz* 73 (2004): 171–79; "New Fragments from Qumran: 4QGen^f, 4QIsa^b, 4Q226, 8QGen,

The last five years or so, the Dead Sea Scrolls Foundation has even made the post-2002 fragments its main project: The goal is now is to raise money to publish them:

Some of the early Dead Sea Scrolls were never published, and some were inadequately published. In addition, since 1998, at least 150 previously unknown fragments have been sold or put up for sale, and many of these still need to be published. The Dead Sea Scrolls Foundation and Brill Publishers have inaugurated a new official series to continue the former series, *Discoveries in the Judaean Desert* (DJD, Oxford). The new series is entitled *Dead Sea Scrolls Editions* (DSSE).¹⁹

In other words, the fragments that started out as unprovenanced have been fully endorsed by the organisation that between 1991 and 2010 funded the official series on the Dead Sea Scrolls, the celebrated *Discoveries in the Judaean Desert*. The new fragments are even presented as the main basis for the official series of Dead Sea Scrolls manuscripts.

Rationalisation and Branding

Research into looting of and trafficking in ancient objects and manuscripts suggests that this is demand-driven.²⁰ Conversely, though, the notion that illegally obtained (looted, smuggled) manuscripts and artefacts are rescued by conscientious buyers is a justification commonly applied by collectors, dealers and involved academics alike. Studies have suggested that even collectors, dealers and academics involved in activities they acknowledge as having some level of detrimental effects, tend to rationalize their actions, often by turning to moral justifications.²¹

Such rationalisations also play a major part in the story about the post-2002 fragments, and often with a particular twist: On the one hand the Kando family is described as trustworthy – they are excellent conservators, persons of dignity, even honoring their own family traditions.²² Still, there is this other element: Collectors and scholars (really) need to save the

and XQpapEnoch,” *DSD* 12 (2005): 134–57; Michaela Hallermayer, Torleif Elgvin, “Schøyen ms. 5234: Ein neues Tobit-Fragment vom Toten Meer,” *RevQ* 22/87 (2006): 451–61; Esther Eshel and Hanan Eshel, “A Preliminary Report on Seven New Fragments from Qumran,” *Meghillot* 5–6 (2007): 271–78; James H. Charlesworth, “What Is a Variant? Announcing a Dead Sea Scrolls Fragment of Deuteronomy,” *Maarav* 16 (2009): 201–12; Emile Puech, “Un nouveau fragment 7a de 4QGn-Ex^a = 4QGen-Ex 1 et quelques nouvelles lectures et identifications du manuscrit 4Q1,” *RevQ* 25/97 (2011): 103–11; Tov, “New Fragments” (2014); Torleif Elgvin et al, eds, *Gleanings From the Caves: Dead Sea Scrolls and Artefacts from The Schøyen Collection* (LTST 71; London: Bloomsbury T&T Clark, 2016); Emanuel Tov et al, eds. *Dead Sea Scrolls Fragments in the Museum Collection* (Publications of Museum of the Bible 1; Leiden: Brill, 2016).

¹⁹ <https://www.deadseascrollsfoundation.com/#howto>.

²⁰ See for instance Neil Brodie and Morag M. Kersel, “The social and political consequences of devotion to Biblical artifacts,” *All The Kings Horses: Looting, Antiquities Trafficking and the Integrity of the Archaeological Record*, ed. Paula K. Lazrus and Alex W. Barker, (Washington DC: Society for American Archaeology, 2012), 109–25.

²¹ Simon Mackenzie, *Going, Going, Gone: Regulating the Illicit Antiquities Market* (Leicester: Institute of Art and Law, 2005); Omland, “Claiming Gandhara”; Josephine M. Rasmussen, “Saving Objects, Securing Collection: Motives and Justifications for Dealing, Digging and Collecting Antiquities” (PhD diss., University of Oslo, 2014); Simon Mackenzie and Donna Yates, “Collectors on illicit collecting: Higher loyalties and other techniques of neutralization in the unlawful collecting of rare and precious orchids and antiquities,” *Theoretical Criminology* 20.3 (2016): 340–57; Mehreen Sheikh, *Den Tause Dimensjonen i Forskning* (Oslo: Gina Forlag, 2017).

²² See for instance Fields, “Significance.”

Kando fragments, not from the Kando family *per se*, but from the market. Daniel Estrin's wrapping up of the grand narrative in 2013 is illustrative:

Nearly 70 years after the discovery of the world's oldest biblical manuscripts, the Palestinian family who originally sold them to scholars and institutions is now quietly marketing the leftovers — fragments the family says it has kept in a Swiss safe deposit box all these years.

Most of these scraps are barely postage-stamp-sized, and some are blank. But in the last few years, evangelical Christian collectors and institutions in the US have forked out millions of dollars for a chunk of this archaeological treasure.”

“... Kando held much more than he surrendered to Israel. William, his son, said his father had fragments tucked away which he eventually transferred to Switzerland in the mid-1960s.

In 1993, just as scholars finally began publishing research of Israeli-held scrolls, and the world was abuzz with Dead Sea Scroll fever, Kando died, bequeathing his secret collection of fragments to his sons.

It was the perfect time to sell.”

“Kando said his father transferred fragments to Switzerland in the mid-1960s — before Israel passed its 1978 law preventing the unauthorized removal of antiquities from the country.”

“Biondi, the California dealer, said if it weren't for private collections able to pay large sums, fragments would still be languishing in the Kandos' safe-deposit box, and important historical discoveries would not see the light of day.”

“It was kind of like a rescue operation, to get this stuff out of the vault,” said Biondi.²³

It has been important for collectors to “brand” William Kando and the Kando family. In the official publication of the Schøyen Collection, Schøyen writes: “I am grateful to William Kando whose enthusiasm, knowledge, and connections were instrumental in making most of this collection come into existence.”²⁴ At the time the book was published it was already established that some of the fragments Schøyen had bought from William Kando were modern forgeries.²⁵

For Schøyen, however, judging from his personal reflection, the fragments published in *Gleanings* still represent virtually the closest one can get to sacred objects. They are worthy of respect and veneration:

At this stage there should be room for a short reflection on what these biblical fragments do represent. Sacred biblical objects, such as the original tablets of the Ten Commandments or autographs of biblical books have been sought in vain. They are the cause of legends, wars, and a huge body of literature. They are perhaps of too sacred a nature to be owned by any institution or person. The early witnesses to the Holy Scriptures published in this volume are as close as one can get to such sacred objects. They should be treated with due respect and veneration both by their keepers and the scholars who handle them. As their present custodian the undersigned

²³ Estrin, “Dead Sea Scroll Fragments.”

²⁴ Martin Schøyen, “Acquisition and Ownership History,” 31.

²⁵ Especially after 2009, it seems likely that several fragments have been targeted. In 2009–2010 Schøyen receives several fragments on demand, so to speak, from William Kando.

is privileged and honoured not so much to own as to for a very limited time be their humble keeper, not based on my own collecting virtues, but *Soli Deo Gloria*.²⁶

Conclusion

Without the efforts of scholars like Charlesworth and Fields, it would virtually have been impossible to create a market for the post-2002 fragments. These scholars helped to introduce the post-2002 fragments, at different stages, and they helped develop provenance narratives for the unprovenanced fragments. Other scholars tacitly supported the whole thing through unhealthy and naive publishing practices, guided by a strong belief in power of palaeographical analysis and scientific testing to restore and “heal” unprovenanced manuscripts.

The saga about the post-2002 fragments does not read as a story about a rescue operation. It reads more like a story about the creation of a lucrative market for unprovenanced and forged new fragments. If something seems too good to be true it most often is. Generally, an unprovenanced manuscript could be either a fake or – and arguably more dramatic – it has been unlawfully removed and smuggled to meet the demands of a market that craves biblical relics.

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²⁶ Schøyen, “Acquisition,” 30–31.

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