Waiting for the Einstein Papers

Scholars now have a duplicate archive to turn to at Princeton, but conflict between estate and press delays publication of papers

For a quarter century after Albert Einstein's death in 1955, scholars wishing to consult his papers were able to do so only by individual arrangement with the privately held archive. Recently, access had been increased by the opening of a computer-indexed duplicate archive in a Princeton University library. However, plans to publish the archive in a complete edition of Einstein's writings, making them broadly available, are enmeshed in a dispute over a publishing contract between the Einstein estate and the Princeton University Press.

The dispute centers on the editorship of the papers. Otto Nathan, a friend of Einstein's, who was executor of his will and is one of two trustees of Einstein's literary estate, has raised objections to the present arrangement which confers editorship on a single scholar. The resolute Nathan, 87, has been pitted against the university press as the disagreement has been taken into the courts.

The latest legal rounds were fought over the result of a formal arbitration of differences. The arbitrator's decision favoring the university press was affirmed both in a decision by a New York lower court and on an appeal decided early in June. Now the estate is seeking to appeal the matter to New York's highest court. Meanwhile, the publishing project is in limbo.

Publication of the Einstein papers has been eagerly awaited, because they are expected to throw new light on the preeminent scientist of his time who became a figure of world importance in other spheres.

John Stachel, a Boston University physics professor, who was selected as editor for the publishing project in 1976, is the scholar currently considered best able to assess the potential of the archive. Stachel believes that no adequate biography of Einstein can be written henceforth without full access to his papers. Further, Stachel says that material in the archive may well lead to a revision of current understanding of the development of Einstein's special theory of relativity. In the nonscientific sphere, Stachel expects that the papers will yield new information on Einstein's complex involvement in Zionist issues and, he says, there is also "a wealth of material" on subjects that have never been adequately explored, such as Einstein's views on education.

The delay in publication has been a source of frustration to those interested in the Einstein intellectual heritage. Scholars say that because substantial funds for the publication project have been provided by the National Science Foundation (NSF) and private foundations, the public has a stake in the papers. And, after a quarter century, precedent indicates that the papers of a person of Einstein's stature "should be available, no holds barred," as one scholar put it.

A representative view is expressed by Nathan Reingold, who is editor of the current project at the Smithsonian Institution to publish the papers of Joseph Henry and is also a member of the NSF advisory panel on history and philosophy of science. Reingold says that "Nathan has created a serious problem for open and objective use of the material. Unless that grip is relaxed, there will be no edition on a satisfactory basis."

At the arbitration hearing last year, physicist John Wheeler, who had known Einstein at Princeton and is now at the University of Texas, Austin, was called to testify by the Princeton Press. The transcript shows the following as part of his response to a request by the attorney for the university press for his view of the importance of going forward with publication of the Einstein papers.

> My Soviet colleagues can turn the chair around and . . . reach *The Collected Papers of Einstein*, the four volumes, in Russian, published, of course, before the Soviets had signed the copyright convention.
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> They have a familiarity with these papers. They have a feeling of the history, what came first and what came second, that none of us have except those, rare among us, who can read Russian, and I am not in that category.

In the same context, Wheeler later alluded to a protracted discussion between Einstein and Niels Bohr on the subject of quantum theory.

> The debate between Einstein and Bohr, to my mind, is the greatest debate in intellectual history that I know about. In 30 years, I never heard of a debate between two greater men over a longer period of time on a deeper issue with deeper consequences for understanding of this strange world of ours.
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> To get on with that, to appreciate that, to get a feel for the issues, I think it is absolutely essential that these papers of Einstein should be available, and to me it is a tragedy that we should be without them.

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Bettmann Archive

income to his heirs. Nathan, the dominant trustee, knew Einstein well and reveres his memory. To his responsibilities as literary executor, Nathan brings a strong sense of Einstein's place in history and a protectiveness toward Einstein's public image. This protectiveness appears to extend to the reputations and feelings of other individuals who figure in the papers. Nathan is determined in his views and devoted to the task, continuing, for example, to collect additional items for the archive, which has been expanded in recent years.

Nathan, an economist and academic, who, like Einstein, came to this country from Germany in the 1930's, seems particularly strict in his attitude toward personal material, especially involving family matters. A case in point was a plan in the late 1950's by Einstein's son, Hans Albert, to publish letters in his possession from Einstein to his first wife and their children. The estate asked to see the material before publication to insure that there was no invasion of privacy. Einstein's son declined to do this and publication was blocked.

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Nathan told *Science*, "We know how Einstein felt." Nathan said the estate had written statements by Einstein that show "how much he was opposed to talking about people's private affairs." Nathan says the estate "did not oppose publication. We insisted that [the letters] be submitted for examination. They refused. We did what we were entitled—obligated to do. We own the copyright."

It appears that more than sensitivity about personal material was at the root of difficulties between Nathan and Ronald W. Clark, a successful British writer on scientific subjects and author of the 1971 biography, *Einstein the Life and Times*,* which is still in print.

The chief difficulty occurred when Clark was preparing a British edition of the book that had been published in the United States. Nathan refused to grant him permission to use quotations that had appeared in the American edition. According to Clark, Nathan "said there were errors in the book but would not say what the errors were." Clark says that he had to go through the English edition and take out or paraphrase the copyrighted material that was the property of the estate. This also applied to later foreign editions.

In a letter to Clark's English publisher at the time of the incident Nathan complained that he had been given insufficient time to review the manuscript of the American edition. In a recent telephone conversation with *Science*, Nathan said that he had on file a long list of "false statements and errors" in the original version, but declined to comment in detail.

Clark acknowledges his resentment of the reversal. "It took 6 months of my life. Dr. Nathan was perfectly within his legal rights. Whether he was within his moral rights, I don't know. Why he took the view he did I still don't know."

In discussing the problem of access to privately held papers, Clark says that "Nathan regards himself, rightly or wrongly, as keeper of the Einstein reputation. Einstein is too big a man to need that sort of protection."

The archive in Princeton's Mudd Manuscript Library duplicates the original Einstein papers stored in the Institute for Advanced Study in Princeton where Einstein was a fellow for the last two decades of his life. Helen Dukas, Einstein's longtime secretary, has acted as archivist for his papers and is the other trustee of the estate.

The duplicate collection is accessible to scholars on normal research library terms, but is a restricted archive in the sense that the Einstein material may be photocopied or quoted only with specific permission from the estate. The duplicate archive, an offshoot of the publication project, was prepared under the direction of Stachel.

Publication of a complete edition of the papers has been contemplated virtually from the time of Einstein's death in 1955. Early progress on the project was apparently blocked in part by a divergence in views between Nathan and J. Robert Oppenheimer, then director of the Institute for Advanced Study. A major stumbling block was that an Oppenheimer proposal for publication of Einstein's scientific papers did not accord with Nathan's preference for a more comprehensive collection.

Princeton University Press, under Herbert Bailey, continued to evince strong interest in acting as publisher of the papers because of Einstein's association with Princeton. Finally in 1971, with Carl Kaysen, who had succeeded Oppenheimer at the institute, lending moral support, an agreement was signed between the estate and the press under which Princeton would publish the complete writings, scientific and nonscientific.

A search for an editor and funding for the project consumed several years. Few candidates were both qualified and willing, in effect, to spend the balance of their careers completing the task. In 1974, Bailey sounded out NSF about financial support and was given to understand that NSF would be receptive if a meritorious proposal were submitted.

In 1976, on the recommendation of an advisory panel composed largely of well-known historians of science, the post of editor was offered to Stachel. At the same time, a planning grant of $34,000 for the project was awarded by NSF. Stachel started work in Princeton in 1977 but maintained his faculty status at Boston University, where he still teaches a partial course load.

With Stachel's arrival in Princeton, a decision was made to photocopy a duplicate of the archive to facilitate the editor's job. The duplicate was prepared from microfilm of the archive made earlier by the estate.

Stachel undertook the task of "conforming" the photocopies to the originals, that is, making certain that the text of the originals was fully reproduced and that such things as marginal notes, corrections and other markings were noted. The size of the task immediately escalated when instead of an estimated 10,000 documents, it was found that there were about 43,000. At the start, two assistants helped Stachel with the conforming process, but Nathan insisted that only Stachel handle the originals. Stachel, therefore, carried out the balance of the work himself.

By September 1977 differences had emerged between the estate and the university press as to whether Stachel should continue as sole editor. Nathan's position was that there should be a board of not less than three coequal editors; he has persevered in pressing for the change.

Nathan's view is that no single editor can deal adequately with the broad range of Einstein's writings on science, philosophy, peace, and political affairs. In scientific matters alone, Nathan insists that "no living scientist" can understand all of Einstein's scientific thought. In a recent letter to *Science*, Nathan noted that the project to publish Bertrand Russell's papers has five coequal editors and that the papers of other notables, including Adam Smith, John Maynard Keynes, and Wolfgang Pauli, have not had single editors-in-chief.

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To permit work to continue while the issue was discussed, Nathan and the press agreed in February 1978 that Stachel be named editor pro tem for a term ending in July 1979. Stachel pushed to complete the conforming process and made the deadline.

Officials at NSF had been aware of trouble between the principals and, in mid-1978, agreed to continue to fund the work only if it was transformed into an archival project. The 1978 agreement, by the principals, included conditions that a sealed duplicate be kept for eventual use by the editor of the papers and that a second duplicate be made, along with a computer index. This second duplicate is the one now available to scholars at Princeton.

With the publication project at an im-

* T. Y. Crowell, New York.

passe, the university press took the issue to arbitration, as provided in the contract with the estate. The arbitrator, agreed to by both sides, was Harold R. Tyler, a former Department of Justice official and federal judge. Tyler conducted the arbitration in New York a year ago.

In arbitration, Nathan complained that Stachel had not kept the estate informed on work plans and budget, as had been agreed upon, and that Stachel had allowed his editorial assistants to have access to original documents, an action forbidden by the terms of the contract. But Nathan's main theme continued to be that a single editor was unacceptable. He also, in effect, claimed that relations between the estate and the press had deteriorated to the point where the contract should be terminated. In its appeal brief, the estate argued that the agreement that Stachel should serve as editor pro tem had the effect of ending his editorship.

The position of the Princeton Press was that a single editor for the papers was essential from a standpoint of cost and efficiency and that the editor would have the support of experts in relevant fields to deal with Einstein's many-faceted writings. The press asked that the contract and Stachel's status as editor be confirmed.

The arbitrator found in favor of the press last fall. Nathan was said to have broken the contract, which still remained in effect. There should be a single editor and Stachel was qualified to occupy the position. Consequently, the parties were obligated to negotiate a contract with Stachel as sole editor.

The press moved to have the decision confirmed in a New York court to give it the force of law. The confirmation was obtained; the estate then appealed the action to the Appellate Division of the New York State Supreme Court.

Because the panel of judges upheld the arbitrator's decision unanimously, the estate cannot automatically appeal the matter to the New York State Court of Appeals, the state's highest court, but now must follow the more difficult path of moving for leave to appeal, which entails convincing the court to hear the case.

There matters stand. The publication project has been effectively stymied until the editorship issue is resolved. The NSF provided a total of $122,000 before suspending funding. The press would have to reapply for support when the obstacles are cleared to get further NSF funding. The Alfred P. Sloan Foundation stepped in with a grant of $150,000 in 1978 to help complete the duplicate archive and index for the library and recently approved another grant of $120,000 to keep editorial work going on an interim basis.

Einstein and his wife, Elsa, on shipboard between the World Wars

Bettmann Archive

Prospects for financing from the federal agencies that traditionally fund major publication projects have been dealt a severe blow by the Reagan Administration's budget policies. The NSF, the National Endowment for the Humanities, and the National Historical Publications and Records Commission are slated for drastic reductions in such funds.

So far, no plan or budget for the Einstein project has ever even been approved. The archive includes notebooks, manuscripts, diaries, and personal documents as well as correspondence—in all, an estimated 65,000 pages. A decision would have to be made on how complete a complete edition would be: how much of the material would appear in printed form and how much in alternative forms such as microfiche. Estimates of the total number of volumes vary between 20 and more than 50. A budget for such a project might typically run at $200,000 a year in current dollars, and preparation of the Einstein papers could consume 30 years or more.

The bright spot now is the existence of the duplicate archive for scholarly use. Helen Dukas, organizer of the original archive and the person most knowledgeable about the history of the papers, has been cooperative in assisting individual scholars over the years. But the opening of the duplicate archive in the library and creation of the computer-based control index affords researchers systematic access to the varied and voluminous archive.

A further cause of concern is the Einstein will. It provides that income from the literary estate be used for the benefit of Dukas and Einstein's stepdaughter Margot Einstein during their lifetimes and that afterward the papers become the property of Hebrew University in Israel. Not only could transfer of the papers make the publishing task more difficult, but it has been suggested that the shift of ownership could create a tax liability, raising the threat that a portion of the papers might have to be sold to satisfy tax claims. Hebrew University has carefully steered clear of the controversy that has beset the publications project.

The troubles besetting the Einstein papers might be seen as a conflict of good intentions. In his arbitration decision, Tyler said of Nathan, Bailey, and Stachel that "all these men are truly devoted in their own way to the success of this great project which lies at the center of this controversy." The irony is that Einstein, the most famous contemporary scientist, was personally modest to a fault and doubtless would have been sorely pained at the contest over his papers.—JOHN WALSH