

Preface

I AM SITTING IN AN UNFAMILIAR COURTROOM in Jerusalem.

In general, I am accustomed to courtrooms. For years, I represented the United States of America in courtrooms all over the country when I was a lawyer with the Department of Justice. I know how to question my witnesses on direct and how to examine the other guy's witnesses on cross.

But this is different. I am here not as a lawyer representing someone. I am the defendant!

The testimony is in Hebrew, which I do not understand. My daughter, who is fluent in Hebrew, sits beside me to provide the gist of the testimony against me.

The plaintiff is a distinguished Israeli scholar named Elisha Qimron, a professor at Ben-Gurion University of the Negev in Beer-Sheva. I had published without permission Professor Qimron's one-page Hebrew reconstruction of a fragmentary Dead Sea Scroll known as MMT, in an effort to break the scroll monopoly. Although the reconstruction had circulated widely in samizdat copies, it had not been officially published by Qimron and Harvard professor John Strugnell to whom it had been officially assigned. Moreover, I had not mentioned Qimron's name in my publication; Qimron was anonymous.

I listen as Qimron testifies: For 11 consecutive years, he had worked on the reconstruction I had published. "During the years I worked on it, I did almost no other work." During this time, he says, his "whole family lived very frugally ... When my wife complained, I would tell her, 'Look, this is our life; we will achieve fame.'"

When I published his reconstruction, he was "shocked ... I can't describe the feeling ... It's as if someone came and took away the thing I had made by force, telling me: 'Go away! This belongs to me!'"

I watch the judge and see those tell-tale half-expressions that reveal her sympathy for the plaintiff, as she indeed turned out to

have, ultimately awarding Qimron 100,000 shekels in damages (about \$40,000). She was not alone in her sympathies. Both the Israeli academic community and the Israeli press considered me a thief. The unbreakable academic convention was that a scholar assigned the publication of an ancient text had exclusive right to it until it was published, even if that took more than a generation.

As I sit in the courtroom listening to Hebrew testimony I cannot understand, my mind wanders. I am no longer the Harvard-trained lawyer. I am back in the little town in western Pennsylvania where I grew up, the son of parents who had never been to college, of a father who sold shoes for a living, the kid who always seemed to be getting into trouble. How did I get here?

Today the angst I felt in that courtroom has passed. Everyone—scholars as well as the press—is happy that the scrolls have been freed. The scholars who once reviled me are now my friends (all except Qimron who is still bitter).

I think of this now as I am involved in another scholarly battle: I am almost the sole public voice defending the authenticity of a first-century bone box inscribed “James, son of Joseph, brother of Jesus” and a small ivory pomegranate that, if authentic, is probably the only relic to have survived from Solomon’s Temple. Both are enormously important—if real. However, two committees of the Israel Antiquities Authority (IAA) have, supposedly unanimously, judged both these ancient inscriptions to be modern forgeries. In what has been dubbed “the forgery trial of the century,” a criminal indictment likewise alleges that these inscriptions are forgeries. The trial against the two remaining defendants (the others have been dismissed) is now in its fourth year. The defendants deny the charges. In light of the findings of the IAA committees and the indictment charging that the inscriptions are forgeries, the press—from *60 Minutes* to the BBC—has almost unanimously agreed (and assumed) that the inscriptions are forgeries.

That too will change—perhaps by the time these words appear in print. Perhaps in time for my 80th birthday in 2010. Or perhaps not for a generation.