

A Magazine from the American Academy in Berlin | Number Eighteen | Fall 2009

THE BERLIN JOURNAL

YOU ARE ENTERING THE AMERICAN SECTOR
CARRYING WEAPONS OFF DUTY FORBIDDEN
OBEY TRAFFIC RULES

ВЫ БЕЗЪЯЗЕТЕ В АМЕРИКАНСКИЙ СЕКТОР
НОСИТЬ ОРУЖИЕ ЗАПРЕЩЕНО В НЕСЛУЖЕБНОЕ ВРЕМЯ
ПОВИНУЙТЕСЬ ДОРОЖНЫМ ПРАВИЛАМ

VOUS ENTREZ DANS LE SECTEUR AMERICAIN
DEFENSE DE PORTER DES ARMES EN DEHORS DU SERVICE
OBISSSEZ AUX REGIES DE CIRCULATION

SIE BETRETEN DEN AMERIKANISCHEN SEKTOR



In this issue:

- Mahnaz Afkhami**
- Leonard Barkan**
- Stephen G. Breyer**
- Nicholas Eberstadt**
- Mitch Epstein**
- Joel Harrington**
- Susan Howe**
- John Kornblum**
- Harvey Mansfield**
- Michael Queenland**
- Mary E. Sarotte**



Greetings
from
**New
York**

New York's newest attractions are built by us.

It's not just the tourists who are pleased about the new sights in the Big Apple. So are the passengers. That's because the urban buses from our Orion brand are equipped with low-consumption hybrid drive, meaning that they make an important contribution towards climate protection. There are more than 3,000 of these innovative buses on the road in major US cities, including San Francisco and Los Angeles. Another milestone on our **Road to Emission-free Mobility.**

www.daimler.com

DAIMLER

CONTENTS

The Berlin Journal | Number Eighteen | Fall 2009



COURTESY OF THE ARTIST

DOROTHEE DEISS, FROM THE SERIES *AS IF NOTHING HAPPENED*, 2008

World without Walls

- 8 MARY E. SAROTTE narrates the evening hours of November 9, 1989 and how a botched press conference inadvertently begins the end of the Cold War.
- 10 JOHN C. KORNBLUM recounts his time at NATO when the Berlin Wall fell and observes the continued importance of the transatlantic alliance.
- 16 NICHOLAS EBERSTADT AND HANS GROTH argue that Russia is in dramatic demographic decline – the makings of a future catastrophe.
- 20 MAHNAZ AFKHAMI envisions the future expansion of women’s rights in Muslim-majority nations by recollecting Iran’s recent past.

Ambitious Arts

- 24 HARVEY MANSFIELD campaigns for political science to adopt a broader understanding of how politics actually works by glancing at a notion in Greek philosophy and the fundamentals of literature.
- 30 LEONARD BARKAN peeks into Michelangelo’s mind, hewing closely to the artist’s unscripted jottings comprised of words, pictures, and mysterious asides.

N1 On the Waterfront

The American Academy’s newsletter, with the latest on fellows, alumni, and trustees, as well as recent events at the Hans Arnhold Center.

Historical Crossings

- 34 STEPHEN G. BREYER details the legal arguments and historical dramas of the Supreme Court’s *Dred Scott* case and how its unfortunate decision – and furied reception – helped to foment the Civil War.
- 42 JOEL HARRINGTON examines the sixteenth-century journal of Nuremberg’s not-ungodly official executioner, teasing out the broadly transformative ethos of Reformation justice.
- 47 SUSAN HOWE evokes subtle memories of the Midwest in a poem composed of notes by western-moving pioneers about the precious things they left behind.

Donations to the Academy

THE BERLIN JOURNAL

A magazine from the Hans Arnhold Center published by the American Academy in Berlin

Number Eighteen – Fall 2009

PUBLISHER Gary Smith

EDITOR R. Jay Magill Jr.

MANAGING EDITOR

Alissa Burmeister

ASSOCIATE EDITORS

Nicole Busse, Jeff Silver,

Mieke Woelky

ADVERTISING

Berit Ebert, Coralie Wörner

DESIGN Susanna Dulkyns &

Edenspiekermann

www.edenspiekermann.com

PRINTED BY Ruksaldruck, Berlin

Copyright © 2009

The American Academy in Berlin

ISSN 1610-6490

Cover: Mitch Epstein, *Checkpoint Charlie*, Berlin, 2008

**THE AMERICAN ACADEMY
IN BERLIN**

EXECUTIVE DIRECTOR

Gary Smith

CHIEF ADMINISTRATIVE

OFFICER

Andrew J. White

Am Sandwerder 17-19

14109 Berlin

Tel. (49 30) 80 48 3-0

Fax (49 30) 80 48 3-111

www.americanacademy.de

14 East 60th Street, Suite 604

New York, NY 10022

Tel. (1) 212 588-1755

Fax (1) 212 588-1758



THE AMERICAN
ACADEMY IN BERLIN
HANS ARNHOLD CENTER

HONORARY CHAIRMEN Thomas L. Farmer, Richard von Weizsäcker

CO-CHAIRMEN Karl M. von der Heyden, Henry A. Kissinger

VICE CHAIR Gahl Hodges Burt

PRESIDENT & CEO Norman Pearlstine

TREASURER Andrew S. Gundlach

SECRETARY John C. Kornblum

TRUSTEES Barbara Balaj, John P. Birkelund, Manfred Bischoff, Stephen B. Burbank, Gahl Hodges Burt, Caroline Walker Bynum, Gerhard Casper, Mathias Döpfner, Marina Kellen French, Michael E. Geyer, Hans-Michael Giesen, Richard K. Goeltz, C. Boyden Gray, Vartan Gregorian, Andrew S. Gundlach, Franz Haniel, Karl M. von der Heyden, Stefan von Holtzbrinck, Josef Joffe, Henry A. Kissinger, Michael Klein, John C. Kornblum, Regine Leibinger, Lawrence Lessig, Nina von Maltzahn, Wolfgang Malchow, Erich Marx, Wolfgang Mayrhuber, Julie Mehretu, William von Mueffling, Christopher von Oppenheim, Norman Pearlstine, David Rubenstein, Volker Schlöndorff, Peter Y. Solmssen, Fritz Stern, Kurt Viermetz, Manfred Wennemer, Pauline Yu

HONORARY TRUSTEES Otto Graf Lambsdorff, Klaus Wowereit (ex officio)

SENIOR COUNSELORS Richard Gaul, Franz Xaver Ohnesorg, Bernhard von der Planitz, Karen Roth, Yoram Roth, Victoria Scheibler

SUPPORT

The Academy is entirely funded by private donations. If you like what we are doing, please contribute by making a tax-deductible donation:

IN GERMANY

Contributions may be made

by bank transfer to:

American Academy in Berlin

Berliner Sparkasse

BLZ 100 500 00

Account: 660 000 9908

IBAN:

DE07 1005 0000 6600 0099 08

BIC: BELADEBXXX

IN THE UNITED STATES

Contributions may be made

by check payable to:

The American Academy in Berlin

14 East 60th Street, Suite 604

New York, NY 10022

by bank transfer to: JPMorgan Chase

500 Stanton Christiana Road, Newark,

DE 19713; Account: 967 33 12 77,

ABA: 21 00 00 21

SWIFT CODE: CHASUS 33

DIRECTOR'S NOTE

A Berlin Whole and Free

“THE COLD WAR BEGAN with the division of Europe. It can only end when Europe is whole.” These words, spoken by George H.W. Bush on May 31, 1989, in Mainz, evinced the deepest hopes of the transatlantic alliance just a half year before the Berlin Wall disappeared, eastern borders opened, and the world became incalculably smaller. We were proud last year to honor the former US President with the Henry A. Kissinger Prize for his unfaltering, historic commitment to German reunification, just as we were in presenting that same award this year to Richard von Weizsäcker, the former German President whose courageous eloquence in accepting the burdens of history and responsibilities of democracy has shaped the sensibility of modern Germany.

The visionary efforts of Chancellor Helmut Kohl and President Bush to reunite Germany within Europe and within the NATO alliance formed the foundation for a steady enlargement of democracy throughout Europe. With the expansion of the European Union to 27 members in 2004, the Atlantic world could celebrate a major step towards the dream of a Europe “whole and free.”

As foreign troops left reunified Berlin in 1994, Vice President Al Gore put forward a proposal for a new type of American presence: The American Academy in Berlin. Four years later, the initiative begun by US Ambassador Richard C. Holbrooke was a reality, and the Academy opened the doors of the historic villa once the residence of the eminent banker Hans Arnhold and his wife Ludmilla, whose descendants have become the principal benefactors of this young, private institution. The American Academy has consistently over the past decade sought to embody the spirit of reunification through the presence of its fellows, their work, and their engagement in the Berlin community and beyond.

We are especially pleased to bring readers in this issue of *The Berlin Journal* to the work of fellows Mary Sarotte, who compellingly narrates the frenzied Berlin night of November 9, 1989; Mitch Epstein and Michael Queenland, whose images entice imaginative entry; Leonard Barkan, who reads the mind of Michelangelo through his list-making; and Joel Harrington, who enters a grisly sixteenth-century ledger. We also present a Supreme Court Justice’s critical account of one of the Court’s more notorious decisions; an essay on how political science can better learn from the humanities, as well as how the nineteenth-century Midwest can be poetically evoked through descriptions of objects left behind.

– Gary Smith

How can 400,000 people serve the needs of more than six billion?



Every Siemens employee plays a crucial role in answering the world's toughest questions.

Our technologies in healthcare, energy and industry enable societies to face their most vital challenges. And every one of these innovations starts with the people of Siemens. Which is why we believe in releasing the power of our employees to dream, design, invent and continuously learn. See how employees around the world are contributing to the development and well-being of societies in which they live.

[siemens.com/answers](https://www.siemens.com/answers)

SIEMENS



A Global Power in Transition – Experience the View from the Inside

Take part in an expedition to discover the roots of the American Dream, experience the America of today – 400 days after Barack Obama entered the White House – and simultaneously enjoy the beautiful and varied east coast of the USA.

On a voyage rich in contrasts, enjoy wild and romantic coastlines, maritime landscapes and historic towns and cities. The “Expedition Knowledge” on board the MS HANSEATIC takes you to the heart of American history, politics and the economy. In the company of experienced guides, you will gain exclusive access to

the pulsating heart of the USA, making your visit to New York an unforgettable experience. In the famous finance district, you will step into the world of US finance – including an exclusive reception at Deutsche Bank*. Fascinating lectures given by acknowledged experts will provide information on the background to American history and the current political scene under the new President, Barack Obama. The speakers’ inside knowledge will lead to lively discussion and debate and give you a completely new perspective on the USA. A maximum number of 184 passengers ensures a friendly atmosphere in which

*These arrangements are not included in the cruise price.



you will get to know your fellow travellers and discover a fresh image of the “New World”, whilst relishing the luxury aboard the only cruise ship in the world to have been awarded 5 stars again by the renowned Berlitz Cruise Guide in 2009. While on board, you will be accommodated exclusively in outside cabins or suites of 22 m² or 44 m² and enjoy the services of a 125-strong crew delighted to fulfil your every wish. Sail with the MS HANSEATIC, discover the east coast of the USA and experience your own personal voyage of discovery.

<p>Cruise on board the MS HANSEATIC from Fort Lauderdale to Halifax via Port Canaveral, Wilmington, Washington D.C., Baltimore, Philadelphia, New York, Oak Bluff, Boston, Bar Harbour and Saint John</p>	<p>14 May 2010 – 31 May 2010, 17 days in a two-berth outside cabin (guaranteed cabin) incl. economy class scheduled return flight to Germany from € 6,980 per person, cruise number: HAN1009</p>
--	---

Politics in America – A Unique Educational Theme
Knowledgeable experts accompany you on the “Expedition Knowledge” cruise, including the former diplomat and US ambassador, John Kornblum, and the journalist and America expert, Klaus-Jürgen Haller.

Exclusive highlights include:

- Study trips with our experts, who will open your eyes to the history of the USA, bring to life the world of the early immigrants and give you insight into the corridors of power and world politics

- Lectures and discussions on the history of the USA and the current political scene
 - Lecture series focusing on “400 days of Barack Obama” – our experts review progress to date
- Nature and culture also feature in abundance on this cruise. On a varied excursion programme that includes the main highlights of the east coast, you will discover the colourful diversity of the American dream, from its origins in the untamed landscape to the development of its modern towns and cities.

Special offer:
€ 50
On-board Credit per person *



If you would like to find out more about this voyage and other expedition voyages with MS HANSEATIC
Contact your travel agent or Hapag-Lloyd Cruises (Reference: HL0905127)
Telephone +49 40 3001-4580
salesteam@hlkf.de
www.hl-cruises.com
* Only on new bookings from 31 October 2009





CONNECTING PEOPLE AND MARKETS



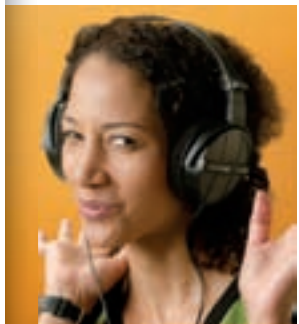
Trading is what we do best. It's what has made METRO Group one of the world's most successful retailing companies. Trade has always linked people, markets and cultures. It forms an essential part of everyday life and is also one of the most important branches of the economy.



But that's not all: it's also one of the most innovative. METRO Group is a great believer in highly efficient retail concepts, international orientation and the power of innovation. We've made it our aim to boost innovation throughout the retail world and to meet our customers' expectations to the full – day in, day out. Our sales brands believe in responding flexibly to the specific needs of different markets. And we consider it our ongoing duty to recognise trends at an early stage and react quickly.



METRO Group employs about 300,000 people from 150 nations at some 2,100 sites in 32 different countries. This is reflected in the Group's international corporate culture which is hallmarked by diversity, openness, understanding and a wealth of experience. Discover the world of retail for yourself at [www.metrogroup.de!](http://www.metrogroup.de)



METRO Group

MADE TO TRADE.



WE KEEP THINGS MOVING – AND AN EYE ON THE ENVIRONMENT. THAT'S HOW WE **GOGREEN.**



www.dhl-gogreen.com

Logistics is vital for the infrastructure of our globalized economy. Almost a third of all globally produced goods are exported. No wonder such a high degree of mobility affects the environment. In 2000, the entire transport sector, which includes logistics as well as private transport, airlines etc., produced 14 percent of global greenhouse gases. They are a major factor of global warming, the biggest environmental challenge mankind has ever faced. Modern logistics, therefore, has a responsibility for customers and employees as well as for the environment.

As the largest company and market leader in many areas we are active in over 220 countries employing about half a million people. The vehicles and aircraft we use in our global network contribute,

like those of other logistics companies and millions of private cars, to the greenhouse effect and global warming. But because we are a large company, we can make a difference. And we want to. We want to be No. 1 in terms of sustainability. Therefore, we plan to reduce carbon emissions by 30 percent by 2020 for every letter or parcel we deliver, every container we ship and every square meter of the buildings we use.

Our expanding range of environment-friendly products and services underlines our efforts at climate-friendly growth. We exploit state-of-the-art technologies to develop creative solutions that will make transport more energy-efficient and our business as a whole more environmentally friendly.

Take our new central European hub at Leipzig Airport for example. Approximately 1,000 m² of the roof surface of the new buildings are fitted with solar panels to produce electricity. Highly efficient combined heat and power generation will cover all our needs for electricity, heating and cooling. Together, the measures will reduce CO₂ emissions by more than 3,000 tons compared to conventional technologies. We will collect rainwater to clean our aircraft, which otherwise would have used up 3,000 m³ of drinking water each year.

Modern logistics needs to be balanced and considerate to reflect our responsibility for customers, employees and the environment. We conserve resources and believe in climate protection. For more information visit our website at www.dhl-gogreen.com.

GOGREEN

Climate Protection with DHL

DHL

GOOD NEWS FOR THE CLIMATE: WITH GREEN ENERGY, THE PLEASURE OF MOTORING IS NOW ENVIRONMENTALLY FRIENDLY



Vattenfall and the BMW Group have launched large-scale field trials of electric cars in Berlin. With public recharging posts that allow you to refuel with green electricity, Vattenfall is supplying the infrastructure for an emission-free motoring future. For more information, visit www.vattenfall.de/mini_e



NIGHT CROSSING

The historic evening of November 9, 1989 in East Berlin began with a botched press conference, over-eager journalists, and a tidal wave of Wall crossers ebullient with newfound confidence.

By Mary Elise Sarotte



© BLACK RIVER PRODUCTIONS, LTD. / MITCHEPSTEIN, COURTESY OF GALERIE THOMAS ZANDER, COLOGNE

All source references are here omitted for reasons of space and may be found in Sarotte's forthcoming book from which this essay is adapted, *1989: The Struggle to Create Post-Cold War Europe* (Princeton University Press, November 2009).

PARTICIPATION IN PROTEST EVENTS organized by opposition groups and churches had grown by orders of magnitude throughout October and November 1989. It climaxed in the half-million-strong marches of November 4 in Berlin and November 6 in Leipzig. Every march or protest that took place successfully inspired more people to join the next one. Even loyal party members wrote to Egon Krenz, the head of the Socialist Unity Party of Germany (SED), demanding change. Dissent, expressed throughout most of the summer and fall in the form of mass exit, had been forced by the border sealing into voicing itself as mass demonstration. These two forms of expression – equally devastating to the workers' and peasants' state – had an important qualitative difference. While the two groups were not entirely mutually exclusive, by and large the emigrants wanted to escape the GDR while the demonstrators wanted to change it. The main chant of earlier demonstrations had been "We want out!" Now the chants became "We are the people" and "We're staying here!"

The SED tried new travel and emigration regulations to appease the crowds, but they were too similar to existing rules. Local party offices were flooded with complaints. In numerous demonstrations GDR protesters let the SED know what they really wanted. Signs carried at an East Berlin protest illustrated sentiments felt across the country: "Here's for putting graffiti on both sides of the wall," "All the way to Hawaii without any visa," and "Passports for everyone – marching orders for the SED."

The consequences of failing to meet those expectations were not hard to guess: Even more flight to the West and increased domestic instability. The country could hardly take more of either. ☞

NOVEMBER 9, 1989

Most surprising to me about the events of November 9, 1989 was that so many people were surprised by them. My job in Washington, Berlin, and Brussels since the early 1980s had been to chart the weakening of Soviet control over Eastern Europe. In the State Department we had known since at least 1983 that the East German economy was near collapse. In October 1989 alone, over 50,000 people had left the GDR. Mikhail Gorbachev had summed it up himself in East Berlin on October 7: "Life punishes those who come too late."

The division of Europe had a significance beyond the tragic human conditions it created; namely, the world had come to accept the East-West ideological stand-off as the de facto peace treaty, putting a lid on the conflicts that had led to World War II. For many, the status quo, however bad it might be, was preferable to the danger of war that radical change could entail. They were too uncertain about the future to see what was happening before their eyes.

I experienced such denial firsthand in 1987 when, as US Minister in Berlin, I faced German fears that an appearance by President Reagan at the Brandenburg Gate could cause a counterreaction from the East. Worries deepened as the events of 1989 unfolded. The French President and the British Prime Minister expressed doubts about the wisdom of German reunification. At the end of October 1989, the US and the Soviet Union had already decided to talk over the situation at a summit meeting in December.

In the midst of this joy, my first task after November 9 was to worry about the dangers of change. As acting US Ambassador to NATO, I became part of a small, still secret group to work out a radical reorganization of the Alliance, announced at a summit in June 1990. In that same month we saw first stirrings of a civil war in Yugoslavia, which became the European conflict so many had feared. More than 200,000 died before NATO bombing missions helped pressure Serbs to sign the Dayton Agreement in 1995. I had been deputy negotiator at Dayton and later succeeded Richard Holbrooke as US Special Envoy for the Balkans. It was then that I helped to implement NATO's first ever combat deployment, based on plans we had worked out five years earlier.

Twenty years later, Berlin is no longer a center of conflict; but the world remains a dangerous place. The new NATO is deployed outside Europe in regional disputes and against the threat of terrorism. But it is important to remember that in 1965, twenty years after World War II, the situation looked much bleaker than it does today. Enlargement of NATO and the EU have created a transatlantic democratic community that stretches from Finland to Alaska. Despite the challenges, this new type of Atlantic Alliance provides a foundation that can make us much more certain about the future than we were in 1989.

JOHN C. KORNBLUM

Belatedly, East German leaders had realized that their month-old sealing of all GDR borders had caused an intolerable escalation of tension and frustration, seen in the increasing number of demonstration participants. The Politburo hoped that a new safety valve to Czechoslovakia might defuse the anger and thus allowed travel there to resume. Czech leaders, fearful of the spectacle of East Germans again roaming Prague's streets, immediately announced that GDR citizens would be permitted to exit from Czechoslovakia directly into the West. Between November 1 and 7, over 37,000 East Germans left by this route; the rate sometimes reached 300 per hour. Despite this new door of escape, protests in the GDR increased.

constitution said as much. Yet "national security" exceptions – still in place in the regulations – had always stopped the exercise of that right.

The "new" travel regulations with their fine print received approval from the distracted party leaders on November 9. The top leadership was busy processing other problems, such as learning that it was bankrupt. On becoming head of the SED, Krenz had asked for an honest assessment of the GDR's economic health (as opposed to the rosy reports that had been given to his predecessor, Erich Honecker). Krenz discovered that the GDR was "dependent to the greatest possible extent on capitalistic credit." Mikhail Gorbachev was horrified when he learned of this, since East Germany was the Soviet Union's largest trading partner. He had assumed that the GDR was much healthier, and he was not alone. As late as 1987, the CIA, making a significant mistake, stated in its *Factbook* that the East German gross domestic product per capita was \$100 higher than that of West Germany.

The bad economic news distracted party leaders from the travel regulations – including, importantly, from the fact that the wording of the most recent alterations was getting confusing as it passed through the hands of various authors. These alterations were not meant to end all restrictions, but they were beginning to sound that way. That no one at any stage in the alteration process discussed the fundamental issues of consulting the Soviets about opening the border, assigning extra guards to duty to handle increased traffic, or even informing border guards, showed that free travel was not the planned outcome. Gorbachev would later be amazed that the East Germans had opened the wall without consulting him; the deputy Soviet ambassador in East Berlin thought that the entire GDR leadership had gone mad. In reality, no one told the Soviets it would happen because they did not know themselves. Nor did anyone comment on the wisdom of opening the wall without getting compensation from the West, or doing so on the anniversary of the Night of Broken Glass. In short, there were no signs that

THE BEGINNING OF THE END came when the SED decided to issue more "new" travel regulations, but ones that still included extensive fine print of the kind that had always prevented foreign travel. Notionally, East Germans had the right to leave the GDR; the country's

anyone realized that the new regulations were going to detonate under the wall on the evening of November 9.

THAT EVENING AT 6:00 p.m. a member of the East German Politburo who also served as its media spokesman, Günter Schabowski, was scheduled to hold a press conference. Shortly before it began he received a piece of paper with an update on the latest travel-law alterations and the suggestion that he mention them publicly. Schabowski had not been present at any of the discussions about these “new” regulations and did not have time to read them. He decided to remark on them in passing.

Only in the fifty-fifth minute of an otherwise uninteresting hour-long press conference did Schabowski get around to the regulations. The conference itself was so uninteresting that US anchorman Tom Brokaw, present that evening, remembered that he was “bored” by it. Then, just as it was about to end, a journalist’s question about travel seemed to spur Schabowski’s memory. He tried to summarize the new regulations in a wordy and confused fashion. A number of incomplete sentences trailed off incoherently. Sprinkled among his long-winded phrases – “Anyway, today, as far as I know, a decision has been made, it is a recommendation of the Politburo that has been taken up, that one should, from the draft of a travel law, take out a passage” – were unclear but exciting snippets like “leaving the GDR,” “possible for every citizen,” and “exit via border crossings.”

Schabowski was surprised to see that every journalist in the room suddenly wanted to ask questions. “When does that go into force?” shouted one. “Excuse me?” Schabowski replied, puzzled. “Immediately?” shouted another. The press spokesman, irritated, started flipping through the papers in front of him in search of an answer. The question was insistently repeated: “When does that go into force?” Visibly rattled and mumbling to himself as he tried to concentrate on his papers, Schabowski uttered the phrase, “Immediately, right away.”

Brokaw remembered that it felt as if “a signal had come from outer space and electrified the room.” The commotion intensified. Some journalists rushed out to file reports, not waiting for Schabowski to finish. A number of questions were called out all at once, among them, “What will happen to the Berlin Wall now?” Alarmed about what was unfolding, Schabowski answered

with obvious relief: “It is 7:00 p.m. This is the last question.” Evasively, he concluded the press conference by responding: “The question of travel, of the permeability therefore of the wall from our side, does not yet answer, exclusively, the question of the meaning, of this, let me say it this way, fortified border of the GDR.” After this vague reply, he tried another approach. “We have always said that in that case, there are many other factors that must be taken into consideration.” Furthermore, “The debate over these questions could be positively influenced if the Federal Republic and if NATO would commit themselves to and carry out disarmament.”

As it was doubtful that NATO would disarm itself by breakfast, it is clear that Schabowski did not expect much to happen that night. His attempt to pour cold water on this speculation about the wall came too late, though: A number of journalists had already left the room to spread the news they thought they had just heard. And Schabowski himself left matters hanging when, true to his word, he ended the press conference 54 seconds after 7:00 p.m. He did not allow even a full minute of clarification. Little did he know that he had just lit a fuse.

IF THE RISING SELF-CONFIDENCE OF the East German population was the major development in summer and fall 1989, the intersection of this confidence with the impact of mass media was not far behind. Journalists rushed out of Schabowski’s press conference at 7:00 p.m. and reported the most favorable possible interpretation: The Berlin Wall was open. The wire agencies, on which news organizations around the world relied for their own reporting, sent out this message loud and clear. Reuters was first, at 7:03 p.m., followed by the Deutsche Presse Agentur,

Working through a translator, Brokaw tried to pin Schabowski down. Attempting to put words in the East German’s mouth, Brokaw said, “It is possible for them [East Germans] to go through the wall.” Schabowski, running on little sleep and upset by the fuss that the final minutes of his press conference seemed to be causing, cut the American off with a more cautious statement: “It is possible for them to go through the border.” Since the laws of East Germany had always permitted its citizens the possibility of going across the border – though hardly anyone received permission to do so, of course – Schabowski was safe in putting it this way. But he would not be drawn into making a clear statement about the wall. But when Brokaw subsequently uttered the phrase “freedom to travel,” the translator said in English that Schabowski replied “Yes, of course, it is no question of tourism. It is a permission of leaving the GDR.”

Brokaw and his team decided they had enough, despite the strangely incomprehensible reply. Shortly thereafter, he and his crew headed to the lifeless and empty Brandenburg Gate to broadcast a live bulletin back to the United States. The anchor reported that East Germans “could now cross the wall.” A local television team filmed Brokaw making this broadcast, so Germans on both sides of the border could see it, as well.

Because of the US time difference, Brokaw’s staff had hours to mull over the wire reports and the Schabowski interview footage before the “hit time,” or start of broadcast, of the full *NBC Nightly News* program. The West German television channels did not have that luxury. One of them, ARD, had to decide what to broadcast from the 7:03 p.m. wire reports on its evening news show at 8:00 p.m. At first, the staff decided to take a relatively cautious approach, guessing that the wall “should

JOURNALISTS RUSHED OUT OF SCHABOWSKI'S PRESS CONFERENCE AT 7:00 P.M. AND REPORTED THE MOST FAVORABLE POSSIBLE INTERPRETATION: THE BERLIN WALL WAS OPEN.

one minute later. Even as these messages were going out, Brokaw was conducting a prearranged interview with Schabowski. The two had agreed to speak right after the press conference, and now the American, believing that the Berlin Wall had just been opened, was determined to get an unequivocal statement to that effect.

become permeable.” A long report on Chancellor Helmut Kohl’s arrival in Poland for a state visit, originally intended to be the lead story before the Schabowski press conference, dominated the program.

For the 10:30 p.m. news broadcast (delayed that evening to 10:42 p.m. by soccer), however, the ARD staff decided ☞

to go big. The moderator, a man named Hanns Friedrichs, who enjoyed the status that Walter Cronkite had in the US, solemnly intoned at the opening of the show, "One has to be careful with superlatives ... but this evening, we may risk using one." Then, forgetting the superlative altogether, he excitedly proclaimed, "This ninth of November is a historic day. The GDR has announced that, starting immediately, its borders are open to everyone." Declaring that "the gates in the wall are wide open," the show cut live to Berlin. Breathless television viewers did not know what to expect.

They got some confused footage and then one lonely, uncomfortable-looking correspondent, Robin Lautenbach, who had tried unsuccessfully to find some dramatic scenes at both the Brandenburg Gate and the Invaliden Street crossing. Although it had been three and a half hours since the end of Schabowski's press conference, the wall was devoid of crossers or celebrants. Lautenbach looked painfully aware of being tossed a hot potato. Berlin reality was failing to live up to media-fueled expectations. The program cut to a prerecorded report about the wall.

Lautenbach then tried interviewing West Berliners who said they had heard that East Germans had gotten out. Next the show repeated footage of the press conference and finally even gave the sports report. After trying one last time to get some exciting news out of Berlin, the program essentially had to admit defeat, informing viewers that the big surge of people "has perhaps not yet happened."

Journalists had gotten ahead of reality. But reality was making a determined effort to catch up. An enormous number of East Germans had the ability to watch shows like this one and listen to radio reports, despite the fact that doing so was theoretically forbidden. It had been estimated that about 90 percent of East Germans watched West German television. Western analysts speculated that the GDR regime tolerated this massive illegal viewing because it quieted protest against travel restrictions. East Germans could partake in a virtual "nightly emigration" to the West via their television sets every evening instead of actually trying to leave.

Now, however, in the context of 1989, television was more a motivating than placating force. Viewing television coverage in

the early evening and then seeing increasingly more confident announcements, like that of Friedrichs later, East Germans became convinced that they could in fact cross the border. Some even rushed out while in pajamas or with children asleep in another room, since they only wanted to look at the West while it was possible, not to leave for good.

THE DECADES-LONG COLD WAR division of Germany ended around 11:30 p.m. on the night of November 9 not at the Brandenburg Gate, but at the Bornholmer Street border crossing, in East Berlin. No prominent East or West German politicians were there. No representatives of the four occupying powers were present.

Bornholmer Street border guard Harald Jäger had been on the job since 1964 and had never dreamed that what was about to happen was even possible. He was inside the station that night, as usual, eating some dinner and watching Schabowski's press conference on television, when what he heard just before 7:00 p.m. made him choke on his food. He was dumbfounded by Schabowski's remarks, and he was not alone. After telling his fellow guards

www.pfizer.de

Research. For better health.

New drugs mean medical advances and better health. For over 150 years, the people at Pfizer have developed drugs to cure diseases and improve the quality of life. And our research teams will continue putting forth every effort to improve existing therapies and provide to doctors and patients new preparations to treat to date incurable diseases – for example, cancer, Alzheimer's, and Aids. For better health.





MATTHIAS HOCH, *LEIPZIG HBF I*, 1988

that Schabowski's words were "deranged bullshit," Jäger started calling around to find out if anyone knew what was going on. His superiors assured him that travel remained blocked as always. But a half-hour later Jäger and his team were busy trying to wave back would-be crossers, telling them that the border was not open. The guards received reinforcement in the form of a police van with a loudspeaker that started announcing the same message, but the crowds just kept swelling. Jäger and his colleagues were armed and, in theory, could use deadly force. He and others had received an oral order not to shoot, however, presumably after the public condemnation of the shooting of Chris Gueffroy, a 20-year-old killed trying to cross over the wall on February 5, 1989. Gueffroy's unknowing legacy resulted in the unwillingness of the East German border guards to use the deadly force available to them on November 9.

An enormous crowd amassed, and the situation grew increasingly ugly. The border guards were heavily outnumbered, and police efforts to dispel the crowd had failed utterly – a situation repeating at other checkpoints, too. The guards at the Invaliden Street crossing called up armed

reinforcements in the form of 45 men armed with machine guns.

But it was at Bornholmer Street that events came to a head. After more phone calls, Jäger and his team started to let a trickle of people through, a few at a time, in the hopes of easing the pressure. They would check each person individually, take names, and then penalize the rowdiest by refusing them reentry. At about 9:00 p.m. his team started this process, putting stamps on the faces of photos of those to be kept out. They managed this for an hour and a half, by which time the overwhelming crowd was ominously chanting, "Open the gate, open the gate!"

By the time that ARD anchorman Friedrichs was going on air, just before 11:00 p.m., the border guards at Bornholmer Street were realizing that their attempts to reduce the pressure by processing a few individuals at a time were simply not working. After debating among themselves, Jäger decided that the only course of action (other than mass violence) was to open the barriers, and he told his men to do so. A massive surge ensued. Later, Jäger's team would estimate that several thousand people pushed their way out within just 30 minutes. The division of Germany was over.

OTHER CROSSINGS OPENED IN the course of the night in much the same way: Individual guards, fearing the crowds and unable to get clear instructions, decided to raise the traffic barriers. And every opening meant more people flooding into the West in front of cameras, which meant more images beamed back into the East, which in turn sent more people out on to the streets to see for themselves; it became a self-reinforcing feedback loop. Stasi headquarters, in a rushed report prepared the next day, estimated that 68,000 East Germans had crossed from East Berlin to West Berlin on foot; another 9,700 cars had driven over. Of those, some 45,000 people and 5,200 vehicles had returned home by 4:00 a.m. on November 10.

The scenes in East Berlin repeated themselves elsewhere in the country. A further 5,404 people and 2,192 vehicles crossed into the West from places elsewhere in the GDR; of those, only 1,099 people and 335 vehicles had returned by 4:00 a.m. The Stasi report found that the reason for the massive emigration was clear: The impact of the mass media. As the report stated, it "was obvious that the decision to travel can be traced back to the reports" 🗨️

in Western media.” The Stasi had often blamed behavior that it found objectionable on the instigation of the Western media. But the comments of those who came to the border that night suggest that in this case it was accurate, if unintended.

In an enormous stroke of good luck for those crossing, nearly every political official senior enough to make strategic decisions was locked in crisis meetings. The main one was the East German Central Committee session, which was running well over schedule, debating until 8:45 p.m. instead of its scheduled 6:00 p.m. ending. In an era before cell phones and texting, this meant that the participants were cut off from the news, and underlings on the outside were too timid to walk in and interrupt. As a result, those who might have contemplated ordering bloody reprisals were uninformed and unaware.

On top of this, the senior military leadership had called for its own meeting to start at 7:00 p.m., following on the expected 6:00 p.m. ending of the Central Committee meeting, which senior officers had to attend first. This scheduling had the unintended consequence that military leaders who were too junior to be members

of the Central Committee assembled in their own appointed conference room just before 7:00 p.m., missing the crucial final minutes of the press conference and sitting in ignorance for nearly three hours until their superiors finally broke free from the Central Committee and rushed to join them after 9:30 p.m., amazingly enough without getting any substantive updates en route. Presumably no one wanted to be the bearer of extremely bad news to the big bosses.

The Deputy Minister for National Defense, Manfred Grätz, would later recall, sadly, that “at this crucial time, we sat around a lot, we talked a lot, sometimes we talked uselessly, and the time slipped away.” Although a few people were finally called to the phone during the late night military meeting, only after its midnight ending did most of the military leadership – those most capable of using massive, organized force to prevent a border opening – find out what was going on.

Within the next three days, approximately three million GDR citizens visited West Berlin and West Germany. In a rear-guard action, the ruling party at first tried to insist that would-be travelers procure

visas. So strong were old habits in East Germany that despite the scenes of visaless travel on the night of November 9, over 5.2 million East Germans still sought and received such visas. Offices responsible for their distribution were overrun and could not distribute them fast enough. Nor could the East German state supply what travelers really needed: Western currency. The “welcome money” that West Germany gave to all East Germans who made it over was hardly enough for an extended trip. And not until November 12, three days after the tsunami of protesters flooded over the wall, was the practice of shooting persons trying to cross the border without visas – which had killed Gueffroy just nine months earlier – officially and fully repealed. Largely as a result of misunderstandings, the known Cold-War world had ceased to exist. ☞

Mary E. Sarotte is Professor of International Relations at the University of Southern California and a fall 2009 Bosch Public Policy Fellow at the American Academy in Berlin.

John C. Kornblum is a Trustee of the American Academy in Berlin.



BEIJING
BERLIN
BOSTON
BRUSSELS
FRANKFURT
LONDON
LOS ANGELES
NEW YORK
OXFORD
PALO ALTO
WALTHAM
WASHINGTON DC

Locally Based. Globally Connected.

WilmerHale provides legal counsel to clients in and around Germany's key financial, political and industrial centers. With offices across the globe, we are strategically positioned to provide counsel on complex international matters affecting your business.

Now in Frankfurt.

WILMERHALE® 

wilmerhale.com | Berlin, Friedrichstrasse 95 +49 30 20 22 64 00
Frankfurt/Main, Ulmenstrasse 37-39 +49 69 27 10 78 000



© DAVID REGEN. COURTESY THE ARTIST AND HARRIS LIEBERMAN, NEW YORK

MICHAEL QUEENLAND, *AND THEN, AT SOME POINT IF I FEEL BETTER, THE NEWS JUST SOUNDS REALLY SAD, AND I WANT MUSIC ON ALL THE TIME*, 2008; PLASTER, FIBERGLASS, ACRYLIC PAINT, BANANA SKINS, METAL, BALLOON TIE, STRING; 50 × 36 × 10.5 INCHES

SLIPPING GROWTH

With few born and far too many dying, Russia is caught in a demographic straitjacket.

By Nicholas Eberstadt and Hans Groth

EVER SINCE THE DAYS of the British political economist Thomas Robert Malthus [1766–1834], demographic commentators have been faulted for excessive despondency, for being overly ready to find ubiquitous “population problems” in virtually every new demographic development. Still, serious or even disastrous population problems can truly threaten real, existing countries – even today. In fact, there is a crisis of historic proportions right before our very eyes.

It is not, however, ravaging an illiterate and impoverished Third World country. Instead, the crisis is unfolding in a modern, highly-educated nation that sent the first cosmonaut into space: The Russian Federation. Russia is in the grip of startling and anomalous demographic tendencies, trends whose humanitarian and economic consequences are not only self-evidently adverse, but, quite arguably, dire.

Russia today is a society at peace. But going by vital statistics alone it looks like a country trapped in a prolonged and devastating war. Since the end of the Communist era, in late 1991, the country’s birth rates have collapsed while its death rates have soared. Over the post-Communist era as a whole, Russia has reported three deaths for every two births. The year 2008 was a “good” one for modern Russia: It registered “only” five deaths for every four births.

Since the beginning of 1992, Russia has recorded nearly 13 million more deaths than births, and the country’s population has dropped by about 7 million; only a net influx of migrants prevented an even steeper drop. The magnitude of Russia’s ongoing population decline (to date) is overshadowed in our post-war epoch only by China’s terrible population decline in the

immediate wake of Mao’s disastrous “Great Leap Forward.” China’s population decline abated, however, as soon as Beijing’s fanatical policies were reversed. Russia’s depopulation, on the other hand, shows no signs of turnaround.

One major component of the “demographic shock” that Russia has been experiencing was a sudden, radical reduction in fertility. In the late Soviet era – the *Perestroika* period – the Russian Federation’s childbearing patterns held more or less at the levels required for long-term population replacement. By contrast, in the early years of the twenty-first century, Russia’s fertility rates have been almost 40 percent below the replacement level. Although the Kremlin unveiled an

rates in Western Europe may constitute a challenge, few voters or policymakers would describe their fertility picture as a crisis, much less a disaster.

WHAT DISTINGUISHES THE RUSSIAN demographic from the rest of Europe’s today is not its fertility trends, but rather its patterns of mortality and survival, which can be described as shocking – even disastrous.


In the post-war era, the modern world has been all but exploding with health. According to the UN’s Population Division, for the planet as a whole, life expectancy at birth jumped by about twenty years between the early 1950s and the early 2000s. Russia has been an exception to

RUSSIA IS IN THE GRIP OF STARTLING AND ANOMALOUS DEMOGRAPHIC TENDENCIES, TRENDS WHOSE HUMANITARIAN AND ECONOMIC CONSEQUENCES ARE NOT ONLY SELF-EVIDENTLY ADVERSE, BUT, QUITE ARGUABLY, DIRE.

ambitious and expensive pro-natal population program several years ago, this seems to have elicited only a modest increase in births. According to official Russian reports, birth totals in the first four months of 2009 were up, albeit slightly, on a year-to-year basis – but death rates remained substantially higher than birth rates.

Low sub-replacement fertility can be expected to accelerate the “graying” of a society and to hasten the shrinkage of its working-age population – tendencies that can impede efforts to enhance economic growth and prosperity. Russia’s circumstances, in this case, are not so different from the rest of Europe. But while low birth

this global rule: According to those same UN estimates, the country’s life expectancy was actually two years lower in 2000–2005 than in the late 1950s. Though there has been some recovery since 2005, life expectancy for both males and females in the Russian Federation is lower now than it was four decades ago.

The country’s worsening public health conditions have caused a catastrophic loss of life and a corresponding severe depletion of “human capital.” Health conditions were far from ideal during the Gorbachev era and before. Yet when measured against the country’s survival schedules from the late 1980s, post-Communist Russia 

has, thus far, suffered a toll of nearly seven million “excess deaths.”

Examined more closely, the details of Russia’s upsurge in death rates are nothing short of terrifying. For men in their 30s and 40s, Russia’s death rates are roughly twice as high as they were 40 years ago. Scarcely less appalling are the death rates for females in their 40s, now 50 percent higher now than they were four decades ago.

Cardiovascular disease – heart attacks, strokes, and the like – kill four times as many people in Russia as in Western Europe, even after adjusting for population size and age. Furthermore, Russia’s death levels from injury – accidents, suicide, murder, and so on – are absolutely “Fourth World.” The only other spots on the planet sustaining such radical losses are the conflict- and post-conflict societies of sub-Saharan Africa, such as Angola and Sierra Leone.

We should not assume that Russia’s health situation could not worsen any further. The country faces looming risks from infectious diseases, such as HIV/AIDS and drug-resistant tuberculosis (XDR TB). Current international estimates indicate that nearly one million Russians are now

living with HIV and virulent new strains of XDR TB. Thus far, Russia’s alarming health trends have been primarily due to non-communicable causes. But unexpected virulent epidemics/pandemics could exact their own grim toll on the country in the years ahead.

More than just a humanitarian catastrophe, Russia’s demographics act as an economic straitjacket, stifling the nation’s productivity and obstructing its goal of

True, Russia is burdened by the legacy of generations of Communist rule and has suffered travails in its “transition” away from Soviet-style socialism. But it is not unique in this regard; the entire former Soviet Bloc faced the same daunting situation. And the record of the past two decades demonstrates that substantial, even dramatic health progress is possible for any given post-Communist European population.

RUSSIA'S DEMOGRAPHICS ACT AS AN ECONOMIC STRAITJACKET, STIFLING THE NATION'S PRODUCTIVITY AND OBSTRUCTING ITS GOAL OF DEVELOPING INTO A PROSPEROUS 21ST CENTURY SOCIETY.

developing into a prosperous 21st century society. Life expectancy in Russia today is a full 12 years shorter than in Western Europe. Its per capita output – even with generous purchasing-power adjustments – is still not much more than a third of Western European levels. Simply put, Russia has little chance of narrowing the income gap with the EU unless it also closes the yawning health gap that separates Russians from the rest of Europe.

The most remarkable example is the former German Democratic Republic. Life expectancy in Eastern Germany has soared since reunification. In the 16 years from 1990–2006, overall life expectancy in East Germany is estimated to have risen by over eight years – over 3.5 days for every passing week! Despite four decades of Communist-era disadvantage, life expectancy at birth for the population in Eastern Germany has converged with that of Western Germany;

The city is yours...

...with Berlin’s most influential newspaper!



www.tagesspiegel.de

today it stands within just a few months of the Western German level.

This tremendous accomplishment is a consequence of broadly-based improvements arising from a still ongoing transformation of East Germany's population with increased wealth, freedom of mobility, unrestricted access to high-quality healthcare, and hence improved health and levels of happiness. Such factors have led to significant improvements in survival prospects for men and women of all ages, not just selected groups of beneficiaries. This accomplishment looks all the more breathtaking when we compare the life expectancy trajectories of East Germany and the United States over the past two decades: In 1985, overall life expectancy at birth was two years longer in the US than in Eastern Germany; by 2005 it was *one full year longer* in Eastern Germany than in the US.

While East Germany offers the most spectacular example of post-Communist health progress, it is hardly an isolated case. As highlighted by cross-national analyses provided by researchers at the Human Mortality Database (HMD), substantial health improvements have been enjoyed by a number of other post-Communist popu-

lations in Europe since the revolutions of 1989. Overall life expectancy has risen by nearly five years in the Czech Republic, and similar gains have been made in Slovenia. Even Hungary, a notorious health laggard under Communism from the 1960s onward, has seen a turnaround: Overall life expectancy is a full four years over the 1989–2006 period.

IS THERE CAUSE FOR hope for Russia? Some would say there is; and they would point to President Dmitri Medvedev's own words. Writing in September 2009 Medvedev declared,

Negative demographic trends must be slowed and stopped. We need to improve the quality of medical care, promote fertility, ensure safety on the road and in the workplace, combat the pandemic of alcoholism and develop physical culture and mass sport. This requires both a strategic approach and making such things the everyday tasks of the government.

Stirring words, some would say – but unfortunately we had heard much the same dur-

ing the Putin presidency. Over those eight years, apart from the “baby bonus” scheme, the Russian government's commitment to addressing the nation's multi-dimensional crisis hardly went beyond rhetorical flourishes. Unfortunately, there is scant reason to be confident that the Kremlin will change course and back its words with action this time around.

Russia's ongoing health crisis may justify an air of gloom, but it must not encourage total fatalism. There are reasons for hope, but they all begin with the frank acknowledgment of reality, followed by a firm determination to act. Improving population health and economic prosperity is more than a statistical accomplishment. It is about a sense of humanity and preparing a nation to move up the ladder of growth. ➡

Nicholas Eberstadt, Henry Wendt Scholar in Political Economy at the American Enterprise Institute, was a spring 2008 Bosch Fellow in Public Policy at the Academy. Co-author Hans Groth is a Member of the Board of Directors for Pfizer-Switzerland AG and Guest Lecturer on Demography & Health, University of St. Gallen, Switzerland.

MAKE A SPLASH.

To break new ground, you need to take the road less travelled – even if it takes you to the icy depths of the North Atlantic. As a leading promoter of research into alternative energy, RWE is prepared to go just about anywhere. Together with other like-minded companies, we're investing in new technologies to generate energy from ocean currents. It's just one of the many innovative projects we're powering.

www.rwe-innogy.de

RWE
The energy to lead



A BEATEN PATH

It is not Islam that holds women back; it is the road of patriarchy Muslim nations have taken.

By Mahnaz Afkhami

AT THE TIME OF the Constitutional Revolution of 1906, Iran was a society organized on precepts that for centuries had defined the subordinate position of women as the natural order of things. The nascent civil society faced the issue of women mostly as a problem between traditionalism and modernism. But as the moderns grew in size and influence, women received more support. The frame of reference for this support, however, remained largely traditional. Women were allowed to get an education, but essentially in order to become better mothers and wives, producing and training more capable men for the “betterment” of society. The process nevertheless brought the genders together, allowing women to gain experience in the mechanisms of their own society, including the operations of the Iranian government and the market.

These changes, of course, had produced palpable social tension. In mid-twentieth century Iran, women’s groups and organizations sought to bring about increased women’s participation in decision-making, diversify the areas in which they could be active, and transform the ideas that gave shape to social life. The result of these struggles was a civil society that had gained a degree of complexity and sophistication regarding gender. The new discourse included the idea that if women were to be empowered to become equal partners in deciding options for society, then gender responsibilities at home would have to accommodate women’s emerging responsibilities at work.

By the time I became Secretary General of Women’s Organization of Iran (woi), in

1970, women had gained the right to vote and to be elected to parliament. They had also passed a seminal family protection law that altered the position of women at home and in their communities. Women’s expectation of social order had dramatically changed. But they still did not participate significantly in high-level decision-making.

TENSION AND CULTURAL
SCHIZOPHRENIA IN IRAN
PERSISTED.
THEY STILL DO.

They had also not yet articulated their desire to move beyond being man’s complement to being a complete person with full rights as a human being and citizen. By the end of the decade, just shy of the January 1979 revolution, women leaders had made that claim, and government had tacitly accepted it: They began implementing a plan aimed at integrating women into the decision-making process.

The Islamists who came to power after the 1979 revolution, of course, reversed all of this. They politicized religion, reinforced patriarchal concepts, and disparaged women’s participation in social affairs. To do so, they launched a two-pronged attack: First, they reduced the number of women and lowered the level of their participation in decision-making. Second, they launched a strong, multifaceted campaign to socialize everyone in the ideology of gender complementarity rather than gender equality as the cultural context for social behavior.

Women, by then supported by a significant portion of civil society, opposed these moves. Their determined struggle against the dictates of the Islamic Republic eventually forced the ruling elite to modify its positions. What had begun as a policy resembling gender apartheid was gradually altered as the government was forced to adopt language and policy more palatable to women. Gradually the areas of study and the fields of work that had been closed to women were modified. But tension and cultural schizophrenia in Iran persisted. They still do.

Today, the majority of the students that pass the horrendous entrance exam for the universities are women, but prominent leaders publicly discuss the danger this will pose for the society because it shakes up the balance between genders. A law is passed tying women’s marriage portion to inflation, but a deputy formally states in the parliament, “Money depreciates, but so do women as they grow old.” Women are not allowed to shake hands with or look directly at a man who is not next of kin, yet women film directors and actors maneuver across these boundaries to make prize-winning films. The contradictions are myriad, and undulating tensions force women in and out of jail daily. Nonetheless, women also persist.

WHAT IS TRUE OF Iran is more or less true of other Muslim-majority countries. In some, women have a truly arduous task ahead. But nowhere is the future as bleak as it appears through the Islamist prism. A major reason for this is the rise of religious fundamentalism. ➡

COURTESY OF THE ARTIST



HALEH ANVARI, *ON THE ROAD II (NORTH OF ISFAHAN, IRAN)*, 2005

Whereas democracy is predicated on the human as the measure of political authority and legitimacy, religion – and specifically fundamentalism – derives authority from the supernatural. A theocracy like the Islamic Republic of Iran may organize regular elections and may even be relatively open, but it cannot be democratic; the will of the people is made subordinate to a higher supernatural power whose will only

system that limits religion's intrusion into political decisions.

Yet contrary to what we now hear about Islam as being inherently different from other religions and therefore inimical to democracy, Islam has been defined and interpreted in different ways not only in different countries, but also in the same country in different locations and times. The contemporary vogue of political Islam

dualistic, where a layer of modernity is superimposed upon a mass of tradition. Rather, modernization has brought together a host of foreign and domestic values, floating, as it were, in the air. Individuals and groups, depending on their socio-economic and geographical position, mix indigenous and non-indigenous values – the more modern, the more the non-indigenous in the mix. So, despite the contemporary resurgence of fundamentalist Islam, it is not Islam that holds women back; it is the particular path of patriarchy that Muslim-majority societies have willfully taken.

FREEDOM, GENDER EQUALITY, AND democracy do not happen overnight; they are functions of historical change. If women in the Global South are in a relatively inferior political, social, and economic position, it is not only because the framework of their social existence has been historically crafted by men – a fact they share with women in all societies – but also because they began fighting for their rights later. When New Zealand first gave the franchise to women at the end of

MOST SURVEYS TAKEN IN MUSLIM-MAJORITY SOCIETIES INDICATE THAT A VAST MAJORITY OF RESPONDENTS, SOMETIMES ABOVE 90 PERCENT, FAVOR DEMOCRACY AND HUMAN RIGHTS – A HIGHER PERCENTAGE THAN IN OTHER PARTS OF THE WORLD, INCLUDING, IRONICALLY, AMONG ADVANCED DEMOCRACIES.

a group of experts may interpret and implement. This is not democracy subverted, as when a demagogic leader misuses an otherwise democratic system in ways inimical to the constitution and the laws. This is the constitution and the law. For such a system to become democratic it will have to abandon the fundamentals in which its legitimacy resides. It will have to yield to a

has caused many pundits and policy makers to overly conflate, if not confuse, Islamic epistemology with the sociology of Muslim peoples. This is an intellectual trap that has already taken us to illogical, undesirable, and unsought consequences.

Culture, too, across the vast diversity of Muslim societies is neither homogeneous nor coequal with religion. Nor is it simply

Martin-Gropius-Bau

Ausstellungen 2009/2010



2. Oktober 2009 – 11. Januar 2010

Sprachen des Futurismus



5. November 2009 – 18. Januar 2010

Taswir – Islamische Bildwelten und Moderne



12. November 2009 – 17. Januar 2010

Istanbul Modern Berlin



20. November 2009 – 14. März 2010

F.C. Gundlach Das fotografische Werk

Terminänderungen möglich • Stand: Juli 2009

Martin-Gropius-Bau
Niederkirchnerstr. 7
10963 Berlin
Tel. +49(0)30-254 860

Öffnungszeiten:
Mi – Mo 10 – 20 Uhr
geöffnet, Di geschlossen
Freier Eintritt bis 16 J.
www.gropiusbau.de

Gefördert durch:
Der Beauftragte der Bundesregierung
für Kultur und Medien
auf Grund eines Beschlusses
des Deutschen Bundestages

the nineteenth century, nowhere in the world could women vote or stand for office. By the latter half of the twentieth century, though still excluded from political leadership, a majority of women in the world had attained the right to vote.

Today, approximate gender parity exists in certain northern European countries, such as Sweden, Norway, Denmark, and Finland, where women constitute more than 41 percent of the membership in national parliaments, are equal in number to men in secondary school enrollment and also employment in non-agricultural paid activity. In most other parts of the world, political participation gauged by the number of women in national parliaments is between 9.6 and 21.8 percent. Ten years ago women's share of seats in national parliaments in Muslim societies was below 5 percent; in the Middle East it was 3.6 percent. Today in the Arab states, women's share in parliaments is 9.6 percent – still the lowest in the world but a palpable improvement compared to a decade ago.

But the good news is that in almost all Muslim societies women are now far more educated and socially and politically aware

– in some countries more than men – than they were just a few years ago. There are more women in the universities than ever before, many of them studying subjects historically considered masculine. Most surveys taken in Muslim-majority societies indicate that a vast majority of respondents, sometimes above 90 percent, favor democracy and human rights – a higher percentage than in other parts of the world, including, ironically, among advanced democracies.

The majority of the Muslim world's population is below the age of 25. They are open to new ideas, less entrenched in traditional modes of interaction, and more receptive to modern communication. Women in Muslim-majority societies now have the knowledge, resources, and organizational potential to lead. And from Morocco to Iran to Nigeria, they are forming partnerships to do so. Increasingly, they are attuning their societies to the indispensability of information not only for learning about the world, but also for remaking it.

Muslim women, to be sure, are on their way to empowerment. Many of them are already in power and are doing much

good. But the key question facing us will be if being empowered inside the current patriarchal and hierarchical structures will make new women leaders indistinguishable from the leaders we have always known.

A better alternative would be to have women succeed in adopting a leadership model that not only optimizes their chances of becoming participants in decisions that affect their lives and the lives of their families, communities, and countries, but that also enhances the values they respect as women. The leadership they exercise will have to be gender-inclusive, communicative, participatory, and egalitarian. This is important for achieving not only democracy, but the values we seek to promote in a democracy: equity, justice, and peace. ☛

Mahnaz Afkhami is the Founder and President of the Women's Learning Partnership for Rights, Development, and Peace, in Bethesda, Maryland. This essay is derived from her spring 2009 David Rubenstein Distinguished Visitor Lecture at the American Academy.



Jewish Museum Berlin

Two Millennia of German-Jewish History

TUESDAYS - SUNDAYS 10 AM - 8 PM

MONDAYS OPEN UNTIL 10 PM

Lindenstr. 9-14, 10969 Berlin
Tel. +49 (0)30 25993 300
info@jemberlin.de
WWW.JMBERLIN.DE

UNDERSTANDING POLITICS

The importance of being important

By Harvey Mansfield



A PERSON WITH “NERVE” THINKS himself more important than he is. But how do we back up the reproof: How important is he; how important are we? This is the central question in politics. Politics is about who deserves to be more important: Which leader from which party with which ideas. Politics assumes that the contest for importance is itself important. It also assumes that human beings are important. Political science today avoids this question; its ambition is to be scientific. This is the reason why

it ignores the question of who you think you are and why you are so important as to deserve what you get. It regards the concern for importance as a source of bias, the enemy of truth, which is objective and no respecter of persons. Individuals in science can claim prizes and nations can take pride in them, but this sort of recognition is outside science, a collective, anonymous enterprise. Political science, which by studying politics ought to be sensitive to importance, to the importance of importance, aims to abstract from

individual data with names in order to arrive at universal propositions.

Yet human beings and their associations always have names; this is how they maintain their individuality. Names mark off the differences between individuals and societies or other groups, and they do so because the differences are important to us. You can think your way to an abstract individual or society without a name, but you cannot be or live in one. Science is indifferent to proper names, and confines itself to common nouns. But all human life takes place



COURTESY OF THE ARTIST AND PAUL KASMIN GALLERY

WALTON FORD, A CABIN BOY TO BARBARY, 2000. WATERCOLOR, INK, PENCIL ON PAPER, 60 x 120 INCHES

Panthera leo leo

in an atmosphere of proper names. “To make a name for yourself,” as we say, is to become important. “To lose your good name,” to suffer a stain on your reputation, is to live thinking less well of yourself, or among others who think less well of you. It appears that human beings like to think they are important. Perhaps they have to think so if they are to live responsibly, for how can you do your duties if they are not ascribed to your name?

I want to suggest two improvements for understanding politics that arise not from political science, but from the humanities. The first is to recapture Plato’s and Aristotle’s notion of *thumos*, a part of the soul that makes us want to insist on our own importance. The second improvement is the use of names. Literature tells stories of characters with names, in places with names, in times with dates. Science ignores these things or explains them away.

THUMOS IS PSYCHOLOGY or biology, and thus “science” as conceived by Plato and Aristotle. It is now proper to the humanities because, having been expelled from modern science, *thumos* lingers, unnoticed and unemployed, in the history of science, which is a museum of rejected science. The old biology of Plato and Aristotle, unlike modern biology, actually takes account of the soul, the sense of human importance.

But let us approach *thumos* from a more elementary observation: Politics is about what makes you angry, not so much about what you want. Your wants do matter, but mainly because you feel you are entitled to have them satisfied. Many times people who seem poor do not complain of their wants, because they do not feel entitled to those wants. When you complain, it is not so much that you lack what you want as that you feel slighted or offended in not having what is rightfully yours. In our democracy, for example, politics is motivated especially by the sense that you are not being treated equally. The civil rights movement and the women’s movement are obvious examples. They were initiated not for the sake of gaining benefits, but to receive equal honor and respect. We do not worry so much about the wants of the rich and their desire for inequality. In a liberal democracy we make room for the rich and allow inequality in practice if not in principle. Unless their democratic rights are violated, the rich may not get angry.

You can tell who is in charge of a society by noticing who is allowed to get angry and for what cause, rather than by trying to gauge how much each group gets. Blacks and women wanted benefits only as a sign of equality, not to give themselves greater purchasing power. But power is too vague a term when separated from honor. When we say that people are “empowered,” that means they have the power that goes with honor. But with honor goes victory. For although you can lose with honor, you must gain it back in a contest, not a calculation. Politics is a series of victories and defeats in which every victory for one side is a defeat for the other.

Thumos, then, is a concept that motivates this contest from the outset. It represents the spirited defense of one’s own, standing for the bristling reaction of an animal in face of a threat. It is first of all a wary reaction rather than eager forward movement, though it may attack if that is the best defense. The reaction often goes too far when the animal risks its life in all-out attack in order to preserve itself. To risk one’s life to save one’s life is the paradox of *thumos*.

In *thumos* we see the animality of man, for men (and especially males) often behave like dogs barking, snakes hissing, birds flapping. But precisely here we also see the humanity of the human animal. A human being not only bristles at a threat but also gets angry, that is, reacts for a reason, even for a principle, a cause. Only human beings get angry. When you lose your temper, you look for a reason to justify your conduct; thinking out the reason may take a while, after the moment of feeling wronged is past, but you cannot feel wronged without a reason – good or bad, well considered or not.

Now consider what happens when you produce that reason. To complain of an injustice is an implicit claim to rule. It is a demand that rulers adjust their rule to provide for you, and not merely as a personal favor but as one case of a general principle. Since the rulers already hold their own principles, you might well want to remove them to make way for yours. Politics is about change, or, to speak frankly, revolution. It is not about stability or equilibrium, the goal that political science today borrows from the market.

But politics is not an exchange between the bargaining positions of a buyer and a seller in which self-interest is clear and the result is either a sale or not. Self-interest, when paramount, cools you off and calms you down; *thumos* pumps

you up. People go into politics to pick a fight, not to avoid one. Self-interest tends towards peace, and if it could replace the *thumos* in our souls it would accomplish universal peace. Meanwhile, people want to stand for something, which means opposing those who stand for something else. In the course of opposing they will often resort to insults and name-calling, which are normal in politics though never in your interest. The demand for more civility in politics today should be directed toward improving the quality of our insults, seeking civility in wit rather than through blandness.

Thumos, like politics, is about one’s own and the good. It is not just one or the other, as if one might suppose that politics is simply acting on behalf of what is one’s

MODERN BIOLOGY SAVES
LIVES, BUT THE OLD BIOLOGY
UNDERSTANDS THEM BETTER.

own – realism – or simply advancing the good – idealism. It is about both – together and in tension. One’s own is never enough on its own; it needs a reason to justify it. But the reason generalizes one’s own to what is similar to one’s own and thus puts one’s own in a class with others; reason socializes and politicizes. Your own is part of the good, the common good. Your realism turns into your idealism. Even the most self-centered libertarian wants everyone to be a libertarian; for the world would be a better place if only everyone were perfectly selfish.

The simplified notion of self-interest used by our political and social science cannot tolerate the tension between one’s own and the good, for that tension leaves human behavior unpredictable. One cannot penetrate into every individual’s private thoughts, and there is no clear way to judge among different conceptions of the good. So in order to overcome the tension, science tries to combine one’s own and the good in such a way as to preserve neither. It generalizes one’s own as the interest of an average or, better to say, predictable individual who lives his life quantifiably so as to make its study easier for the social scientist. For the same purpose it vulgarizes the good by eliminating the high and the mighty in our souls (not to mention the low and vicious), transforming our aspiration to nobility and truth into personal preferences of whose value science is incognizant, to which it is indifferent.

Our human thumos reminds us that we are animals with bodies that we must defend. But when we defend ourselves using reason, we are also reminded that we have bodies that are open to our souls, and souls that are open to the whole of things. Precisely the part of our soul most concerned with the body is the vehicle for rising above it. When we are impelled to give a reason for our anger, we say in effect that what we are defending is not just our bodies; and when we risk our lives for that reason – now become what we call a cause – we imply that we are not to be identified with our bodies. Rather, we are the cause toward which we strive. Our bodies become bodiless.

WHERE ARRIVE IN the realm of religion and thumos. Science and religion are nowhere more opposed than in regard to human importance. Religion declares for the importance of humans and seeks to specify what it is. According to Christianity, men are not God, but God came to men as a man, and man was made in the image of God, the only such among the creatures of the world. A Christian is humble, but he takes pride in his humility. Although one can speak of religion generally, religion is always a particular religion; a sociological view of its function misstates that function by making religion too general. That is why I just mentioned Christianity.

Every religion has a distinct view of a personal God or gods that take special care of men, keeping us on track and serving as particular guarantors of human importance. Philosophers in the eighteenth century, skeptical of religion but willing to acknowledge its power, came up with deism, the idea of God without God, caring for the universe without caring for you. But true religion shows its concern for the human species by addressing individual human beings. It can be seen in the very animality of the human body, in the nature of brutish thumos, always defending one's own but always reaching beyond oneself in willingness to sacrifice oneself. In defending like a dog for its master, thumos, like religion, defends something higher than itself. When the lower in us defends the higher in us, it exacts a price: Partiality to whatever is our own, a human imperfection we can never quite escape. The advantage, however, is that we can respect the importance of the human species through the defense each of us displays for himself. Self-defense in thumos is a guarantee of

the bond between what is lower in us and what is higher, between the all-too-human and the divine. The bond is mutual, and it ensures that the higher is connected to the lower, as God is not the universal goal of humanity without also being the salvation for each individual and each people.

Science for its part speaks against the special importance of any object of science, including human beings, and in the theory of evolution it seeks to erode the difference between human beings and other animals. The study of primates aims at this goal with particular relish. Hardly a day passes without a breathless science article delivering to our waiting ears a fresh resemblance of chimp to man. But the discovery of chimpanzee religion has not yet been reported. Chimps receive names from human beings, but they do not give themselves names. These are items yet to come in the imputed progress of chimpanzee civilization. Their greatest triumph, however, will be the achievement of science. For science, according to science, ought to be the most important attribute of human beings. Modern science especially seems to represent the control of our environment, of nature. To be sure, science as opposed to religion recognizes nothing sacred either outside man or within him. But collectively, science is the assertion of man over non-man, surely an unembarrassed claim to importance and rule. Yet as individuals,

PHILOSOPHERS IN THE EIGHTEENTH CENTURY, SKEPTICAL OF RELIGION BUT WILLING TO ACKNOWLEDGE ITS POWER, CAME UP WITH DEISM, THE IDEA OF GOD WITHOUT GOD, CARING FOR THE UNIVERSE WITHOUT CARING FOR YOU.

scientists are anonymous factors in the scientific enterprise, each one substitutable for another. For all science cares, scientists could as well be numbered as named.


But every human being has his own name, distinguishing him from all other human beings (except for the many Joneses and Kims). This is a fact by which we indicate that each of us is important as each. We are not necessarily equally important, but our importance is judged as we are individuals. Individuals do belong to groups or classes; still, they too have names, such as Red Sox Nation or Phi Beta Kappa, indicating their individuality. If we want to understand human behavior, especially the particular insistence on human individuality that we see in the quality of thumos, we must come to terms with human names. We must not

merely regard them as embarrassments to be abstracted from, suppressed, and forgotten, as standing for idiosyncrasies that distract us from the main point, which is the general laws determining what we do.

HAVING CONSIDERED THE importance of human importance, let me propose that literature and science have the same aim of finding and telling the truth, which is important to them both. Although some of the greatest works of science are well-written, science finds its elegance in mathematics and not in the charm of a good story well told. The social sciences are in a special difficulty because they cover the same field of human behavior as literature. As science, they must claim to improve upon the prejudice and superstition of common sense, and are therefore compelled to restate the language of common sense, full of implication and innuendo, in irreproachable, blameless, scientific prose innocent of bias or any other subtlety. In response, the name common sense gives to this sort of talk is *jargon*. Science is required to be replicable in principle to everyone, so it speaks directly and without concealment, thus in mathematics as much as possible. In practice, unfortunately, lack of mathematics in the public and lack of scientists' "communication skills" (an example of jargon) leaves the latter dependent on non-scientist publicists to inform the public and, not

incidentally, politicians, of what science has found. These publicists usually have an axe to grind, and so science, despite its noble intent to rise above petty human partisanship, often becomes involved in it.

But literature, besides seeking the truth, also seeks to entertain. The reason is not so much that some people have a base talent for telling stories and can't keep quiet. The reason is that literature knows something that science does not: Human resistance to hearing the truth. Science does not inform scientists of this basic fact, and most of them are too devoted to science to learn it from any source outside science, such as common sense. The wisdom of literature arises mainly from its attention to this point.

To overcome the resistance to truth, literature makes use of fictions that are 

images of truth. To understand the fictions requires interpretation, an operation that literature welcomes and science hates for the same reason: Interpreters disagree. Literature is open to different degrees of understanding and yet somehow has something for everyone. Science achieves universality by speaking without rhetoric in a monotone and succeeds in addressing only the company of scientists. Science is unable to reach the major part of humanity except by providing us with its obvious benefits. Literature takes on the big questions of human life that science ignores – like what to do about a boring husband. Science studies the very small and the very large, surely material for drama but not exploited by science because in its view the measure of small and large is merely human. Literature offers evidence for its insights from the observations of writers, above all from the judgment of great writers. These insights are replicable to readers according to their competence without the guarantee of scientific method that what one scientist sends is the same as what another receives. While science aims at agreement among scientists, in literature, as in philosophy, the greatest names disagree.

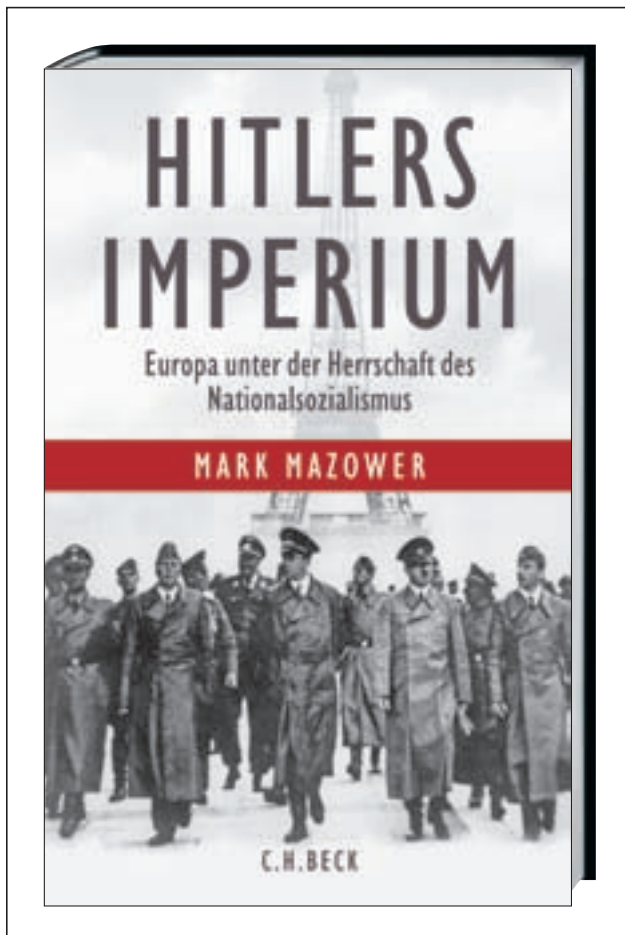
Ah, the greatest names. Human greatness is the height of human importance, where the best that humans can do is tested; it is the work of great individuals. The great Tocqueville alluded to himself and his favorite readers as “the true friends of liberty and human greatness.” Somehow liberty and human greatness go together, a hint that nature cares only for the human species and leaves its greatness to be revealed by free human action, by our assertiveness prompted by thumos. To be great, one must become great, requiring an effort of ambition. Not everyone has that ambition; most of us are content with modest careers in safe niches, like tenured professors. But we all feel ambition in our small ways and know something of great ambition when admiring it. The political science of our day almost entirely ignores ambition, because ambition smacks of greatness; it is not average enough to be the object of a science that knows nothing of individuality, hence nothing of greatness. Even the word “great” is unscientific because it is pretentious. But we human beings are animals with pretensions.

My profession needs to open its eyes and admit the help of literature and history. It should be unafraid to risk considering what

is ignored by and may lack the approval of science. The humanities too, whose professors often suffer from a faint heart, need to recover their faith in what is individual and their courage to defend it. Thumos is not merely theoretical.

It is up to you to improve your life by behaving as if it were important, but let me provide a summary of the things that you will know better after running into thumos: The contrast between anger and gain; the insistence on victory; the function of protectiveness; the stubbornness of partisanship; the role of assertiveness; the ever-presence of one’s own; the task of religion; the result of individuality; the ambition of greatness. Altogether thumos is one basis for a human science aware of the body but not bound to it, a science with soul and taught by poetry well interpreted. But here someone might object, *You have left out love!* Yes, I have. Love is a much further complication. ☞

Harvey Mansfield is William R. Kenan, Jr. Professor of Government at Harvard University and was a John W. Kluge Distinguished Visitor at the Academy in spring 2009.



„Dieses Buch ist ein Meisterwerk historischer Einsicht, das sehr genau Europas dunkelste Jahre ausleuchtet, und es ist einfühlsam und elegant erzählt.“ *Fritz Stern*

„Mark Mazowers Geschichte des nationalsozialistischen Imperialismus und seiner Nachwirkungen, eröffnet neue Perspektiven für die Beschäftigung mit dem Dritten Reich.“ *Nils Beintker, Deutschlandfunk*

Mark Mazower, *Hitlers Imperium*. Europa unter der Herrschaft des Nationalsozialismus. Aus dem Englischen von Martin Richter. 666 S., 37 Abb. u. 9 Karten. Gebunden EUR 34,00

C.H. BECK
www.chbeck.de

**Safeguarding our future –
through sustainable development.
Our responsibility.**



We made sustainability a corporate principle – because long-term success depends on using the expertise and know-how we have today to create the values of tomorrow. This belief has guided our actions for many years: from our careful use of resources through to our social commitment. With structures and processes that already combine a sense of responsibility with flexibility and efficiency. This is how we are shaping the future. For our company and the society we live in. We accept responsibility.

For more information see www.bmwgroup.com

BMW Group



RENAISSANCE SCRIBBLER

The vastness of Michelangelo's inner life on the scraps of paper he left behind

By Leonard Barkan

MICHELANGELO WAS A PAINTER, a sculptor, and an architect. He was also a writer – of poetry, personal letters, and countless memos. Most of those who have studied the man have considered him as a visual artist; others – a smaller number – as a poet. But without considering the way that pictures and words entangled themselves in Michelangelo's vast imagination, we cannot fully understand his genius.

True, he wrote love poems with metaphors drawn from sculpture, painted frescoes that had their origins in the books he read, and gave indications in his letters about what sort of plans he had for many of his unfinished artistic projects.

More telling than all these, however, is the writing on scraps of paper he covered with pen and brush strokes, with both words and images. In fact, a third of the five or six hundred sheets of paper containing his drawings also contain text in his handwriting. Conversely, a quarter of the poems that we have in Michelangelo's autograph make appearances on the same pieces of paper as the drawings. As for personal letters and bookkeeping memos, a notable percentage are on sheets that he used at some point for doodles, sketches, and beautiful finished works.

On these surprisingly multi-tasking sheets of paper we can find everything from the grandest expressions of his monumental genius to the most intimate messages to himself. We can read his ambition and despair, watch his 89 years expressed in words and pictures inextricably linked.

Sometimes the combinations of materials on these sheets offer us a glimpse into a truly mysterious privacy. Considering that he intended most of these drawings for his eyes only – and destroyed many of them just before he died precisely because of their intimacy – it comes as no surprise that those extant offer outward signs of an intriguing interior monologue.

In one case, he draws two versions of a David statue and then inscribes next to them the enigmatic assertion, “David with his slingshot and I with my bow,” followed by a signature. At other times, he inserts in the narrow spaces between sketches fragmentary religious utterances (“God, you are in man, in thought”; “Save me, O Lord, by thy name”; “sweet room in hell”), or verses, apparently quoted from memory, like, “Gather them up at the foot of the wretched bush,” from Dante, or “Death is the end of a dark prison,” from Petrarch. ➔

ON A SHEET EXECUTED IN THE FIRST YEARS OF THE 1500S, MICHELANGELO PRODUCES SOME EXQUISITELY CROSS-HATCHED FACIAL FEATURES AND TWO PORTRAITS, ONE DEMONIC AND THE OTHER HEROIC. BUT HE INTERSPERSES THESE ARTISTIC EXERCISES WITH APPARENTLY RANDOM PEN SQUIGGLES AND WITH FRAGMENTARY BITS OF TEXT, INCLUDING REFERENCE TO AN UNIDENTIFIED “SIGNOR ALESSANDRO,” A QUOTATION FROM A PETRARCH SONNET, AND THE MYSTERIOUS UTTERANCE, *NO BISOGNIA*.





© HAMBURGER KUNSTHALLE / BPK. MICHELANGELO BUONARROTI. STUDY OF HEAD WITH HELMET. OTHER HEAD STUDIES, AND WRITING. 1504

One of the ways to map the artist's inner territory is to observe how frequently these sheets of paper are the sites where incongruent materials cohabit. For instance, one side of a sheet is devoted to a red chalk sketch depicting the Resurrection of Christ, while the other side is covered with careful notations of the moneys spent for chickens, oxen, funeral rites for his father, and clothing for two of his assistants. A beautiful drawing of a Madonna and child is located next to a mock love-poem that begins, "You have a face sweeter than boiled grape juice, and a snail seems to have passed over it." On another, he inscribes a quatrain about God's artistry on a spot previously occupied by the drawing of a horse's rear end.

If some of the words amidst drawings are signs of the artist's intimate self-conversation; others are signs that Michelangelo's studio was also a place of society, where assistants, pupils, and patrons interacted with him. "Draw, Antonio, draw, and don't waste time," he writes to an assistant on a sheet where he has previously composed a beautiful Madonna, and the pupil in question has produced a ghastly copy right next to it. In another mood, on a sheet where he and a different pupil have been drawing

eyes, he writes, "Andrea, have patience; love me, sufficient consolation." Still elsewhere, these communications have to do with artistic production itself. Under a gorgeously rendered version of the *Fall of Phaëthon*, Michelangelo hastily scribbles, "If you don't like this sketch, let me know, so I'll have time to get another one done by tomorrow night"; on a different page, next to some lovely projections for a triumphal arch, he writes, "I don't have the courage because I'm not an architect."

These examples are largely drawn from Michelangelo's work as a visual artist who produced text, literally, in the margins. But it is equally significant that when he committed himself to poetry – a calling he took more seriously than some have believed – he was also likely to intermingle alternative media of expression on a single sheet. Sometimes the underlying interconnections are curiously logical: A sheet on which he writes a poem concerning the difficulties he has expressing his gratitude also contains the draft of a letter to the artist-biographer Giorgio Vasari. In it he reflects upon the painful indebtedness he felt for being dependent on Vasari for the building of the Laurentian Library; next to

it he has produced some tiny sketches of his preliminary ideas for the library's famous staircase. At other times, the connections are more difficult to plot. There is a sheet on which we can trace Michelangelo's attempts to compose a poem expressing grief over the death of a loved one, but the writing is interrupted at a particularly painful moment in the metaphysical conceits of the verse, at which point he has apparently turned the sheet 90 degrees and produced a portrait of his own left hand. Its index finger precisely touches the truncated problem spot in the rhyme.

When Michelangelo's great biographer, J.A. Symonds, declared that the drawings represent "the involuntary revelation of the artist's soul," he was, by thinking merely of the images, only considering half the picture. With these pieces of paper in front of us and with a unitary vision of text and picture, we can almost literally read Michelangelo's mind. ➡

Leonard Barkan is Class of 1943 University Professor in the department of Comparative Literature at Princeton University and the fall 2009 Ellen Maria Gorrissen Fellow at the Academy.



Berlin – The place to be in Europe Hotel Adlon Kempinski – The place to stay in Berlin

Berlin – Exciting city! Located directly at the historical landmarks Pariser Platz and Brandenburg Gate, the legendary Hotel Adlon Kempinski is the perfect place to stay. All facilities, from our restaurants and bars to the guestrooms, the



Hotel Adlon
Kempinski

BERLIN

Adlon Pool and Gym as well as the exclusive ADLON DAY SPA, meet the most exacting demands for comfort and service. Whatever draws you to Berlin, take advantage of the Hotel Adlon Kempinski – a place where history is made.

Unter den Linden 77 · 10117 Berlin, Germany · Tel +49 30 2261 0 · Fax +49 30 2261 2222 · hotel.adlon@kempinski.com · www.hotel-adlon.de

Kempinski
HOTELIERS SINCE 1897

The sparkling diamonds of the world

 global hotel alliance

ON THE WATERFRONT

NEWS FROM THE HANS ARNHOLD CENTER

N1 *Academy Notebook*: Richard von Weizsäcker awarded the 2009 Henry A. Kissinger Prize. Richard Holbrooke's personal introduction.

N1 *Academy Notebook*: US Attorney General Eric Holder on closing Guantanamo; Glenn Lowry and Sir Clive Gillinson broaden the arts

N7 *Sketches & Dispatches*: Fritz Stern lauds Angela Merkel; reports on visits by Anne-Marie Slaughter, Jonathan Franzen, and Peter Gelb

N11 *Life & Letters*: Academy Fellows, a preview of the spring 2009 class, alumni books, and the fall calendar

Honoring Richard von Weizsäcker

Richard Holbrooke's personal introduction to the recipient of the 2009 Henry A. Kissinger Prize

TWO YEARS AGO the American Academy in Berlin decided to establish a prize that would reflect the ethos of its founding mission. The award would mirror the unique nature of the American Academy itself, of its broad scope, and the political and cultural origins of its task. Our aim was to do more than reward past service to transatlantic understanding; the award should recognize new ideas – we called them New Traditions in self-conscious irony – which reflect the rapidly changing nature of the post-Cold War world.

No individual embodied these lofty aspirations more than Henry Kissinger, a founding Trustee, Honorary Chairman, and current Co-Chairman of the Board of the American Academy in Berlin. He is a towering figure of twentieth-century diplomacy. And he was one of the first persons to break the mold of postwar diplomacy. Innovations such as arms control treaties, détente with the USSR, the Nixon visit to China, and the Quadripartite Agreement on Berlin all broke ground for a new era, ultimately

» CONTINUED ON PAGE N2



RICHARD VON WEIZSÄCKER

© HORNISCHER

Closing Guantanamo

Attorney General Eric Holder's Academy address on detainees and new directions

IRECENTLY VISITED Guantanamo. I felt it was my duty to see the detention center, meet with military officials stationed there, and determine where things stand. I can confidently report that the prison is now run in an efficient, professional manner. Detainees are treated humanely.

But President Obama believes, and I strongly agree, that Guantanamo has come to

represent a time and an approach that we want to put behind us: A disregard for our centuries-long respect for the rule of law and a go-it-alone approach that alienated our allies, incited our adversaries and ultimately weakened our fight against terrorism. Simply put, keeping the detention facilities at Guantanamo Bay open makes America less safe

» CONTINUED ON PAGE N6

Onward with the Arts!

How MoMA and Carnegie Hall are broadening the cultural public

“SOW HOW does an India-born cellist become Sir Clive?”

So began an evening of truly charming discussion, moderated by Executive Director Gary Smith, of the challenges and opportunities cultural institutions face in America and Europe.

On the evening of the Academy's spring 2009 Board Meeting, the director of the Museum of Modern Art, Glenn

D. Lowry, and the Executive and Artistic Director of Carnegie Hall, Sir Clive Gillinson, opened with their fascinating biographies: Mr. Lowry was “set to become an Olympic skier” and then a medical student before becoming enthralled with Arabic art; Sir Clive joined the London Symphony Orchestra in 1970 as a cellist with no managerial background.

» CONTINUED ON PAGE N9

~ Academy Notebook ~



ALL PHOTOS © HORNSCHER

Honoring Richard von Weizsäcker

» CONTINUED FROM N1

leading to the end of the Cold War and the reunification of Germany. Henry Kissinger continues to be one of our most insightful and eloquent mentors in guiding the Atlantic world through the labyrinth of foreign policy and security challenges in a rapidly changing twenty-first century. He does so unflinchingly with a lucid, realistic vision of the opportunities for an auspicious New World Order. We are honored that he has agreed to give his name for this ambitious award.

It is a tremendous personal honor to be able to speak about tonight's recipient of the Henry Kissinger Prize, former German President Richard von Weizsäcker. He is one of the

greatest men I have ever had the privilege of meeting. The life he has led has been larger than life in some ways, and yet the life of the century. He embodies the German nation at its greatest. As Fritz Stern once wrote: "Richard von Weizsäcker was one of the main architects of the Federal Republic of Germany's success story after the Second World War ... (He) used the office of President for what it ideally was intended: As the voice of moral authority."

The defining moment of von Weizsäcker's Presidency came less than a year into his ten-year term, on May 8, 1985, the 40th anniversary of Germany's unconditional surrender. It was the contrary of the symbolic politics of Bitburg but a clear acknowl-

edgement of the crimes of the National Socialist regime, and at the same time a forward-looking defense of the Federal Republic's western-democratic traditions. He gave voice and dignity to an unqualified acceptance of the past. In his words: "Everyone who closes his eyes to the past is blind to the present; there is no reconciliation without remembrance." Germans had to accept the truth about their past: "Too many of us claimed that they had not known anything about it."

He moved the entire nation in that speech, even adversaries such as Franz Josef Strauss, who wrote that von Weizsäcker conformed to his ideal conception of a head of state. Von Weizsäcker

» CONTINUED ON PAGE N4

- 1 RICHARD C. HOLBROOKE, DR. HENRY A. KISSINGER, GABRIELA VON HABSBURG, RICHARD VON WEIZSÄCKER
- 2 DR. HENRY A. KISSINGER, THOMAS L. FARMER
- 3 MARINA FRENCH, NINA VON MALTZAHN
- 4 KARL-THEODOR ZU GUTTENBERG, NORMAN PEARLSTINE, GAHL BURT
- 5 RICHARD C. HOLBROOKE
- 6 DR. HENRY A. KISSINGER



demonstrated, as so often in his life, an uncanny ability to articulate the deeper truth, the moral truth, at a crucial moment in time. Unforgettable were the more than 35,000 personal letters he received in response to his speech. The demand was so great that the speech had to be reprinted again and again, reaching a total edition of 650,000 copies.

And the President of the Federal Republic of Germany spoke for all of Germany, even then. In the GDR, the speech also witnessed a particularly strong, positive reception. It was thus fitting that this widely admired German president, so far the only candidate to have stood for elections for the office of Federal President uncontested, was reelected for a second term of office, in May 1989 – becoming

the first president of all Germans after reunification.

Building bridges between East and West, working for conciliation, had always been second nature to Richard von Weizsäcker. He had already been effective in catalyzing reconciliation in his first significant official visit to the GDR, in 1983, as member of the German Evangelic Church.

As we mark in this very year the twentieth anniversary of the Fall of the Berlin Wall, we should recall his prescient, influential words from 1989: “It is my opinion that we are a single nation, and what belongs together will grow together.” This was not necessarily a widespread sentiment at the time, and his decisive support to move the capital of Germany to Berlin was not especially popular either.

Von Weizsäcker was aware of the pitfalls, of the fragility of the reunification process. When he reminded his countrymen that “reunifying means learning to share,” he was speaking from a moral viewpoint that defined his influence and contribution to the German spirit of the present.

Having rejected the policy of containment and having opened doors to “former enemies,” Richard von Weizsäcker always supported European integration as a project of peace and stability, the recipe for avoiding once and for all the inter-states conflicts that destroyed Europe 60 years ago. His “bridging inclination” made him one of the greatest supporters of the Eastern countries’ EU membership. At the same time he was one of the first supporters of transatlantic relations

strictly linked to European integration issues beyond the merely economic. “The Atlantic partnership is the basis of our security,” he said in 1970. “She can only be achieved through the political unity of Europe.”

Henry Kissinger and I could easily fill the next few hours with examples demonstrating one large truth, a truth that makes obvious why it was so important to us and the American Academy in Berlin that Richard von Weizsäcker should receive this prize: His life demonstrates that moral authority matters in the world. Integrity matters. And no one in postwar Germany represents moral authority with greater conviction and wisdom than Richard von Weizsäcker. We are honored to be honoring him today.

New Trustees on Board

Hans-Michael Giesen, C. Boyden Gray, Julie Mehretu, Wolfgang Malchow, and Peter Solmssen

SINCE AUTUMN 2008 the American Academy in Berlin has welcomed five new members to its Board of Trustees: Hans-Michael Giesen, C. Boyden Gray, Julie Mehretu, Wolfgang Malchow, and Peter Solmssen.

The Academy is particularly delighted to welcome Hans-Michael Giesen, a dedicated friend and adviser, to its Board. Having served as the Academy’s pro bono legal counsel since its inception, in 1994, Giesen has aided the Academy’s growth and success in immeasurable ways. A partner in the Berlin office of GÖRG, one of the leading independent business law firms in Germany, Giesen represents corporate clients, entrepreneurs, and governments in corporate transactions and restructurings, as well as in corporate disputes and governance matters.

Born in Berlin in 1957 and raised in Mainz, Giesen has law

degrees from the universities of Freiburg and Münster and from the University of Michigan Law School. He is admitted to the bar in both Berlin and New York. Giesen spent the majority of his legal career with the firm Freshfields Bruckhaus Deringer, of whose Berlin office he was a founding partner, in 1990 (then called Bruckhaus Westrick Stegemann), and whose New York office he headed from 1996 to 2000. Giesen moved to GÖRG in 2008, and his broad experience in corporate law on both sides of the Atlantic has informed his counsel to the Academy for over fifteen years.

“I have vivid memories of the divided Berlin and the importance of the Allied presence, most notably the American,” Giesen says. “I always felt that, beyond official relations, there existed a special bond between the two countries. Having maintained, broadened, and ‘intellectualized’

this bond after German reunification is the major achievement of the Academy. I continue to be amazed how much has been achieved to the present day.”



HANS-MICHAEL GIESEN

Giesen’s own achievements in both Germany and the US are in keeping with the Academy’s transatlantic spirit, as is his membership in a number of

German-American organizations, including the American Council on Germany and the American Chamber of Commerce in Germany.

Another ready ally of the Academy, Ambassador Boyden Gray, has led an illustrious career in US diplomacy and public service, having most recently served as the Special Envoy for European Affairs and Special Envoy for Eurasian Energy at the Mission of the United States to the European Union, under President George W. Bush. Prior to this post Gray served as US Ambassador to the European Union from 2006 to 2008 under US Secretary of State Condoleezza Rice.

A partner with the law firm Wilmer Cutler Pickering Hale and Dorr since 1976, Gray’s previous government appointments have included legal counsel to Vice President George H.W. Bush and then White House Counsel

to the President, from 1989–1993, when Gray became one of the main architects of the 1990 Clean Air Act Amendments. He was also Counsel to the Presidential Task Force on Regulatory Relief.

Ambassador Gray received his LL.M. from the Law School of the University of North Carolina at Chapel Hill, where he was editor in chief of the *Law Review*, and subsequently became a sergeant in the US Marine Corps Reserve before clerking for Chief Justice Earl Warren. The majority of Gray's career has been spent between public service posts and the law offices of WilmerHale in Washington, DC, where he focused on regulatory matters pertaining to the environment, energy, antitrust, public health, and information technology.

A familiar face at the Hans Arnhold Center while serving as the US Ambassador in Brussels, the Academy is fortunate to welcome him to its Board of Trustees and as part of its extended circle of friends in Washington.



C. BOYDEN GRAY

Academy alumna Julie Mehretu joins the Board as its first-ever fine arts Trustee. Her large-scale oil and acrylic paintings mesh fine-line prints of urban grids, maps, and socially charged public spaces with the abstracted images of history, war, and the urban landscape to create narratives about globalism and history, space and time, and personal experience. These

intricately powerful canvases have earned Mehretu international acclaim and, in 2005, a MacArthur grant for “visually spectacular excavations of multiple epochs and locales.”

Mehretu's own history is as global and crisscrossing as her imagery: Born in Addis Ababa, Ethiopia, she was educated in Michigan, Senegal, and Rhode



JULIE MEHRETU

Island. Based in New York City, Mehretu temporarily relocated to Berlin after her residency at the Hans Arnhold Center, in spring 2007, as a Guna S. Mundheim Fellow in the Visual Arts. Her connections to Germany have since been galvanized by a recent commission by Deutsche Bank for their corporate collection, as well as by an exhibit at the Deutsche Guggenheim, in October 2009.

Aside from myriad group exhibits, Mehretu has shown at P.S. 1, in Queens; White Cube, in London; and the Istanbul, Whitney, São Paulo, Busan, and Sydney Biennials, and she has had solo exhibitions at, among others, the Walker Art Center, in Minneapolis; REDCAT, in Los Angeles; Albright-Knox Art Gallery, in Buffalo; St. Louis Art Museum; and MUSAC, in León, Spain.

The Academy is pleased to welcome Wolfgang Malchow, a member of the Board of Management of Robert Bosch GmbH who joined the Academy's Board in

spring 2009. “Political and economic relations between the US and Germany must be fostered and intensified, particularly through cultural and intellectual dialogue,” Malchow says. “This is why the American Academy in Berlin will continue to gain importance in the future, and I am honored to be playing a role.”

Along with this clear sense of purpose, Malchow brings additional high caliber experience in corporate management to the Academy's Board of Trustees. This includes overseeing the Packaging Technology Division at Bosch, as well as oversight of human resources and social services, CIP (continuous improvement process) coordination, legal services, compliance, tax obligations, intellectual property, internal auditing, and external affairs, as well as governmental and political relations.



WOLFGANG MALCHOW

A native of Hamburg, Malchow studied Law at the University of Munich, where he completed his first state examination in Law in 1974 and where, four years later, he received his doctorate in law. In 1979 Malchow completed his second state legal examination and began working for Bosch. He joined its Board of Management in January 2004.

Peter Y. Solmssen comes to the Board of Trustees with a career built upon a solid legal and corporate background.

Trained as an attorney, Solmssen practiced international and corporate law at Morgan, Lewis & Bockius until 1998, when he



PETER Y. SOLMSEN

joined General Electric as Vice President and general counsel of its Advanced Materials division. He later served as Executive Vice President and general counsel of GE Healthcare before joining Siemens in October 2007.

As its general counsel and a member of the Siemens' managing board, Solmssen is also responsible for the company's activities in the Americas. His experience in both the German and American corporate worlds adds valuable perspective to the Board's composition and to the Academy's strategic planning capabilities.

But Solmssen hopes that his involvement in the future of the Academy will bring diplomatic grace, as well: “When I was asked to join the Academy Board, German public perception of the United States and its culture had reached a new low,” Solmssen says. “All the good things that Americans were doing at home and abroad were lost in a wave of anger prompted by our political and business behavior. What I saw in the Academy's programs was an opportunity for the real America to show itself to Germany, and for Germans to rediscover the America they thought they knew.”

Closing Guantanamo

» CONTINUED FROM N1

and makes our friends in this and other European cities less secure. That is why one of President Obama's first acts in office was to issue an Executive Order mandating that Guantanamo be closed within one year.

Many in the global community have been quick to point out that the logistics of closing the prison won't be easy. That is true. In fact, I expect it to be one of the most daunting challenges I face as Attorney General.

The President has directed that I lead a team to determine the disposition of each detainee housed there. We must devise a plan that abides by American and international law while ensuring the safety of the American people. For some detainees, the decision will be fairly easy. Some, we will conclude, no longer pose a threat to the United States and can be released or transferred into the custody of other countries. The Bush administration already took this approach with many detainees. Others, we will choose to prosecute in federal court.

We are making progress every day. And I can promise you that our ultimate solutions will be grounded in the Constitution of the United States, the international laws of war, including the Geneva Conventions, and consistent with the rule of law and the democratic histories of our peoples.

We closely weighed and met those criteria in the case of a detainee named Ali al-Marri. Al-Marri had been sitting in a naval brig in South Carolina for more than five years facing no charges, without the prospect of either release or prosecution. But in February the Justice Department indicted him in federal court on two counts of providing and conspiring with others to provide material support

to al-Qaeda. He will soon answer to those crimes in court, and justice will be served – perhaps by his conviction but certainly by his opportunity to defend himself in an open court.

We will find no one policy or sweeping approach that will appropriately apply to all detainees. But by treating each case individually, I am confident that we will get this right.

As we work to close Guantanamo, the President has also instructed us to develop new policies to govern the handling of future detainees captured in the fight against terrorism. As important as it is that we find just solutions for each current detainee, it is equally important that we learn from the mistakes of the past rather than repeating them.

To see what principles will guide our approach, look to the action we took just recently in our own legal system when we withdrew for Guantanamo detainees the use of the term “enemy combatant,” which had become needlessly inflammatory to our allies around the world. While the symbolism of this decision made headlines, you will also find here a legal rationale that demonstrates the manner in which this administration will proceed in detainee matters.

Rather than baldly asserting that the President has the inherent authority to hold detainees, we grounded our authority in a congressional enactment, specifically in the Authorization for Use of Military Force passed by Congress in the days after the September 11th attacks. And we relied upon the international laws of war, which have been developed over centuries and have legitimacy in the eyes of our global allies.

Our nation will be stronger – and safer – for that approach. We are facing these issues head on, and making the hard deci-



ATTORNEY GENERAL ERIC HOLDER AND CHIEF OF STAFF KEVIN OHLSON

sions that this moment in history requires. But we cannot confront these challenges alone. Just as we joined hands with our international allies to bring down the Iron Curtain that divided this great city, so must we join together to close Guantanamo.

Our history has shown that Europe and America are strongest when we work together. Divided by an ocean, we are united by our belief in the rule of law and a commitment to extending freedom and prosperity to every corner of the globe. And just as we defeated communism together in the last century, so too will we defeat the international terrorist networks that threaten our civilizations in this century. But we will do it not just with the force of our armies, but also with the strength of our ideas and the example of our actions. And we must do so together.

I know that Europe did not open Guantanamo, and that in fact, a great many on this continent opposed it. But as we turn the page to a new beginning, it is incumbent upon us all to embrace new solutions, free from the rancor and rhetoric that divided us in the past. To close Guantanamo, we must all make

sacrifices and we must all be willing to make unpopular choices.

The United States is ready to do its part, and we hope that Europe will join us – not out of a sense of responsibility, but from a commitment to work with one of its oldest allies to confront one of the world's most pressing challenges. The story of the last half-century is one of each side of the Atlantic turning to the other for help in times of need, and today is no different.

America's Constitution – our founding document and living, breathing moral compass – begins by contemplating the pursuit of a “more perfect union.” Implicit in those words, of course, is that we are imperfect. We make mistakes. But we embrace the pursuit of perfection. I am confident that the steps President Obama is taking to close the prison at Guantanamo Bay will help us to become a safer and more perfect world. And I hope you will join us in that pursuit.

Excerpted from US Attorney General Eric Holder's speech at the American Academy in Berlin on April 29, 2009

~ Sketches & Dispatches ~

Honoring Chancellor Merkel

Fritz Stern's laudatio on the University in Exile's 75th Anniversary and conferral of an honorary doctorate upon Chancellor Angela Merkel

THIS IS A joyous occasion, for we are here to celebrate multiple blessings: the anniversary of a great institution, an outstanding individual, and a special affinity, the affinity between the United States and Germany; at our best moments, an affinity in intellectual achievement, an affinity for defending freedom and, when oppressed, giving it a refuge. And if, thanks to the American Academy in Berlin, we meet here, on German soil and in an American home we remember the spirit of reconciliation: within eyesight is the haunted place that housed the Wannsee Conference; and this elegant house bespeaks reconciliation, thanks above all to the Arnhold-Kellen family.

It would take many historians and untold hours to explain

all the tangled reasons why we are here. But even the briefest account would have to begin with the United States and Germany in the late nineteenth and early twentieth century – the two countries in global ascendancy, the most promising countries in a world we thought would be forever western. The Great War changed all that, but it also brought about the birth of the New School for Social Research, in 1919, a birth that we want to celebrate today, and more particularly the University in Exile, which the New School established exactly 75 years ago as a haven for German scholars, deprived of their home, their *Heimat*, and their freedom by Hitler's terrifying regime.

But let me speak of individuals, because their role in all that

follows is central. The founder of the New School was Alvin Johnson, a master in many fields, a typical American as we would like to see ourselves, and yet so exceptional, so rare. Alvin Johnson, who thought himself a Danish farmer, transplanted into a Nebraskan farmer, had a restless sense of public service, of responsibility, of duty and humility. In American politics of that time he was a progressive, a man yearning for public decency in an age corrupted beyond what one would have thought possible (till now) by greed and maniacal plutocracy. He combined realism with serene idealism, all modified by self-deprecatory humor. Only a Johnson could proclaim: "If you want to live at ease in the political world, be a practical reactionary." But living at ease was

the last thing he wanted or could endure. American universities around 1910 – already striving to be among the best – were nevertheless all too often under the influence of wealthy bigots and their servants. In 1917, when reckless German leadership forced the US to go to war, the American people were quickly gripped by the most appalling chauvinist intolerance.

In a gilded age or in the delusory postwar world of the 1920s, the New School, rich in selective quality and poor in most other respects, tumbled from crisis to crisis. But by 1933 a far deeper threat to freedom and to all the values that a school born from dissidence and defiance had arisen: Hitler's emergence as chancellor, the establishment in incredible rapidity of German totalitarianism, made possible – *inter alia* – by the perfidious passivity of so many of the German elites, constituted that threat. By April 1933 German universities, so proud of their autonomy, sanctioned, partly welcomed, the dismissal or suspension of academics who did not conform to the regime's new dogmas of racial purity or political orthodoxy. Professors were purged, books were burned, and the anti-enlightenment was in much applauded power.

It was then that Johnson and others, many of them New Dealers, went beyond help to individual scholars; Johnson knew German, knew some of the academics threatened by homelessness, and wanted to help them – and conceived the University in Exile as an American home and at



CHANCELLOR ANGELA MERKEL AND FRITZ STERN

the same time as a protest against American isolationism and indifference, made the stronger by the Great Depression. Johnson had known some of the newly homeless German academics, many distinguished in combining socioeconomic research with a philosophical-historical context. The crowning achievement of the University in Exile was a weekly seminar where these scholars from different but cognate fields would present their research. The expectation was that such a newly founded graduate faculty would train American scholars in some kind of synthesis of European and American methods.

But Johnson's effort was altruistic and humane; he saw that refugee intellectuals and indigenous scholars would benefit from each other's presence. He knew of likely difficulties; he had met some of the scholars before he brought them over. And he knew that academics in exile might not

always be an easy lot; misfortune doesn't automatically translate into magnanimity, and German academics might still think of themselves as guardians of culture. Modesty was not necessarily the foremost virtue of German academics.

Allow me a personal note: I knew well a few members of that first group at the University in Exile, most especially Hans Neisser. My mother worked with Max Wertheimer, co-founder of Gestalt psychology. It was an inspiring group, including Frieda Wunderlich, a pioneer in social policy and a member of the Prussian parliament before 1933. All of these exiles had seen and suffered the fate of Weimar: Their reflections on socioeconomic issues and on humanistic education embodied lessons from Weimar's failure.

The ideals of the University in Exile remain as valid today as they were then – the dangers

to free thought, the threats of torture and repression, are ever present. The University in Exile was the best of the US in miniature; it was an expression and a beneficiary of a generous liberal spirit. In the 1930s and 1940s, that spirit had many enemies – and it has them still today. In gratitude to past defenders, we must try to emulate them, to be steadfast in support of decency.

Today's Graduate Faculty continues the tradition of relevant scholarship in an international context, as exemplified by the symposium that will begin this afternoon. Free scholarship will always need protection or refuge; I see a distant affinity between the University in Exile in New York and some decades later, the flying university in Poland, meeting furtively and underground, constituting a vital element in the ultimate self-liberation of Eastern Europe. Many of us live by past examples, whether

embodied in individuals or institutions. We have every reason to celebrate that earlier model, the University in Exile – and it is very much in its spirit that the New School today wishes to honor Chancellor Merkel, one of the preeminent political leaders of the world, and one of the few who knows from her own experience of the fragility of freedom and the importance of free scholarship.

The above is an excerpt of a longer laudation – delivered in English and German – by Academy Trustee and Columbia University historian Fritz Stern. He spoke at the Academy on the occasion of The New School's conferral of an honorary doctorate upon Chancellor Angela Merkel, in February 2009, celebrating the University in Exile's 75th anniversary.

US Lesson in World Politics

Anne-Marie Slaughter and the new face of US diplomacy

IT'S NOT what you say, it's how you say it. This is especially true of current US foreign policy. Consultation, multilateralism, the United Nations, patience, and hope are all on the agenda. Incidentally, the US remains an overarching world power and Europe's good standing depends on its contribution to world order – whether in confronting economic depression, Afghanistan, or Iraq.

On Tuesday at the American Academy, an evening ripe for thunderstorms at Wannsee. The Director of Policy Planning for the US Department of State, Anne-Marie Slaughter, previously dean of the Woodrow Wilson School for Public and International Affairs at Princeton and the first woman to ever hold the highly regarded position, spoke about the future

of the Obama administration's approach to foreign policy. Slaughter was Obama's top choice for the key position. During last year's campaign she directly criticized Hillary Clinton, but she reported with a smile that in the meantime they have found their common ground.

The National Security Doctrine in 2002 was the formal response to the 9/11 trauma in New York and Washington. It specified weapons of mass destruction, terrorism, and failed states as the first, second, and third greatest threats to the United States. While weapons of mass destruction are still the top concern, Obama's policy does not lack a commitment to nuclear disarmament, and Islam has been removed from the rhetoric of the former policy. A key objective remains keeping terrorists

away from nuclear weapons, which pushes Pakistan increasingly into focus. The third priority is much more than a rhetorical shift: Rather than condemning chaos states, it focuses on development and climate change. The Europeans will kindly nod in agreement with all of this, but they will also have to play their part. Whether that involves the nuclear spoil-sports Iran and North Korea; or the Middle East – Obama does not just want to see a process, but rather actual peace between the states in the region; or whether it's about migration; or Turkey, which Washington is waiting to see if Europe would like to have in the EU.

According to the Policy Planning head, the Clinton State Department considers addressing climate change as a moral and humanitarian obligation,

but even more so as the strategic height of global development through diplomacy. Obama's speech to the Islamic world in Cairo was followed by the appointment of task forces on the terrain from the Atlas Mountains to the Hindu Kush. It was a lesson in world politics for the Berlin foreign policy establishment. "Soft power"? The open hand rather than the clenched fist has become the leading metaphor for America's new foreign policy. But in the end it is hard power that matters – this also goes for the Obama administration.

By Michael Stürmer

Die Welt

July 1, 2009

Translated by Alissa

Burmeister

Of Operas and Awards

Anna-Maria Kellen and Peter Gelb at the Academy

THE METROPOLITAN Opera recently celebrated its 125th anniversary.

Rather than coast on its countless merits, however, the Met has been revolutionized by dramatic changes initiated by Peter Gelb, the company's 16th General Manager. Through a series of bold artistic strokes and public initiatives, including the groundbreaking Live in HD series of live transmissions to movie theaters around the world, the Met has revitalized its image and raised the profile of opera internationally. "We're bringing opera back into the cultural mainstream," Mr. Gelb says, "a necessary step if we wish to keep the art form alive in the years to come."

Mr. Gelb, at the Academy as a Stephen M. Kellen Distinguished Visitor, began his June 21 lecture with coverage of the Met's opening night – from the outside. Projected onto multiple screens throughout Times Square and Lincoln Center before tens of thousands of fans was an evening gala featuring fully staged



ANNA-MARIA KELLEN AND PETER GELB

performances of the second act of Verdi's *La Traviata*, the third act of Massenet's *Manon*, and the final scene from Richard Strauss's *Capriccio*.

In the Academy's own audience were several of Berlin's musical luminaries: René Pape, the great baritone from the Staatsoper; pianist Mariella Stockhausen; Peter Riegelbauer of the Berlin Philharmonic; and Director of the Salzburger

Festspiele, Jürgen Flimm, whose strong opposition to Mr. Gelb's popularizing approach to opera spurred a dynamic and impassioned discussion.

In attendance as well, all the way from New York City, was Anna-Maria Kellen, wife of the late Stephen Kellen whose family remains the Academy's biggest benefactor. Accompanying her was daughter Marina French, on the Boards of the Met and the

Academy, who made the evening with Mr. Gelb possible.

During her stay in Berlin, Mrs. Kellen – born and raised in the German capital, in the house that is now the Hans Arnhold Center – was honored by the Berlin Senate with the esteemed *Verdienstorden* in "recognition and appreciation of outstanding merit to the city of Berlin," particularly her tireless support of the American Academy.

Onward with the Arts!

» CONTINUED FROM N1

Since, however, each has gone on to revolutionize their respective institutions, bringing an ever-broader public before the cultural gems they have to offer.

Sir Clive recalled the extraordinarily successful, first-ever YouTube Symphony Orchestra. Organized by Carnegie Hall, the performance, comprised of an international orchestra selected from over 3,000 applicants, took place on April 15, conducted by Michael Tilson Thomas. The result: 15 million hits and renewed thinking about whom classical

music can reach. Carnegie Hall also began an education initiative that saw them join forces with the Juilliard School of Music and New York City public schools to create a fellowship program for the nation's best young musicians. As part of their award, fellows received post-graduate training with Juilliard's best, in exchange for joining the teaching faculty of New York City's public schools for a duration thereafter. The program's success has been enormous.

For MoMA and director Lowry, at the helm since 1995, reaching out to the public has not just

meant an extraordinary building-renovation project and extended public programming, but the decade-long partnership with Queens-based contemporary art space P.S. 1. This symbiotic relationship, Lowry explained, has helped to bring the power and relevance of contemporary art to a broader public, as well as to contextualize today's art within the larger tradition of modernism, a connection Lowry's own writing has helped to redefine and expand.

For both directors the global economic downturn has, of course, reduced budgets and slimmed down future plans. Yet

both remain optimistic about the future of the arts in the US and Europe, regardless of their differing models of funding – mostly private versus mostly public – an issue they also addressed at length.

A take-away message of the evening: Moments like the one in which cultural funding currently finds itself have occurred in the past, too. And it is the arts that have always helped us to understand the human components of the larger cultural mechanisms at work. This indispensability is hardly one that can afford to be curtailed. And so, onward and upward with the arts!

He Is So Free

NEARLY SEVEN YEARS ago, in January 2002, Jonathan Franzen read from his then-forthcoming novel, *The Corrections*, at the American Academy in Berlin. What followed this German premiere is literary history: Just a few years later the German translation of Franzen's novel, including the portion he read that night, caused him to be celebrated as the star author of the Western world.

Since then, Franzen's importance has kept in lock step with his fame. Despite the extra security at the Academy gate, the presence in the audience of fellow Donald Antrim, and authors such as Julia Franck and Daniel Kehlmann, a feeling of déjà-vu was hard to resist as the American Academy offered a very special pre-premiere: Franzen presented the first chapter of his unfinished fourth novel.

The author, who turned 50 this summer, seems as young as ever. And the text he read confirmed that he has remained true to himself – in tone and in the way he observes the world and each of his characters struggling within it. As in *The Corrections* and his earlier novels, his current one, *Freedom*, is set in the Midwest. Patty and Walter live in Ramsey Hill, in St. Paul, near Minneapolis. The tensions of the novel are laid out in the first chapter, "Good Neighbors," and then Franzen weaves a taught net of relationships among family members, neighbors, and friends that comes to serve as a trampoline from which to launch the conflicts, desires, and soaring ambitions he explores.

Yet as the novel is still in progress, Franzen was hesitant to say too much about it. It is about marriage and competition, and one might get the impression that



JONATHAN FRANZEN

the narrator cares deeply about his surroundings. Franzen also proved his competence at side-stepping disagreeable questions with elegance and ironic self-regard: In a conversation with literary critic Wieland Freund, he revealed that the novel's working title, *Freedom*, was inspired by George Bush. Following the September 11 bombings, Bush's statement "They hate our freedom" increasingly dismayed Franzen the more he thought it over. "Even if I can't imagine living without some of these freedoms," he said, "it seems to me that freedom in excess is going to kill me." But it is not the job

of literature, Franzen alluded, to take on the terrorist attacks as a "national tragedy." Truly powerful books that were able to capture the crisis were written before the terror attacks ever happened. "Writers don't wait in line to react; they lead the way." Franzen's readers know what he means. Now the public must patiently await the release of *Freedom* in the United States, expected in fall of 2010.

By Felicitas von Lovenberg
Frankfurter Allgemeine Zeitung, May 7, 2009
Translated by Alissa Burmeister

Citigroup Master Class Essay Competition

IN JUNE 2009 Citigroup Global Markets Deutschland AG and the American Academy launched the first Citi Master Class in Effective Entrepreneurship. Select German business graduates took part in seminars with internationally renowned business leaders in Berlin and Frankfurt. At the end, each student wrote an essay about the financially turbulent climate facing young entrepreneurs. The best five essays will be posted on the Academy's website in November 2009.

Call for Applications

The American Academy in Berlin invites applications for its residential fellowships for the 2010–2011 and future academic years. Applications are due in Berlin on October 1, 2010 and will be announced in February 2011. Fellowships are awarded to emerging and established scholars, writers, and professionals to engage

in independent study in Berlin. Fellowships are typically awarded for an academic semester, occasionally for an entire academic year, and include round-trip airfare, housing, partial board, and a monthly stipend. Fellowships are restricted to candidates based permanently in the US. American citizenship is not required, and American expatriates are not eligible. Candidates in academic disciplines must have completed a doctorate at the time of application. Application forms and further information may be found on the Academy's website, www.americanacademy.de.

~ Life & Letters ~

Alumni Books

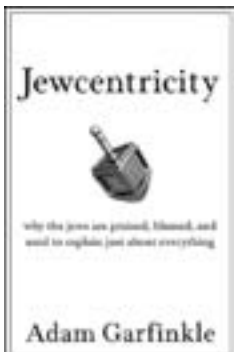
Recent and forthcoming releases

ARIS FIORETOS

Babel, a Festschrift for Werner Hamacher
(edition Weil am Rhein: Engeler, 2009) UND Den siste greken, novel, Stockholm: Norstedts, 2009)

ADAM GARFINKLE

Jewcentricity: Why the Jews Are Praised, Blamed, and Used to Explain Just about Everything (John Wiley & Sons, 2009)



STEPHEN HARTKE

CD Release: *The Horse with the Lavendar Eye – Piano and Chamber Music*

JEFFREY HERF

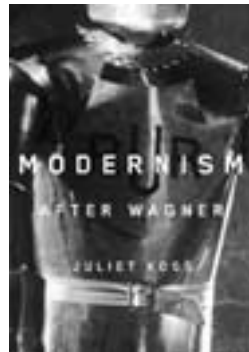
Nazi Propaganda in the Middle East (Yale University Press, 2009)

HA JIN

The Writer As Migrant (University of Chicago Press, 2008)

JULIET KOSS

Modernism after Wagner (University of Minnesota Press, forthcoming 2010)



MICHAEL MEYER

The Year that Changed the World: The Untold Story Behind the Fall of the Berlin Wall (Simon & Schuster, 2009)

SUSANNA MOORE

Big Girls (new German edition) (Atrium-Verlag, Hamburg, 2009)



W. SIMONE DE PIETRO

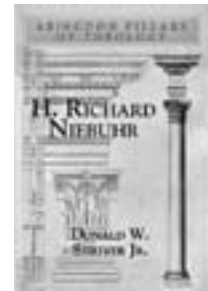
City Dog: Writings on Life and Culture (Northwestern University Press, 2009)

MARY E. SAROTTE

1989: The Struggle to Create Post-Cold War Europe (Princeton University Press, 2009)

DONALD SHRIVER

H. Richard Niebuhr: Abingdon Pillars of Theology (Abingdon Press, 2009)



KATE TRUMPENER

The Cambridge Companion to Fiction in the Romantic Period (co-edited with Richard Maxwell; Cambridge University Press, 2009)



Sneak Preview

The spring 2010 fellows

THE INCOMING CLASS of spring fellows promises another season of lively intellectual exchange and debate. The inaugural Metro Berlin Fellow will be SUNIL KHILNANI, Starr Foundation Professor and Director of the South Asia Studies Program at

Johns Hopkins University. He will be joined by law professor and Bosch Public Policy Fellow DAVID ABRAHAM, and the semester's Ellen Maria Gorrissen Fellow will be CHARLES MARSH, Professor of Religious Studies at the University of Virginia. Art historians at the Academy this

spring will be JEFFREY CHIPS SMITH, of the University of Texas at Austin, and Tufts University professor JUDITH WECHSLER, who will be the Anna-Maria Kellen and Berthold Leibinger Fellows, respectively. Novelist and journalist FRANCISCO GOLDMAN, author of *The Long Night of White Chickens*, will join the spring class as the Mary Ellen von der Heyden Fellow for Fiction. The Academy also welcomes writer, photographer, and documen-

tarian CAMILO JOSÉ VERGARA as the Berlin Prize Fellow, and translator PETER WORTSMAN as the Holtzbrinck Fellow, both from New York. JANET GERZARI, professor of English at Connecticut College, comes to the Hans Arnhold Center as the Siemens Fellow. And in the arts, the Berlin Fellow in Music Composition will continue from fall, New Haven-based composer ANDREW NORMAN.

Profiles in Scholarship

The fall 2009 class of fellows

RICK ATKINSON

Born in postwar Germany, Rick Atkinson spent his formative years on the military bases where his Army-officer father was stationed. The environment had an effect on the young Atkinson, who has gone on to pen five acclaimed works of military history and spend more than twenty years as a *Washington Post* correspondent and bureau chief, covering, among other areas, the Pentagon. For his work Atkinson has been awarded four Pulitzer Prizes.

Atkinson won his first Pulitzer for reporting in Kansas City that included a series of articles about the West Point class of 1966, the first group of graduates to join a losing Army at a time when social attitudes towards the military were drastically changing. This reporting ultimately became his first book, *The Long Gray Line* (1989).

Atkinson moved to the *Washington Post* in 1983 and later became the lead correspondent in the 1991 Gulf War, which led to his second book, *Crusade: The Untold Story of the Persian Gulf War*. In 1993 he became the paper's Berlin bureau chief, from where covered the simmering conflicts in Bosnia and Somalia. No stranger to the war theater, Atkinson was embedded with the US army in Iraq in 2003, leading to the creation of his book *In The Company of Soldiers: A Chronicle of Combat* (2004), in which he examined the complicated facets of waging modern war.

His magnum opus to date, however, has been *The Liberation Trilogy*, a tripartite account of the American military's role in the liberation of Europe during World War II. Addressing the

campaigns in North Africa and Italy in his first two volumes, *An Army at Dawn: The War in North Africa, 1942–1943*, which won the 2004 Pulitzer for history, and *The Day of Battle: The War in Sicily and Italy, 1943–1944* (2007), Atkinson's work, now from the Academy, aims to complete the trilogy's third segment: A study of the events leading from the invasion of Normandy to Germany's surrender, in 1945.

LEONARD BARKAN

The ruins of ancient Rome and the cultural moods they entail have long been a topic of scholarly fascination. Historians piece together ancient narratives; archaeologists, its physical fragments; painters and poets lend their interpretations of eras past. Even Sigmund Freud compared the practice of archaeology to that of psychoanalysis: Both uncover buried layers.

But what effect does the use and display of fragments have on a culture? For Princeton comparative literature scholar Leonard Barkan, this has long been a central concern. He has devoted much of his research to the intersections of literature and art history, archaeology, and aesthetics, most recently in a book on Michelangelo's habits of writing and drawing, and another on a year spent in Italy. It was in that country that Barkan explored what Italy does best: Art, literature, food, and wine – and their nuanced relations to the self.

The link between fragments in art and the experience of viewing them will be Barkan's point of focus while at the Academy. Having spent significant time in Rome, where a majority of ruins and artifacts are in situ, Barkan

will contrast the experience of looking at these sherds in Italy to that of seeing them in Berlin, which, he says, "is no less marked by history but where ancient art has been subject to far more displacement, and in some ways, far more successful display."

In keeping with his genre-crossing oeuvre, Barkan's Academy project will comprise a collection of essays, drawing from both written testimonies of post-classical museum-goers (such as Rilke and Winckelmann) and the modern, subjective experience of visiting a museum. It will spring from considerations of history and poetry; from the examples of both Rome and Berlin; and, no less important, from Barkan's own subjective manner of observing and understanding the German capital's architectural spaces.

BENJAMIN BUCHLOH

The work of Dresden-born artist Gerhard Richter spans nearly five decades and media from painting to photography; from sculpture to photographs; from bricolage to drawings. One of Germany's towering postwar cultural figures, Richter's presence has reverberated throughout the art world. Yet there is a dearth of substantial literature on the artist.

To correct the oversight, Andrew W. Mellon Professor of Modern Art at Harvard University, Benjamin Buchloh, himself a towering figure in postwar art history and criticism and perhaps the world's preeminent authority on Richter, will spend his Academy residency concluding a monographic study of the artist. He sees Richter's underrepresentation as stemming both from a complex, paradoxical artistic education and the atypical method in which he works, defying traditional theoretical tools. Buchloh's Richter projects began in earnest in the 1990s, when he curated a retrospective of the artist in Paris and Bonn, penned several groundbreaking essays on Richter's work, and wrote a dissertation at the CUNY Graduate

Center. But the fascination with Richter's work is much older and more personal: Buchloh, who received his M.Phil from the Free University of Berlin in 1969, has been friends with the artist for over three decades.

Throughout his academic career, Buchloh has written on modernism's divergence into its European and American strains, focusing on the work of Yves Klein, Joseph Beuys, Ellsworth Kelly, and Andy Warhol. "Part of my motivation for wanting to study modern art was a rebellious impulse," Buchloh has said. "My interest grew in proportion to the inaccessibility of the material." Buchloh has taught at the Staatliche Kunstakademie Düsseldorf, the Nova Scotia College of Art and Design, SUNY-Old Westbury, MIT, the University of Chicago, CalArts, Barnard College, and Columbia University. Co-editor of the journal *October*, he was awarded the Golden Lion for Contemporary Art History and Criticism at the Venice Biennale (2007) and is the recipient of grants from Getty, CASVA, and Lehman foundations.

NATHAN ENGLANDER

Dov Binyamin went over to the kettle, poured himself a mug of hot water, and stirred in a spoonful of Nescafé. "How about you don't give me a hard time today?" This tensely wound domestic snippet is from Nathan Englander's first set of short stories, *For the Relief of Unbearable Urges* (1999), which he published at age 29. The book is comprised of nine separate tales, all set in the world of Jewish Orthodoxy. Subsequently translated into 12 languages, the book earned Englander a smattering of awards for first fiction, including a PEN/Hemingway Award, the Sue Kauffman Prize from the American Academy of Arts & Letters, and recognition in the *New Yorker* as one of "20 Writers for the 21st Century." His second work (and first novel), *The Ministry of Special Cases*, received equal acclaim for its darkly moving

depiction of a family caught in the midst of Argentina's "Dirty War."

Englander's short stories have regularly appeared in *The New Yorker*, *The Atlantic Monthly*, and *New York Magazine*, and this fall he will continue work on his second novel, tentatively entitled *Coward*. Set in Israel in the years between the two intifadas, *Coward's* narrative will take a more personal tone: During Englander's

Joel Harrington was working on a research project in the Nuremberg city archives, this is precisely what he stumbled upon: The journal of Frantz Schmidt, Nuremberg's official executioner from 1573 to 1617. The journal chronicles 345 ritual disfigurements and 361 public executions he performed while in service.

While Schmidt's narrative does not lack for detail, the jour-

Protestant Reformation, as cities and nations developed enhanced legal codes and new attitudes towards criminal justice. The Vanderbilt scholar has published two other works on early modern Germany, *Reordering Marriage and Society in Reformation Germany*, and *A Cloud of Witnesses: Readings in the History of Western Christianity*. His work with Schmidt's journal will constitute

battle is more intriguingly approached in a manner less conventional than traditional military history: By looking at letters of soldiers and officers on both sides of the conflict. He does so to seek out the details of the disparate ideologies – and thus, intrapersonal hopes – that motivated the Soviet and Nazi armies, providing them radically different purposes and rationales for fighting.



FIRST ROW: LAURA SECOR, LEONARD BARKAN, PHILIP ZELIKOW; MIDDLE ROW: GEORGE PACKER, MARY E. SAROTTE, NATHAN ENGLANDER, MICHAEL QUEENLAND, ANDREW NORMAN; BACK ROW: JOCHEN HELLBECK, SUSAN HOWE, JOEL HARRINGTON, RICK ATKINSON, BENJAMIN BUCHLOH

six years in Jerusalem he experienced the intense period between the two conflicts but left the city after it erupted into, he says, "what can only be described as war." The story delves into the politics and religion, race and culture, and dreams and violence of the divided city. These are universal themes, to be sure, but Englander's specific fictional universes, he says, are "more about the setting facilitating the subtext than vice versa."

JOEL HARRINGTON

Of all the stories, films, and books depicting Europe during the time of the Reformation, few, if any, have done so through the eyes of an executioner. Yet when Vanderbilt historian

nal offers something perhaps more astounding: Rare insight into the life of a man who worked to reconcile his personal religious piety with his gruesome profession. Schmidt lived comfortably with his family and remained a respected member of the local establishment, while also successfully petitioning to abolish forms of unnecessary cruelty for those condemned to his hand. Throughout the explicit accounts of execution and torture, Schmidt also conveys sense of mercy, justice, and divine will. He believed he was doing God's work.

Harrington is interested in the parallels between Schmidt's journal and the changes that Europe was undergoing during the

his third study focused on understanding the ways historical events in Reformation Germany have shaped the country as it is today.

JOCHEN HELLBECK

War historians often cite the Battle of Stalingrad as being a historic turning point of the Second World War. It sent the German army into retreat and paved the way for the Red Army's advance to Berlin – ultimately leading to the Battle of Berlin that ended the war in Europe. The Battle of Stalingrad, fought between July 17, 1942 and February 2, 1943, took nearly two million lives and effectively reduced the city to rubble.

For Rutgers history professor Jochen Hellbeck, the Stalingrad

The ideology of the Third Reich was driven by an exclusive, fatalist, and racist agenda, whose leaders saw themselves as "Aryan defenders against Asiatic hordes." The Soviets believed that political indoctrination and moral education could inspire soldiers to promote a cause of equality, brotherhood, volunteerism, and moral perfection. Through the study of personal diaries, letters, memoirs, military records, and photographs, Hellbeck aims to ferret out the dissonant political agendas that met at the Battle of Stalingrad and resonated in the intellectual and emotional lives of those on the frontlines – a prime recent example of ideology converted into individual action.

A historian of Russia, Hellbeck's academic focus has been the study of autobiography in historical perspective. His most recent book is *Revolution on My Mind* (2006), which looks at the paradox of self-expression in Stalin's repressive political system.

SUSAN HOWE

Susan Howe remembers returning to the United States from a summer in Ireland in 1938 on a ship full of refugees fleeing from across Europe. In 1941 her father enlisted in the US Army and was subsequently stationed in North Africa, Sicily, Italy, France, and Germany, separating him from his family for three years. These early impressions of "the gulf that separated Europe from America" had a formative, haunting impact on Howe's worldview and ever since have shaped the backbone of her poetic work.

Howe's writing is rooted in the European tradition; her poems often arise from an interdisciplinary study of letters, memoirs, biographies, diaries, drawings, paintings, and photographs: "Lean on handrail river below / Sense of depth focus motion / of chaos in Schlegel only as / visual progress into depth its / harsh curb estrangement logic," goes a passage from "Rückenfigur," a poem heavily influenced by an exhibit of Caspar David Friedrich paintings that alludes to classical figures in ancient Greek poetry and myth. Beethoven, Adorno, and Beuys are some of the other figures that have been influential in Howe's recent work – Europeans whose perspectives have helped her to explore the themes of American mysticism, Puritanism, and transcendentalism central to her writing. The experience of displacement in America is a tradition extending back to reformers and sects in the nineteenth century who came to America as an ultimate result of the Reformation.

At the Academy this fall, Howe is working on the completion of a manuscript that will include

both essays and poems, adding another volume to the twenty books of poems and three books of literary criticism she has already published. The chameleon city of Berlin will undoubtedly have a potent effect on Howe's output: She knows that her poems develop from a close relationship to her location and is eager to explore the relationship between American themes and European art afforded by her own voluntary displacement.

PETER MAASS

Wars and conflicts of the twentieth century are often linked to images that quickly become iconic. Robert Capa's 1936 photograph of a felled militiaman in the Spanish Civil War; the 1945 photograph of US Marines raising the American flag at Iwo Jima; the execution of a Viet Cong prisoner in the streets of Saigon in 1968; the toppling of a Saddam Hussein statue in Baghdad in 2003. These images, he says, misshape the public perception of war.

It is precisely this last example from which Maass springs to discuss the way we view iconic photographs. As American Marines toppled the statue of Saddam Hussein in the Baghdad city center on April 9, 2003, the picture circled the globe and became a symbol of American conquest and Iraqi joy. But Maass, who was there, says the actual event "was a minor sideshow; even the Marines who toppled the statue were surprised when it became an icon." Iconic images become narratives, Maass says, sometimes at the expense of equally significant but more disturbing images. This sort of discrepancy highlights the fictional construction of war narratives that overshadow the realities on the ground.

The project that the *New York Times Magazine* contributing writer will pursue in Berlin includes research on German political iconography of the twentieth century – the Nuremberg rallies and the fall of the Berlin Wall – as well as reflections from his

own experiences as a journalist. Having spent the early part of his career covering European affairs for the *Wall Street Journal*, *New York Times*, and the *International Herald Tribune*, Maass also spent several years in Eastern Europe as a correspondent for the *Washington Post*, for whom he covered the war in Bosnia in 1992 and 1993.

Maass has written about the topics of oil, war, terrorism, and Iraq, among others, for the *New Republic*, *Popular Science*, and *Slate*, and is the author of *Crude World: The Violent Twilight of Oil* (2009) and *Love Thy Neighbor: A Story of War* (1996).

ANDREW NORMAN

"Billy Pilgrim has come unstuck in time" – the first line of Kurt Vonnegut's *Slaughterhouse 5*, opened a narrative about a character that experienced the events of his life out of sequence. It was the inspiration for Andrew Norman's piece "Unstuck," one movement of a larger cycle of his orchestral works entitled "Anachronies." Referring to the displacement of chronology in narrative form, it is comprised of a set of discrete pieces that explore an alternate manner of structuring the idea of chronology in abstract musical form.

Norman's music is often inspired by the built or technological forms he encounters. His music draws from an eclectic mix of sounds and often features a combination of color, energy, lyricism, and the fragmentation of musical ideas. *The Boston Globe* called Norman's 2004 piece "Gran Turismo" an "exhilarating exercise in perpetual motion constantly threatened by modern collisions en route," noting that it "was inspired in part by the baroque *concerto grosso*, in part by the video game of the same name." Norman's 2003 piece "Light Screens," for flute and a string trio, was inspired by a section of stained glass designed by Frank Lloyd Wright: Simple repetitive shapes with heavy

geometric lines and dynamic asymmetry.

Born in 1979, Norman is a graduate of the University of Southern California and the Yale School of Music. He has received composition fellowships from the American Academy in Rome, the Aspen Music Festival, the Chamber Music Conference and Composers' Forum, among others. In 2009 he received the Charles Ives Scholarship from the American Academy of Arts and Letters and was a Composer-in-Residence at the Des Moines Symphony, whose orchestra, along with the Modesto Symphony, will premiere his completed "Anachronies," in 2010.

GEORGE PACKER

The founding ideas put forth in the United States Constitution have been a fundamental source of American activity, thought, legislation, and debate since the document's ratification, in 1788. Its claims, rooted in the English and Scottish Enlightenment, champion the democratic values that have long served as a model for countries developing their own legal codes. But can these ideals be interpreted for alternative purposes?

Looking back at the wars America has waged and supported since its founding – from Thomas Jefferson's support of the French Revolution, to Woodrow Wilson's break from isolationism to join World War I, to the 2003 war in Iraq – *New Yorker* staff writer George Packer has traced the roots to an invocation of the Enlightenment ideals rooted in the Constitution. Yet despite the fact that the defense of human liberty and equality are often cited as the war's purpose, these grandiose and abstract ideas are often far from the reality of daily combat and the brutality of war.

While at the Academy, Packer will undertake a collection of essays that address American policy and the unresolved, dichotomous interplay it has repeatedly faced between the "lofty ideals and the use of force." Inspired to the

project after his time as a reporter in Iraq researching the award-winning *Assassin's Gate: America in Iraq* (2005), Packer hopes to explore the ways in which American idealism has lead inevitably and repeatedly to bloodshed and death. It would appear that the American republic, he claims, is ultimately founded on principles that are inherently destructive. While the Enlightenment values of liberty, humanitarianism, and self-determination are indeed indispensable, there is "something chronic in American history and charter [that] produces the opposite."

MICHAEL QUEENLAND

In Michael Queenland's 2004 piece *Trap*, the New York-based artist created a structure of chopsticks that supported balloon-like cobwebs ensnaring little spheres made of Styrofoam peanuts. Delicately balanced and appearing to hover in midair, the piece, Queenland says, was a reference to Puritan theologian Jonathan Edwards's "fire-and-brimstone image of man as a spider dangling by a slender thread over the flames of damnation."

Queenland's work consistently explores American radical and social movements and refers to nonconforming figures in standard thought and belief systems by using a rich tapestry of materials and media. Incorporating sculpture, photography, and installation made of ephemeral materials such as soap bubbles, brooms, and spider webs, he creates juxtapositions that at once "insist upon sensible, material fact and the ineffable meaning that exceeds it." Queenland's past projects have included an exploration between minimal and conceptual art, the aesthetics of Shaker furniture, a chandelier constructed of ping-pong balls, and pieces that begin as sculptures and then become narratives, images, signs.

Born in Pasadena, Queenland studied at the University of California, Los Angeles, where he received his MFA. In 2005

he completed a residency at the Studio Museum, in Harlem, and in 2006 received a United States Artists Fellowship. He has had solo and group exhibitions at, among others, the Institute of Contemporary Art at the Maine College of Art, the Massachusetts College of Art, in Boston, and the Whitney Museum of American Art.

MARY ELISE SAROTTE

Historian Mary Sarotte points to two distinct outcomes after the fall of the Berlin Wall: The end of a grand socialist narrative that directly competed with capitalism and individuality, and the beginning of what appeared to be an "era of unpredictability." Regarding the latter, immediately after the Wall, questions swiftly arose as to the direction post-Communist states would take: Would they maintain some variation of socialist narrative while incorporating new political and security organizations, as Mikhail Gorbachev hoped? Or would they wholly adopt Western institutions?

Sarotte, Professor of International Relations at the University of Southern California, argues that this new unpredictability was allayed, in part, by former German Chancellor Helmut Kohl and his bold willingness to import Western bodies and ideas to the East – most notably, NATO. Kohl's expansion of NATO into the former East German state provided continuity and certainty at a time when a new Western-style order was by no means inevitable.

Having recently gained early access to the records of former Chancellor Kohl, Sarotte will use her Academy fellowship to work primarily with these documents in the German Federal Archives and the Federal Chancellery before they are made available to the public. Her research will ultimately develop into a book project about the priorities, doubts, and convictions that led Kohl to promote Western institutions over the alternatives for which Gorbachev and

former revolutionaries in Eastern Europe were pushing.

The project is particularly timely – the twentieth anniversary of the fall of the Berlin Wall – for its elucidation of the course of thought and events that led to the current world order. Sarotte addresses this monumental shift at length with considerable narrative force in her new book, 1989: *The Struggle to Create Post-Cold War Europe*, due out from Princeton University Press in November 2009.

LAURA SECOR

In June of 2009 the world watched as the campaign between Iranian President Mahmoud Ahmadinejad and the reformist Mir-Hossein Mousavi neared election. Images of public squares filled with exuberant Mousavi supporters waving green flags lead many to wonder if the election would finally mean regime change. The world then witnessed the surprising outcome, which led to mass riots, police brutality, journalistic censorship, and civilian deaths.

While the 2009 Iranian elections are significant in their own right, they are part of a larger narrative about political reform in Iran underway since the mid-1990s. This is the story that New York-based journalist Laura Secor, whose writing on Iran has appeared in the *New Yorker*, *New York Times Magazine*, *Atlantic Monthly*, and the *New Republic*, will be writing during her residency as a Holtzbrinck Fellow at the American Academy. Having travelled four times to the country since 2004 – one year before conservative hardliner Ahmadinejad's presidential victory – Secor has witnessed the shift away from Western-style liberalism that ensued after the reformist rule of Mohammad Khatami was overturned.

Through the dramatic personal stories of Iranians exiled in Europe throughout the country's recent course, Secor, in her project "Fugitives from Paradise,"

will trace the story of Iran's contemporary movement for democratic change, following the political arc of a country that still resembles, even given recent travails, the closet thing to a democracy in the Muslim Middle East.

PHILIP ZELIKOW

When the 9/11 Commission was charged with investigating the events that lead to the worst ever terrorist attacks on American soil, they looked to Philip Zelikow.

It was Condoleeza Rice who called on her State Department colleague to rewrite the initial 9/11 Commission report. After he did, the Commission's vice-chair, Lee Hamilton, recommended Zelikow be appointed director – making him head of the most wide-ranging investigation in the history of the United States.

Since the 1980s Zelikow had worked on national security issues, serving on the staff for Secretary of State George P. Schultz during Ronald Reagan's second administration, on the National Security Council under President George H.W. Bush, in 1989, and on German reunification diplomacy and settlements accompanying the close of the Cold War. In 1990 Zelikow worked with National Security Adviser Brent Scowcroft and Secretary of State James Baker as part of the diplomatic team that handled coalition affairs in the first Gulf War. After this long stretch in government, Zelikow headed to the Kennedy School of Government at Harvard to teach public policy and serve as co-director of the Intelligence and Policy Program. He departed in 1998 for the Miller Center of Public Affairs at the University of Virginia, where he is currently he is White Burkett Miller Professor of History.

At the Academy this fall as an Axel Springer Fellow, Zelikow will be working on a project no less ambitious than his extraordinary career: "Shaping the Modern World," about the history of US foreign policy.

Calendar

From concerts, readings, forums, and lectures, the Academy's fall semester offers diverse and unique perspectives on American intellectual, political, and cultural life. Herewith, a listing of events in and around the Hans Arnhold Center, from September through December.

SEPTEMBER

- 9/15 PRESENTATION OF THE FALL 2009 FELLOWS
Greeting by US Ambassador Philip Murphy; Introduction by Joschka Fischer, Former Vice Chancellor and Foreign Minister of the Federal Republic of Germany
- 9/17 DID THE US BETRAY RUSSIA? THE END OF THE COLD WAR, THE START OF NATO EXPANSION, AND THE CONSEQUENCES FOR INTERNATIONAL POLITICS TWENTY YEARS LATER
Mary E. Sarotte, Professor of International Relations, University of Southern California, and Bosch Fellow in Public Policy at the Academy
- 9/21 PHILIP GLASS IN DIALOGUE WITH DENNIS RUSSELL DAVIES
Philip Glass, composer and Academy Guest, and Dennis Russell Davies, conductor and pianist
- 9/22 GLOBALIZATION AND THE LAW
Antonin Scalia, Associate Justice, United States Supreme Court, and Lloyd Cutler Distinguished Visitor at the Academy
- 9/22 PHILIP GLASS AND CHEN YI: PIANO WORKS
Performed by Dennis Russell Davies, conductor and pianist, and Maki Namekawa, pianist

Location: Radialsystem V
- 9/23 THE GERMAN ELECTIONS: NOT ENOUGH CHANGE
John Vinocur, columnist, International Herald Tribune, and David Rubenstein Distinguished Visitor at the Academy

OCTOBER

- 10/1 THE REST IS NOISE
Alex Ross, music critic, New York, and alumnus, American Academy in Berlin
- 10/6 BRINGING BACK THE DEAD: HISTORY, MEMORY, AND WRITING ABOUT WORLD WAR II
Rick Atkinson, author and historian; Axel Springer Fellow at the Academy
- 10/8 A TRANSNATIONAL WORLD: HISTORY, POLICY, AND A TIME OF TRANSITION
Philip Zelikow, White Burkett Miller Professor of History, University of Virginia; former Counselor, US Department of State, and Axel Springer Fellow at the Academy
- 10/13 LESSONS FROM THE GREAT DEPRESSION
Liaquat Ahamed, author and David Rubenstein Distinguished Visitor at the Academy
- 10/15 GOD'S EXECUTIONER: MEISTER FRANTZ SCHMIDT OF NUREMBERG (CA. 1555-1634)
Joel Harrington, Associate Provost for Global Strategy and Professor of History, Vanderbilt University, and Berlin Prize Fellow at the Academy
- 10/20 THE MINISTRY OF SPECIAL CASES
Nathan Englander, writer and Mary Ellen von der Heyden Fellow for Fiction at the Academy
- 10/21 THE NEW LIBERALISM
George Packer, staffwriter, The New Yorker, and Holtzbrinck Fellow at the Academy
- 10/27 FUGITIVES FROM PARADISE
Laura Secor, journalist and Holtzbrinck Fellow at the Academy

NOVEMBER

- 11/2 ADAPTING TO A TRANSNATIONAL WORLD
Philip Zelikow, White Burkett Miller Professor of History, University of Virginia; former Counselor, US Department of State; and Axel Springer Fellow at the Academy

Location: Festsaal, Rektorats-Villa, TU Dresden
- 11/10 BENEFIT CONCERT AND GALA DINNER IN NEW YORK
Franz Schubert's Octet in F Major, Opus 166
Performed by the Scharoun Ensemble Berlin, members of the Berliner Philharmoniker

Location: Morgan Library & Museum, New York
- 11/12 HOW TO RUN THE WORLD: A PREVIEW
Parag Khanna, Senior Research Fellow and Director, Global Governance Initiative, New America Foundation, and David Rubenstein Distinguished Visitor at the Academy
- 11/13 ANIMAL SPIRITS: HOW HUMAN PSYCHOLOGY DRIVES THE ECONOMY AND WHY IT MATTERS FOR GLOBAL CAPITALISM
Robert J. Shiller, Arthur M. Okun Professor of Economics, Yale University, and Academy Guest

Location: Deutsche Bank AG Unter den Linden
- 11/17 ON HIGH CULTURE AND FOOD CULTURE IN EARLY MODERN EUROPE
Leonard Barkan, Class of 1943 University Professor, Department of Comparative Literature, Princeton University, and Ellen Maria Gorrissen Fellow at the Academy
- 11/19 FRONT-LINE STALINGRAD: THE GERMANS THROUGH SOVIET EYES
Jochen Hellbeck, Associate Professor of History, Rutgers University, and German Transatlantic Fellow at the Academy

- 11/23 TRUE AND FALSE SELVES: A CONVERSATION WITH MICHAEL QUEENLAND
Michael Queenland, artist and Guna S. Mundheim Fellow in the Visual Arts at the Academy
- 11/24 POEMS AND DOCUMENTS: A READING
Susan Howe, poet and Anna-Maria Kellen Fellow at the Academy

DECEMBER

- 12/3 THE PHOTOGRAPH AS MEMORY IMAGE IN THE EARLY WORK OF GERHARD RICHTER
Benjamin Buchloh, Andrew W. Mellon Professor of Modern Art, Harvard University, and Daimler Fellow at the Academy
- 12/10 CRUDE WORLD: A JOURNEY INTO THE VIOLENT TWILIGHT OF OIL
Peter Maass, contributing writer, New York Times Magazine, and Berlin Prize Fellow at the Academy



Please visit www.porsche.com/panamera for further information.

Our contribution to the subject of innovation. In total.

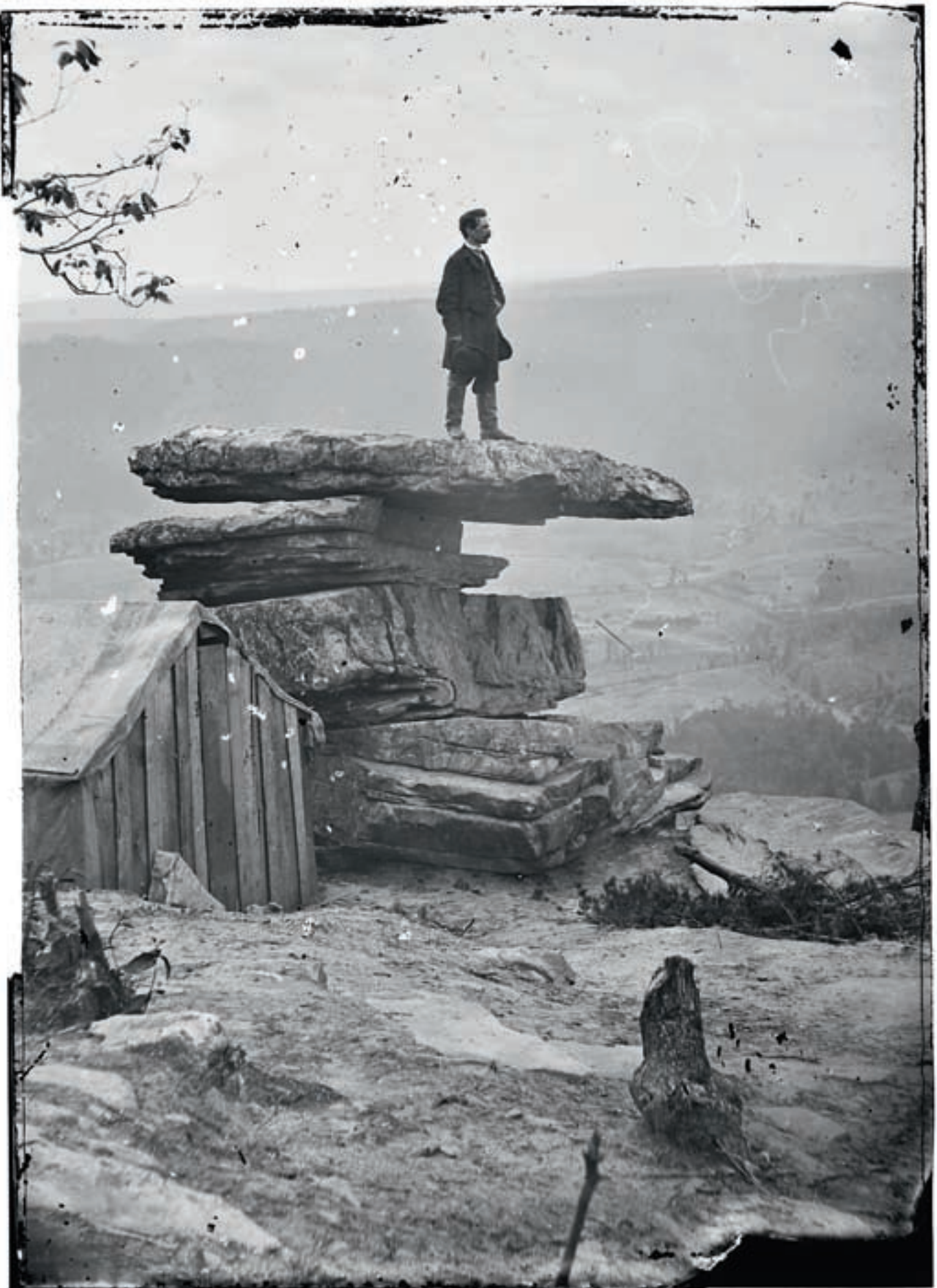
The new Panamera.

It all adds up nicely, this sportscar technology in the premium class. Let's take the Panamera 4S as an example: 7-speed Porsche Doppelkupplung (PDK) for gear changes with no interruption in the flow of power. Optional Adaptive Air Suspension, ranging from comfortable to highly sporty. Optional Porsche Ceramic Composite Brake (PCCB) for deceleration specs normally found only on the racetrack. Plus Direct Fuel Injection (DFI) and Auto Start/Stop function as standard. Net result: more efficiency, better environmental footprint.



PORSCHE

COURTESY US LIBRARY OF CONGRESS



CHATTANOOGA, TN (VICINITY). VIEW OF UMBRELLA ROCK, LOOKOUT MOUNTAIN, 1864. STEREOGRAPH

GUARDIAN OF THE CONSTITUTION

The question of slaves' legal status fell to the Supreme Court in 1857. Poor reasoning and political motivation lead to a bad decision that helped spark the American Civil War.

By Justice Stephen G. Breyer

IN THE *Dred Scott* decision of 1857 the Supreme Court held that no African-American could be a citizen entitled to sue in federal court and that he could not become free simply because he was taken by his owner into a free state. *Dred Scott* was a legal and practical mistake.

At the time of the decision, slavery was, of course, the main political issue of the day. The Constitution's Framers, aware in 1787 that the South would not join a Union that prohibited slavery, had postponed the question, writing into the Constitution a series of compromises. They included language that said Congress, prior to 1808, could not prohibit the "migration or importation" of slaves into the United States; that prohibited any amendment affecting that

Northwest rather than in the Southwest, as the South had expected. This eventually cost the South its political advantage, and it began to fear abolitionist legislation. The North, on the other hand, feared that the South would use every political and legal device within reach to extend slavery into new territories, thereby securing the election of pro-slavery Senators and helping the South to maintain its political power.

In this atmosphere Congress had to decide how to treat new territories, for example, those taken from Mexico in 1848. In the 1830s Congress had forbidden slavery in territories north and west of Missouri; in 1845 it admitted Texas as a slave state; in 1850 it admitted California as a free state. And in 1854 it departed

not only to maintain its evil institution, but to spread slavery throughout the nation. Many hoped, or feared, that the Court would use the *Dred Scott* case to clarify the legal status of slaves brought by their owners into free territory.

THREE INDIVIDUALS PLAY KEY roles in this story: Dred Scott, Roger Taney, and Benjamin Curtis.

Scott was born a slave on a Virginia plantation sometime between 1795 and 1800. His first owner, Peter Blow, took him to St. Louis, Missouri. Scott was then sold to an army doctor, John Emerson, who took Scott from base to base, including Fort Armstrong, in the free state of Illinois, and Fort Snelling, in the free territory of Northern Missouri (now Wisconsin). Scott married during his three-year stay at Fort Snelling, and Dr. Emerson then returned to St. Louis with Scott, Scott's wife, Harriet, and Scott's newborn child, Eliza. After Emerson died, Scott and his family became the property of Emerson's wife and, eventually, of her brother, Sanford. Scott, or perhaps his wife, was not satisfied with the arrangement, so they brought a lawsuit, first in state and then in federal court. They argued that their lengthy stay in a free territory had legally made Scott a free man.

Chief Justice Roger Taney, born in Maryland in 1777 to a family of tobacco farmers, wrote the majority opinion in the *Dred Scott* case. He was a longtime supporter of Andrew Jackson, serving as his Attorney General before being appointed Chief Justice, in 1835. Taney was an excellent lawyer, possessing what one observer called a "moonlight mind" that gave "all the light of day without its glare." ☞

THE SOUTH FEARED THAT THOSE TERRITORIES, IF FREE, WOULD SOON MEAN A CONGRESS THAT ABOLISHED SLAVERY; IT WANTED THE SUPREME COURT TO FIND THAT THE RIGHT TO OWN SLAVES, EVEN IN THE TERRITORIES, WAS A RIGHT THE CONSTITUTION REQUIRED THE NORTH TO RESPECT.

bar; and that apportioned legislators (in the lower house of Congress) among the States according to population, which was to be determined by "adding to the whole number of free persons, ... three-fifths of all other persons," i.e. slaves. This method of counting (allowing the South more representatives based on its slaves, while it forbid slaves to vote) meant that the South was overrepresented in the lower House of Congress and in the Presidential vote, giving it sufficient political power to block abolitionist efforts.

During the first half of the nineteenth century, however, population grew in the

from the Missouri Compromise principles, permitting two states north and west of Missouri (Kansas and Nebraska) to choose whether to become slave or free states.

The upshot is that in 1854 the legal status of slaves in the territories was of enormous political importance. The South feared that those territories, if free, would soon mean a Congress that abolished slavery; it wanted the Supreme Court to find that the right to own slaves, even in the territories, was a right the Constitution required the North to respect. The North feared that a pro-slavery interpretation of the Constitution would permit the South

He had argued for a gradual end to slavery, an institution he viewed to be an “evil” and a “blot on our national character.” He had represented abolitionists and had freed his own slaves. But as Attorney General he had also advised the President that the “African race, even when free, ... hold whatever rights they enjoy” at the “mercy” of the “white population.”

Benjamin Curtis, a native of Massachusetts, wrote the main dissent in *Dred Scott*. He had been appointed to the Supreme Court in 1851 by President Millard Fillmore in part because of his reputation as a “moderate” on the slavery issue. Curtis served for only six years, however, resigning after *Dred Scott* because he doubted his usefulness on the Court in its “present state.”

SCOTT INITIALLY BROUGHT HIS case against Mrs. Emerson in a Missouri state court. He pointed to earlier Missouri cases holding that a slave who resided for a time in free territory became a free man. The Missouri Supreme Court rejected his claim, noting, “Times are not now as they were when the former decisions were made.” Before the Missouri decision was final, however, Scott brought the same suit against his new owner, Sanford, in a lower federal court. Stating that it must accept Missouri’s decision, that court also rejected the claim. Scott appealed to the United States Supreme Court.

A prominent attorney and later a member of President Lincoln’s cabinet (along with Benjamin Curtis’s brother) represented Scott. Three prominent lawyers, including two United States Senators, represented Sanford. The issues were the following:

First, a jurisdictional question about the Court’s power to hear the case at all: The lawsuit was properly in federal court only if a “citizen” of one State was suing a “citizen” of another State. Sanford was a citizen of New York. But even if we assume, with Scott, that the law made him a free man, was he then a “citizen” of Missouri? Second, if Scott was a “citizen,” and jurisdiction was proper, what about the basic issue on the merits? Did the law make Scott free?

The lawyers argued this case over the course of four days in February 1856. Court notes reveal that a majority agreed to a compromise: Justice Grier would write a short jurisdiction-based opinion rejecting Scott’s claim. When two of the Justices said they would write a dissent, however, the compromise unraveled. Chief Justice Taney reassigned the opinion to himself. On March 6,

1857, Taney read his lengthy opinion from the bench; the next day Curtis read, and then released, his dissent. On May 12 the Court asked for re-argument on the jurisdictional question. Taney then rewrote his opinion, releasing his final version that month.

The Court initially considered the jurisdictional question, that is, whether, as Chief Justice Taney said, “A negro, whose ancestors were imported into this country and sold as slaves” is “entitled to sue *as a citizen* in the courts of the United States.” Taney and the majority, setting forth highly legalistic arguments, held that the answer to this question was no.

Here is why: The Constitution allows the suit only if the case arises “between citizens of different States.” The word “citizens” is limited to “citizens of the United States when the Constitution was adopted.” And that group, says Taney, could not possibly have included freed slaves. Why not?

Writing in language that has since become infamous, Taney explains that public opinion at that time considered Africans “so far inferior” to the “white race” that they had “no rights which the white man was bound to respect.” Even northern states where abolitionist sentiment ran strong and slavery had been outlawed – Massachusetts, Rhode Island, Connecticut, and New Hampshire – prohibited slaves to serve in the state militia, limited their educational opportunities, and forbid interracial marriage. Moreover, many of the Founders, themselves slaveholders, could not have intended the “equality” they preached to extend to slaves or former

.....
 EVEN IF DRED SCOTT
 IS A FREE MAN, HE IS NOT
 A CITIZEN.

slaves. Further, some contemporaneous federal statutes distinguished between “citizens” and “persons of color,” showing that the latter were not included among the former. Finally, Taney says that the Constitution guarantees to “citizens of each State ... all privileges and immunities of the several States.” How, in 1789, could anyone have thought that the South would have granted “privileges and immunities” to former slaves whom the North considered free? The court, Taney concludes, must not “give to the words of the Constitution a more liberal construction in their favor than they were intended to bear when the instrument

was framed and adopted ... It must be construed now as it was understood then.”

Curtis, in a powerful dissent, strongly disagreed. In his view, “Every free person born on the soil of a State, who is a citizen of a State by force of its constitution or laws, is also a citizen of the United States” and can thus “sue a citizen of a different State in federal court.”

Looking back to the Republic’s founding, in 1789, Curtis finds five states, New Hampshire, Massachusetts, New York, New Jersey, and North Carolina, that had included freed slaves among their citizens. True, these states imposed some disabilities on those freed slaves, but the laws of the first four states permitted those freed slaves to vote; the Supreme Court of the fifth state, North Carolina, had explicitly held that “slaves, manumitted here, became freemen and therefore, if born within North Carolina, are citizens of North Carolina.” How can one read the Constitution, silent on the subject, as excluding from its term “citizen” some of those very persons who were allowed (in those states) to vote on the Constitution’s ratification?

Curtis notes that without entering “into an examination of the existing opinions of that period respecting the African race,” a “*calm* comparison” of the assertion in the Declaration of Independence that “all men are created equal” with the “individual opinions and acts” of its authors “would not leave these men under a reproach of inconsistency.” It would show that they “were ready and anxious to make” the “great natural rights which the Declaration of Independence asserts ... effectual wherever a necessary regard to circumstances would allow.”

Further, the purpose of the jurisdictional clause was to extend federal judicial power “to those controversies into which local feelings or interests might so enter as to disturb the course of justice.” And that purpose is similarly served whether a party to the case is of “white” or “African descent.”

Moreover, the majority’s arguments, Curtis declares, are unusually weak. Its statutory claim proves nothing. If the language of some old federal statutes suggests that freed slaves are not “citizens,” the language of other old federal statutes suggests the exact opposite. Nor is its “privileges and immunities” argument convincing once one learns that the Constitutional provision simply repeats an older guarantee in the Articles of Confederation that entitled “free inhabitants of each of these States ... to

all the privileges and immunities of free citizens in the several States.” At the time the earlier language was adopted state delegates explicitly voted down, by a vote of eight to two, a North Carolina amendment that would have inserted the word “white” between the words “free” and “inhabitants,” so that the guarantee would have applied only to free white inhabitants. How can one then say that the Framers intended to exclude all but “white” persons from the clause’s protection?

Moreover, the Court, after having held that it had no jurisdiction to decide the merits of Scott’s legal claim, went on to do just that. Curtis, in reply, points out that a court that lacks jurisdiction cannot decide anything further. In violating this basic legal rule the majority “transcends the limits of the authority of the court.” But Curtis concedes that he may go on to express his own views, because he believes jurisdiction exists.

Finally, the Court majority held that Scott’s claims lacked legal merit; his three-year sojourn in the free territory of Northern Missouri and in the free state of Illinois did not emancipate him. The

majority might have reached this conclusion by simply relying on the fact that Missouri state courts had reached it, and federal courts should follow state courts as a matter of state law. But in the 1850s that was not always so: Federal courts often second-guessed state courts on state law matters, particularly where the matter concerned common, not statutory, law. And with respect to slavery, both common law and foreign law were uniform and clear. As Curtis pointed out, when a master took a slave into free territory, living there “for an indefinite period of time,” taking part, for

locality around Fort Snelling, gave Dred Scott his freedom.

The majority reasoned that the laws of Congress did not apply, however, because Congress lacked the power to make those laws. It had to concede that the Constitution’s “Territories Clause,” Art. IV, Sec. 3, Cl. 2, says that Congress “shall have the power to dispose of and make all needful rules and regulations respecting the territory or other property of the United States.” But, says the majority, the language, history, and structure of the Constitution make clear that this clause applies only to those

INDEED, IMPORTANT FEDERAL STATUTES, SUCH AS THE MISSOURI COMPROMISE, MADE THIS CLEAR; THEY INSISTED THAT THE LAW OF THE LOCALITY DETERMINED THE STATUS OF THE SLAVE.

example, in the territory’s “civil or military affairs,” and certainly when the slave married and had children there, the slave became free. Indeed, important federal statutes, such as the Missouri Compromise, made this clear; they insisted that the law of the locality determined the status of the slave. And so the law of Wisconsin, the

territories that were territories in 1789, namely certain land belonging then to Virginia, North Carolina, and a few other states that intended to cede land to the federal government. Congress, the majority conceded, has an implied power to hold territory for the sole purpose of turning that territory into new states. But it cannot ☞

*„Every time I come here,
it lifts my spirit.“*

Eric Kandel, New York

GRISEBACH

Autumn sales · 26 – 28 November 2009 in Berlin

Villa Grisebach Auktionen · Fasanenstraße 25 · D-10719 Berlin · Phone +49-30-885 915-0 · www.villa-grisebach.de



DUTCH GAP, VA. VIEW OF COMPLETED CANAL, 1865. STEREOGRAPH

interfere with the rights of citizens entering or living within that territory – any more than if they were citizens of states. And, were they such citizens the Constitution would forbid the federal government to interfere with their rights to own slaves. That is because the Constitution forbids Congress to “deprive” a “person” of “property” without “due process of law.” It recognizes the “right of property of the master in a slave.” Moreover, nothing gives “Congress a greater power over slave property ... than property of any other description.” The clause instead insists that the federal government “guard” and “protect” the slave owner’s rights.

Thus, the Court’s conclusion: “It is the opinion of the Court that the act of Congress which prohibited a citizen from holding and owning property of this kind ... is not warranted by the Constitution and is therefore void; and that neither Dred Scott himself, nor any of his family, were

made free by being carried into this territory, even if they had been carried there by the owner with the intention of becoming a permanent resident.”

Curtis, adopting the common law position, replies to the majority’s argument as follows: First, the Territories Clause certainly does give Congress the right to hold territory acquired from a foreign nation, to make all necessary rules for governing that territory, and to include among those rules a prohibition against slavery. Congress has acted upon that assumption since the nation was founded, buying the Territory of Louisiana from France, carving it into at least six present states, enacting ordinances and laws excluding slavery from various of the territories (e.g., the Northwest Ordinance, the Missouri Compromise) and explicitly excluding slavery from at least eight states carved out of either Louisiana or other acquired territories. When interpreting the Constitution, Curtis writes, a “prac-

tical construction nearly contemporaneous with the adoption of the Constitution and continued by repeated instances through a long series of years may influence the judicial mind and in doubtful cases should determine the judicial mind.”

As for the Fifth Amendment’s Due Process argument, a slave is not an ordinary piece of “property.” Slavery is a “right existing by positive law ... without foundation in the law of nature or the unwritten common law.” Nor could “due process of law” mean that a slave remains a slave when his master moves from, say, slave state A to live permanently in free state B. What law would then govern the slave, the slave’s wife, his house, his children, his grandchildren? State B has no such laws. And State B’s judges could not work with a proliferating legal system under which each slave, coming to B, brought with him his own law, from A or from C or from whatever other slave state he happened to be.



COURTESY U.S. LIBRARY OF CONGRESS

PETERSBURG, VA. OFFICERS OF THE 114TH PENNSYLVANIA INFANTRY PLAYING CARDS IN FRONT OF TENTS, AUGUST 1864

More importantly, says Curtis, the phrase “due process of law” comes from the Magna Carta. When Congress passed the Northwest Ordinance, in 1787, it did not think that law violated the Magna Carta. “I am not aware that such laws, though they may exist in many States,” says Curtis, “were ever supposed to be in conflict with the principle of Magna Carta incorporated into the State Constitutions.”

Curtis and two others remained in dissent. But the Court’s majority of six had prevailed, holding that, firstly, Scott cannot bring his case in federal court because freed slaves are not citizens of the United States; and secondly that many congressional anti-slavery-spreading statutes, including the Missouri Compromise, are unconstitutional. They also held that the Fifth Amendment’s Due Process Clause protects the ownership rights of slaveholders even when they take their slaves into free territories and into free states to live for extended periods of times.

THE SOUTH AND SOUTHERN sympathizers reacted favorably to Justice Taney’s March 6, 1857 decision. Perhaps forewarned, President Buchanan referred positively to it in his March Inaugural Address and then, later, in his State of the Union. The Northerners’ reaction was vehemently negative. Horace Greely’s *New York Herald Tribune* described the decision as “wicked” and “inhuman.” Another observer wrote, “If epithets and denunciations could sink a judicial body ... the Supreme Court ... would never be heard of again.”

The New York State Senate judiciary committee’s report stated that the decision had “destroyed the confidence of the people in the Court,” predicted that it would be “overruled,” and described Taney’s statement that “the colored race” had “no rights which white men were bound to respect” as “inhuman, unchristian, atrocious – disgraceful to the judge who uttered it and

to the tribunal which sanctioned it.” The report said the opinion paved the way for slavery’s spread to free states. If “a master may take his slave into a free State without dissolving the relation of master and slave,” then “some future decision of the Supreme Court will authorize a slave driver ... to call the roll of his manacled gang at the foot of the monument on Bunker Hill, reared and consecrated to freedom.” Abolitionist Frederick Douglass devoted a New York lecture to the subject, saying, despite this “devilish decision” produced by “the slaveholding wing of the Supreme Court,” that the Court could not make “evil good” or “good evil.” But the *Dred Scott* decision, Douglas concluded, kept “the nation awake on the subject.” “My hopes,” he said, “were never brighter than now.”

Indeed, the decision did keep the nation awake. Northern supporters widely circulated the Curtis dissent in pamphlet form. Abraham Lincoln, then a Republican ☞



CHARLESTON, SC. RUINED BUILDINGS THROUGH PORCH OF THE CIRCULAR CHURCH, 150 MEETING STREET. APRIL 1865

candidate for Senate, spoke often about the decision, calling it a “legal astonishing,” while arguing that Taney’s “whites only” views had turned “our once glorious Declaration” of Independence into a “wreck” and “mangled ruin.” Lincoln based his Cooper Union speech – the one that made him a national political figure – on Curtis’s dissent. He argued for the Founders’ view of the Constitution – a view that denied the despotism of slavery – unless, he added, that view conflicted with some yet more basic principle that the Founders had held, of which there was none. Lincoln fed the North’s fear of spreading slavery by asking, “What is necessary for the nationalization of slavery? It is merely for the Supreme Court to decide that no State under the Constitution can exclude it, just as they have already decided that under the Constitution neither Congress nor the Territorial legislature can do it.”

While historians debate the precise role *Dred Scott* played in inciting the Civil War and the economic Panic of 1857, there is no doubt that the decision morally energized the anti-slavery North. It became the Republican Party’s rallying cry; it helped bring about Lincoln’s nomination and elec-

tion to the Presidency; it fed into the circumstances that led to that most fierce War Between the States. And after the Northern victory, the nation added the thirteenth, fourteenth, and fifteenth amendments to the Constitution, ending slavery while securing equal treatment, voting rights, and basic civil rights to the newly freed slaves.

.....
 THE DECISION MORALLY
 ENERGIZED THE ANTI-SLAVERY
 NORTH.

Chief Justice Taney remained on the Court until his death, in 1864. Benjamin Curtis resigned in outrage immediately after *Dred Scott*. And Dred Scott himself, along with his family, was bought by a son of his original owner, Peter Blow, who set them all free. Within a year, however, Scott was dead of tuberculosis.

HISTORY HAS NOT TREATED *Dred Scott*, or Roger Taney, kindly. Modern critics describe the case as “infamous,” “notorious,” “an abomination,” “odious,” a “ghastly error,” and “judicial review at its worst.” Chief

Justice Charles Evans Hughes said the decision was a “self-inflicted wound that almost destroyed the Supreme Court. And the *Oxford Companion to the Supreme Court* observes that “American legal and constitutional scholars consider the *Dred Scott* decision to be the worst ever rendered.”

These judgments reflect, in short, the immorality of the decision. But what can people today learn from it? For one, something about judicial rhetoric. Today as in 1857 the language a judge uses to set forth his argument matters. Taney’s words about Americans of African descent having no “rights that a white man must respect” are more lurid than can be found in other Supreme Court opinions, including Taney’s own. An experienced Supreme Court justice does not write such a phrase ignorant of the fact that others will repeat it and will emphasize its judicial origin in order to make the sentiment appear legitimate. But putting the words in the mouths of others, writing that others might have thought this, as Taney did, does not help. The public will simply ignore the effort to put moral distance between the sentiment and the author. And the justice knows it. The language was as morally repugnant then as now. Curtis’s disdainful reply seems right: “I shall not enter into an examination of the existing opinions of that period respecting the African race,” while calling for a “calm comparison.”

Curtis’s language, on the other hand, is not the most colorful, but its reasoning is by far the strongest. Indeed, it painted the Taney majority into a logical corner from which it has never emerged.

For example, what is the answer to Curtis’s claim that five States treated slaves as citizens at the time the Constitution was written? He points to a state Supreme Court decision and to the five States that allowed freed slaves to vote. Taney, in reply, refers only to racially discriminatory marriage and military service laws – laws that are actually consistent with citizenship and hence do not significantly undercut Curtis’s argument. And what is the answer to Curtis’s jurisdictional argument? If *Dred Scott* was not a “citizen,” then the Court lacked jurisdiction to hear the case. If it lacked jurisdiction, it had no business deciding the merits of the case, holding the Missouri Compromise unconstitutional and depriving Congress of the power to maintain slavery-free territories in the process.

What sound response can the majority make to Curtis's explanation of the scope of the Constitution's Due Process and Territories clauses? How could judges of a single free state or territory, say Wisconsin, administer a legal system under which different slave-state laws – say, of Alabama, Georgia, Virginia – would have to govern well into the future the family relationships of different slave families brought permanently to live in that single free state? How could one harmonize the majority's view of the Territories' Clause with the fact that federal legislation enacted under the authority of that Clause had led to the admission into the Union of several new states? It is not surprising that

Douglass predicted, it solidified the case for abolition thereby helping to “awaken” America to the strength of that case. And as a purely legal matter the anti-slavery constitutional amendments resulting from the Civil War effectively reversed the *Dred Scott* decision.

There are, of course, institutional, jurisprudential, and ethical arguments that militate strongly against judges of a constitutional court holding up their fingers to the political winds. Hamilton's writings make clear that the very point of granting such a Court the power of judicial review was to offer constitutional security where doing so is politically unpopular. But to such reasons, *Dred Scott* adds another,

THE KINDEST VIEW OF THE MAJORITY'S OPINION, EVEN NOW, SEES IT AS SEEKING A POLITICAL OBJECTIVE. MANY IN CONGRESS HAD ASKED THE COURT TO “UMPIRE” THE GREAT POLITICAL ISSUE DIVIDING THE COUNTRY.

modern historians see the Curtis dissent as the more accurate historical picture. Nor is it surprising, given the strength of the Curtis reasoning, that those opposed to slavery circulated Curtis's dissent but not the other dissents as a pamphlet throughout the nation. And it is also not surprising that Lincoln's speeches, abolitionist lectures, and informed Northern reaction closely reflected Curtis's analysis.

THE KINDEST VIEW OF the majority's opinion, even now, sees it as seeking a political objective. Many in Congress had asked the Court to “umpire” the great political issue dividing the country. Taney and his majority might have thought that by reaching out unnecessarily to decide a politically sensitive legal question by settling the constitutional status of slavery in the territories, the Court would promote an eventual, peaceful resolution of the slavery question, perhaps through eventual abolition.

If that is what Taney believed, he was wrong. The Court's decision did nothing to heal the nation. It did not slow the momentum toward civil war. It reinforced the North's fears of southern dominance by, in the words of New York's legislature, permitting the “slave driver” to bring his “manacled gang” to the foot of Bunker Hill. It helped Abraham Lincoln obtain the Republican Party's nomination for President. It promoted the political standing of that anti-slavery Party. As Frederick

purely practical consideration: Good judges are not necessarily good politicians. Their view of what is politically expedient could well turn out to be completely wrong. Such was the case in *Dred Scott*.

One cannot easily reconcile Taney's vision with the expressed abolitionist hopes of many of the Framers. Nor, most importantly, can one reconcile this vision with the Constitution's most basic objective, the creation of a single nation. The Constitution does so by creating political institutions strong enough to permit the “people” to govern themselves, determining policies and resolving problems ranging in subject matter from defense to territorial expansion to commerce, while protecting basic personal liberties across (the Framers hoped) the centuries. The concept of a political treaty among sovereigns, focusing primarily upon slavery, is not compatible with this more basic constitutional objective. If the *Dred Scott* majority doubted that fact in 1859, the post-Civil War amendments to the Constitution, ending slavery, guaranteeing voting rights, defining citizenship, assuring individuals equal protection of the laws, and protecting basic individual liberty from state interference, overturned the legal precedent they created. The upshot is that Taney's vision of the Constitution was not a constitutional vision; it was a view about a treaty that linked states, not about a constitution that created a central government.

WHEN DISCUSSING *Dred Scott* recently at a law school conference, I asked the audience to consider a hypothetical question: Suppose you were Benjamin Curtis. Imagine that Chief Justice Taney comes to your chambers and proposes a narrow ground for deciding the case. He asks if you will agree to a single paragraph unsigned opinion for the entire Court, in which the Court upholds the lower court on the ground that the matter is one of Missouri law in respect to which the Missouri Supreme Court must have the last word. He will agree to this provided there is no dissent.

Should you agree? If you do, the majority will say nothing about citizenship, nothing about the Missouri Compromise, nothing about slavery in the territories and the Due Process Clause. As a result the Court will create no significant new law; it will not diminish its own position in the eyes of much of the nation; it will not issue an opinion that increases the likelihood of civil war; and, since no one knows who would win such a war (the North almost lost), the prospects for an eventual abolition of slavery will be unaffected, perhaps increased.

Not a bad bargain. The audience was uncertain. Then a small voice came from the back of the room: “Say no.” The audience broke into applause. That applause made clear the moral nature of the judge's legal obligation in that case.

A close examination of the *Dred Scott* opinion can teach us something about rhetoric, reason, politics, constitutional vision, and morality – all of which still apply to the work of a Supreme Court judge. These lessons help us understand the role of the judge in a politically sensitive case, including cases involving the protection of individual rights and particularly in instances where the Constitution points one way and public opinion the other. To understand how courts act, or might best act, under such circumstances today, we need to know more about the kinds of cases modern courts must resolve. *Dred Scott*, the Court's “worst case,” sets us upon the path to finding answers to that contemporary question. ☞

Stephen G. Breyer is Associate Justice of the United States Supreme Court and was the Lloyd Cutler Distinguished Visitor at the Academy in fall 2008.

GOD'S EXECUTIONER

The personal journal of a Nuremberg executioner reveals much more than just gruesome methods of medieval retribution — but there's plenty of that, too.

By Joel Harrington



LUKAS MAYER, *THE EXECUTION OF PETER STUMP*, 1589

JUNE 5, 1573. “Leonardt Russ of Ceyern, a thief. Executed with the rope at the city of Steinach. Was my first execution.” So begins the sixteenth-century journal of Nuremberg’s Frantz Schmidt (1555–1634), who during 45 years of professional activity personally put to death 361 individuals and tortured, flogged, burned, or disfigured hundreds more.

Legally empowered to torture, maim, and kill suspected or convicted criminals, the professional executioner is one of the more evocative and charged symbols of pre-modern Europe’s otherness. A ubiquitous and integral part of the European social fabric well into the modern era, these human “weapons of justice” were simultaneously viewed with suspicion

and disdain by the very communities they served, formally marginalized as members of the “dishonorable trades,” a delimited menagerie that included slaughterhouse workers and gravediggers. And yet “Meister Frantz,” as he was popularly, endearingly known, remained a revered member of the local establishment, widely respected for his piety and steadfastness.



The dichotomy begs to be reconciled, or, at least, interrogated: How did early modern executioners square their unsavory occupations with aspirations to social respectability and Christian morality? Was Schmidt a rare anomaly, or was he an indication of something of broader social significance underlying, perhaps laying a foundation for modern rationalizations of the use of state violence?

Schmidt maintained his personal journal between 1573 and 1617, recording and describing each and every execution and corporal punishment he administered in Bamberg and Nuremberg. Although the original volume is no longer extant, several manuscript versions of it circulated during

NO DATE [1573]. Kloss Renckhart of Feylsdorf, a murderer. Committed three murders with his companion. First, he shot dead another companion. Secondly, a miller's man who helped him to attack and plunder a mill by night. The third instance was again at a mill, called the Fox Mill, on the mountains, which he attacked at night with a companion, shot the miller dead, raped the miller's wife and maid, forced them to fry some eggs in fat and laid these on the dead miller's body, then forced the miller's wife to join in eating them, then kicked the miller's body and said, "Miller, how do you like this morsel?" Also robbed the mill. On this account executed on the wheel at Graytz, in the archbishopric of Bamberg.

the subsequent two centuries. Three published versions appeared during the hundred years after that, the last in 1928. While relatively well-known among German early modernists, the journal itself has appeared curiously resistant to in-depth analysis, perhaps due to its seemingly disaffected chronicle format. There are no introspective crises resulting from extended torture sessions, nor lengthy philosophical discourses or even brief musings on the meaning of life.

But just below the surface, beyond the facticity of all the deaths caused by his very hand, the journal of Meister Frantz opens up as a rich source for topics ranging from early modern concepts of identity and social status to notions about the human body and the development of both the picaresque and autobiographical genres. As Schmidt grows in both professional and storytelling experience, his

accounts of the various unfortunates he encounters become both more colorful and more revealing of his inner world. Consequently, the journal unveils not so much a detailed portrait as a vivid sketch of the moral cosmology of a sixteenth-century executioner.

FRANTZ SCHMIDT CONSIDERED HIMSELF first and foremost a professional, a master in the guild sense. And as in other crafts, the trade of the executioner was often passed from father to son, with Frantz following his own father, the hangman of Bamberg, into the family occupation, at the age of 18. After five years' work as a journeyman, he secured a permanent appointment at nearby Nuremberg, succeeding his future father-in-law as the city's official executioner – a position he would hold for a remarkable 40 years. Throughout this period Schmidt enjoyed a life of bourgeois respectability with his wife, Maria, and seven children in their spacious Nuremberg residence, boasting an annual

FEBRUARY 12TH [1584]. Henssa of Geyselwind, otherwise known as Fatty; Henssa Palllauf of Hernda; Killian Wurmb of Wirnsbach, otherwise known as Rear End; Hans Schober of Weher, otherwise known as Dusty; and Hennssla Klopffer of Reigelsdorff. Five thieves who ... had to be clothed, for they were naked and bare; some of them knew no prayers and had never been in a church. The eldest were 22, 17, 16, and 15 years old; the youngest 13 years. All five from here. Executed with the rope at Nuremberg.

salary that put him on par with the city's wealthiest jurists. After his retirement, in 1617, Schmidt began a lucrative second career as a medical consultant, exploiting his extensive knowledge of human anatomy – now to the end of saving lives. Upon his death, in 1634, Schmidt enjoyed

a state funeral and burial in the city's most prominent cemetery, a few paces away

JULY 28TH [1590]. Friedrich Stigler from Nuremberg, a coppersmith and executioner's assistant. For having brought accusations against some citizens' wives that they were witches [*literally Druids*] and he knew it by their signs. However, he wittingly did them wrong. Also said that they gave magic spells to people. Likewise for having threatened his brother, the hanged Peterlein, on account of which threat he had appeared before the court at Bamberg several years ago, but was begged off. Lastly, for having taken a second wife during the life of his first wife, and a third wife during the life of the second, after the death of the first. Executed with the sword here out of mercy.

from other famous sons, Albrecht Dürer and Hans Sachs. Schmidt's life, in virtually every respect, had been a great social success, although the dishonorable nature of his profession consistently precluded his open participation in patrician and craftsmen circles alike, placing him and his family in a unique kind of social limbo.

Forty-five years of personal entries reveal a good deal about Meister Frantz's internal reconciliation of apparently sincere personal piety and hunger for respectability with the violent acts he regularly performed – torture by various methods, flogging, cutting off of fingers or ears, as well as judicial execution by hanging, beheading, burning, drowning, live burial, or breaking on the wheel. Two aspects of his professional

AUGUST 13TH [1594]. Christoff Mayer, a weaver of fustian, and Hans Weber, a fruiterer; both citizens of Nuremberg who for three years had practiced sodomy together and were informed against by a hook-maker's apprentice, who caught them both in the act behind a hedge. The fruiterer had practiced this for twenty years, namely with the cook Endress, with Alexander, also with Georg in the army, and with the baker Toothy Chris at Lauf, and otherwise with many other baker servants that he couldn't name. The weaver was first executed with the sword and then his body was burnt with the fruiterer, who was burnt alive.

identity emerge most consistently, both of them moral and religious in a broad sense,

rather than in a more constricted denominational or even evangelical sense. The first is, unsurprisingly, his self-identity as a restorer of social order, a kind of moral accountant, who, in his own words, "did his duty and made things right again." As if making entries in a ledger, Meister Frantz carefully lists all known offenses committed by each individual, including full itemization of all stolen property, and numbers all of his punishments, capital and corporal, providing annual totals for each.

While Schmidt's tone is almost always dispassionate, the relative length of the entries and other clues reveal his implicit hierarchy of social values. Violent crimes, particularly the outrages committed by vicious robber gangs, were clearly the worst and required the most severe punishments to restore justice. Abuses of trust, however, were nearly as grievous in Schmidt's eyes, including treason, the murder of a relative (especially a child), the rape of a young girl, or audacious financial fraud, such as the one-legged "treasure finder" Elizabeth Aurholtin (a.k.a. "Scabby"), whose schemes amassed a considerable personal fortune, or the master forger and con-man Gabriel Wolf, who defrauded nobles across Europe

germanwings

**DON'T TALK
ABOUT MONEY.
SAVE IT!**

**From Berlin to 70 destinations
throughout Europe.**

From **19⁹⁹€***
INCLUDING taxes
and fees
* surcharge for checked baggage

Book now: germanwings.com

*Price per one-way flight and person including taxes and fees. Limited number of seats available. Additional charges will be incurred if not paying by direct debit or with a Germanwings Card. The general conditions of carriage apply.

of huge amounts. Crimes against property in general required strict rectification, often

NOVEMBER 6TH [1595]. Hans Sigert, from Pollingen near Neuenmark, a farm-hand who murdered a tailor named Summerstein at the Sünderspühl with a fence post (*zaun-stecken*). Executed here with the sword. Wept all the way until he knelt down.

including hanging for theft. But most such offenses – except when they directly abused people’s good will or hospitality – did not arouse Schmidt’s ire. His complacency was even more evident in a variety of “victimless” sexual offenses (not rape), typified more by exasperation at the defiance of recidivist prostitutes and their pimps than by any evangelical fervor.

The other self-image that appears prominently is that of a healer-priest, likewise evident in his pervasive concern with a full accounting of each individual’s crimes and sins, no matter how small, and Schmidt’s own active role in reconciling the sinner with God. Strikingly, his approach is much less overtly doctrinaire than that of his colleague, prison chaplain Johannes Hagedorn, who also kept a personal

journal of criminal cases. Rather, Schmidt seeks to create in the elaborate spectacle of public death a sort of preliminary last judgment that provides the condemned the opportunity to achieve “a good end” or “fine death,” and in his journal he comments extensively on his own success or failure in ensuring that they did not part the world “godless” or “with no hope of salvation.” Above all, the journal entries and supple-

NOVEMBER 13TH [1617]. Burnt alive here a miller of Manberna, who however was lately engaged as a carrier of wine. Because he and his brother, with the help of others, practiced coining and counterfeiting money and clipping coins fraudulently. He also had a working knowledge of magic ... This miller, who worked in the town mills here three years ago, fell into the town moat on Whitsunday. It would have been better for him if he had been drowned, but it turned out according to the proverb that “What belongs to the gallows cannot drown in water.” This was the last person whom I, Master Frantz, executed.

mental legal sources portray a man steered to the use of torture and other violence on

the offenders before him but also consistently attentive to avoid unnecessary cruelty. Schmidt, for example, successfully leads a pioneering campaign to abolish the drowning of female felons and execute them by what he considered the more humane method of decapitation. He also regularly persuades his magisterial colleagues to behead those condemned to die by fire or being drawn and quartered.

Meister Frantz’s style and thinking evolved over the course of his long career as did his reactions to the range of individuals he encountered during his professional duties, alternately evoking his pity, disgust, indifference, bemusement, and, occasionally, grudging admiration. His matter-of-fact recitation of hundreds of state killings, including some horrendous punishments, cannot fail to jolt our modern sensibilities. At the same time, his work ethic, commitment to restoring civic order, and attempts at personal redemption are immediately familiar, perhaps to an uncomfortable degree. 🖱

Joel Harrington is Professor of History at Vanderbilt University and a fall 2009 Berlin Prize Fellow at the Academy.



GlaxoSmithKline gehört zu den weltweit führenden forschungsorientierten Gesundheitsunternehmen.

Es ist unser Anspruch, innovative Arzneimittel und Gesundheitsprodukte zu entwickeln, die Millionen Menschen auf der ganzen Welt ein aktiveres, längeres und gesünderes Leben ermöglichen.

Do more, feel better, live longer.

www.glaxosmithkline.de



Strategy is the Key to Growth in a Credit Squeeze

With offices in Berlin, Düsseldorf, Frankfurt am Main and Hamburg and a staff of over 100 legal experts, FPS Rechtsanwälte & Notare belongs to the ten largest independent German commercial law firms.

Berlin is Germany's leading location for meetings of political, business and media decision-makers. The FPS Rechtsanwälte & Notare Berlin office was founded in 1954 and initially specialised in real estate law. The notary's office soon gained a prominent position in the city. Today, after years of steady growth, the spectrum of legal services covers all aspects of commercial law, with specialists in real estate and building law, industrial property protection (IP/IT), company law, banking law, M&A with tax consulting services, energy law and antitrust law.

Our place among the leading German commercial law offices is due to a policy of successfully combining first-class legal expertise with the entrepreneurial dynamism of a flexible and efficient team.

FPS RECHTSANWÄLTE & NOTARE

www.fps-law.de

F R I T Z E · W I C K E · S E E L I G

Contact **Matthias Druba** • Phone +49 (0)30 88 59 27 40 • E-Mail druba@fps-law.de

Berlin • Phone +49 (0)30 885 92 70 • E-Mail berlin@fps-law.de

Düsseldorf • Phone +49 (0)211 302 01 50 • E-Mail duesseldorf@fps-law.de

Frankfurt am Main • Phone +49 (0)69 95 95 70 • E-Mail frankfurt@fps-law.de

Hamburg • Phone +49 (0)40 378 90 10 • E-Mail hamburg@fps-law.de

POEM FOUND IN A PIONEER MUSEUM

“Of my country and my family I have little to say.”— E.A. Poe

By Susan Howe

I COPIED THESE POEMS, ALMOST VERBATIM, FROM TYPED IDENTIFICATION CARDS PLACED BESIDE ITEMS IN DISPLAY CASES AT SALT LAKE CITY'S PIONEER MEMORIAL MUSEUM, FOUNDED IN 1901 BY THE DAUGHTERS OF UTAH PIONEERS. THE ARTIFACTS AND MEMORABILIA IN THEIR COLLECTION DATE FROM 1847, WHEN MORMON SETTLERS FIRST ENTERED THE VALLEY OF THE GREAT SALT LAKE UNTIL THE JOINING OF THE RAILROADS AT PROMONTORY POINT, UTAH, IN 1869.

.....
1062: EARRINGS
Bought from Nid Nod, a peddler in the early days.
DONOR: CLARA HADLEY WHITCHER

.....
11069: CLAMP
Used to hold train of party dress while dancing.
DONOR: MRS. WEDELL M. SMOOT

.....
11636: EAR RING
EBENEZER BROWN MORMON BATTALION MEMBER,
Panned gold in California after he and his wife PHEBE were released from service. He made each of his wives ear rings. These are the ear rings he gave his wife ELSIE PULSIFHER BROWN. They are solid gold.
DONOR: VERDA S. LIEDKE
SALT LAKE CITY

.....
7458: TATTING SHUTTLE
DONOR: MARY ROCKWELL

.....
10421: POCKET GADGETT
DONOR: RAYMOND W. FALON

.....
1506: JET HAT ORNAMENT
Belonged to Margaret Kelly, a pioneer of 1852
DONOR: CLARA HADLEY WHITCHER

.....
648: String used to tie cushion on chair used by Joseph Smith Jr. about 1843.
DONOR: HATTIE ALLRED

.....
8505: SMALL PURSE (CHAIN MAIL)

.....
2010: BEADS
Hand-cut
Ivory beads. Brought from India on a sailing vessel 100 years ago.
DONOR: CARRIE M. WILKENS
CHICAGO, ILL.

.....
9393: PARASOL
Belonged to:
MARION THANKFUL BEATTIE
DONOR: MARION
WHITNEY BEATTIE, grand-daughter

.....
583: MASONIC EMBLEM
Owned by Prophet Joseph Smith Jr. later belonged to Brigham Young.
DONOR: ZINA YOUNG CARD

.....
12012: WATCH CHAIN MADE FROM HUMAN HAIR
DONOR: LAURA L. CARR

.....
6100: NEW TESTAMENT
Brought across the Plain by the ORSON SPENCER FAMILY

43: Hair cut from Joseph Smith Jr.
by Mary Ann Smith Stratton
just before he was taken prisoner.
It was given to Henriette Keyes
Whitney Hale, pioneer of 1847.
It was the only thing she had left
from the journey across.

10563: COIN PURSES
1—MIZER
2—SILVER LINK
3—CROCHETED

(When
this you see
Remember
Me when
Many miles
Away).

762: BUCKLE, very
small, from hatband
of Lt. John Banks
killed in battle
near Layton.
DONOR: JOSEPH STRINGHAM

7240: WALKING STICK made
of oak, carried by Emma
Smith, wife of Prophet
Joseph Smith.
DONOR: HAZEL M. YOUNG ESTATE

3847: EMBLEM
hemmed from raw
silver by an Indian
and given to David
J. Wilson

9255: MARBLES
8839: HAIR MOTTO (1831)
This small motto was cross
stitched in hair by Sarah
Evans Jeremy in Wales, 1831.
The back is signed by her and
reads "Ael y Bryn"
DONORS: ESTHER DAVIS STEPHEN
AND HARRIET HAZEL DAVIS

712: PIECE OF STRING cut from
underwear of Joseph Smith Jr.
when he was martyred.

4687: PORCELAIN DOORKNOB

1512: CUFF BUTTONS
Bought from Nid
Nod, a peddler, by
Mary Ann Hadley
Pioneer, 1863.
DONOR: CLARA HADLEY WHITCHER
1940

4843: WIRE
This wire carried
FIRST TELEGRAPH
message across
the NATION in
1862.
DONOR: THOMAS BONE

Susan Howe is a poet and the fall
2009 Anna-Marie Kellen Fellow at the
Academy.

Wahre Unabhängigkeit hat viele Namen.

MERCK FINCK & CO
PRIVATBANKIERS

Bei Merck Finck & Co beraten wir unsere Kunden frei von eigenen Produkten.

Das heißt für uns: Unabhängigkeit, Unabhängigkeit und nochmals Unabhängigkeit. Wer uns testet, findet dafür verschiedene Namen: „Besonders empfehlenswert“ urteilte Focus-Money; der Elite-Report des Handelsblatts verlieh uns dafür die Bestnote „summa cum laude“. Für unsere Kunden bedeutet das: Beratung, der sie vertrauen können.

Lassen Sie sich von unserem Angebot überzeugen:

Merck Finck & Co, Privatbankiers, Taubenstraße 23, 10117 Berlin, Herr Udo Kröger, Tel. 030 885683-0



Privatbankiers für die Besten.

PRIVATE INITIATIVE – PUBLIC OUTREACH

A Thank You to Friends, Foundations, and Corporations

FELLOWSHIPS AND DISTINGUISHED VISITORSHIPS ESTABLISHED IN PERPETUITY

Daimler Berlin Prize
German Transatlantic Program Berlin Prize
Supported by European Recovery Program funds granted through the Transatlantic Program of the Federal Republic of Germany
Ellen Maria Gorrissen Berlin Prize
Mary Ellen von der Heyden Berlin Prize for Fiction
Holtzbrinck Berlin Prize
Anna-Maria Kellen Berlin Prize
Guna S. Mundheim Berlin Prize in the Visual Arts

Lloyd Cutler Distinguished Visitorship in Law
EADS Distinguished Visitorship
Richard C. Holbrooke Distinguished Visitorship
Stephen M. Kellen Distinguished Visitorship
John W. Kluge Distinguished Visitorship
Kurt Viermetz Distinguished Visitorship
Richard von Weizsäcker Distinguished Visitorship

INDIVIDUALS AND FAMILY FOUNDATIONS

FOUNDERS' CIRCLE

\$1 million and above
Anna-Maria and Stephen Kellen
Foundation and the descendants of
Hans and Ludmilla Arnhold

CHAIRMAN'S CIRCLE

\$25,000 and above
Constance & John P. Birkelund
Lester Crown
Marina & John French
Werner Gegenbauer
Richard Goeltz
C. Boyden Gray
Mary Ellen & Karl M. von der Heyden
The Halle Foundation
Richard C. Holbrooke
Nina von Maltzahn
William von Mueffling
Christopher Freiherr von Oppenheim
Maren Otto
Norman Pearlstine & Jane Boon
Pearlstine
David Rockefeller
David M. Rubenstein
Kurt Viermetz

FRIENDS *up to \$2,500* Samuel Adler, Sebastian Ahrens, Robert Aliber, Richard Artschwager, Barbara Balaj, Heinrich Barth, Ronald Binks, Manfred Bischoff, Jordan Bonfante, Leopold Bill von Bredow, Diethart Breipohl, Eckhard Bremer, Irene Bringmann, Isabella von Bülow, Christian Bunsen, Stephen Burbank, Caroline Bynum, Gerhard Casper, Candia Clark, Georg Crezelius, Rudolf Delius, Carsten Dentler, David Detjen, Detlef Diederichs, Steven Howard & Margrit Disman, Erika Falkenreck, Donald Fox, Ulrich Gensch, Marie Louise Gericke, Michael Geyer, Vartan Gregorian, Hans Groening, Christian Hacke, Helga Haftendorn, Kristin von Handel, Niels Hansen Memorial Foundation, Bernhard Dominik Hauser, Klaus & Lily Heiliger, Ulrich von Heinz, Anna Herrhausen, Morton Janklow, Roe Jasen, Peter Jungen, Helga Kallenbach, Jörg Kastl, Stefan-Hugo Kaufmann, Roswitha Keller, Marion Knauf, Peter Kuhrt, Walter Kuna, Otto Graf Lambsdorff, Anneliese Langner, Lawrence Lessig, Alexander Letzsch, Michael Libal, Daniel Libeskind, Quincy Liu, Hannelore & Lothar Loewe, Charles Maier, Harvey Malofsky, Wolfgang Mayrhuber, Cornelia Müller & Johannes Wehberg, Michael Münchehofe, Jan-Daniel Neumann, Mike Nolte, Wolfram Nolte, Frank Pearl, Graf Caspar von Preysing, Anson Rabinbach, Susan Rambow, Hermann Freiherr von Richthofen, Virginia Ridder, Jürgen Ritter, Hergard Rohwedder, Hans Björn Rupp, Henry Sapparth, Alan & Eileen Sarroff, Volker Schlöndorff, Harald Schmid, Ken Scott, Norman Selby, Anne-Marie Slaughter and Andrew Moravcsik, Byron & Irene Smith, Anneliese Soros, Manfred von Sperber, Immo Stabreit, Ronald Steel, Fritz Stern, Teagle Foundation, Thomas von Thaden, Enzo Viscusi, Richard von Weizsäcker, Lutz Weißer, Manfred & Rosa Wennemer, Tod & Linda White, Sabine & Edwin Wiley, Pauline Yu

ANNUALLY FUNDED FELLOWSHIPS AND DISTINGUISHED VISITORSHIPS

Leonore Annenberg Berlin Prize in Music
Composition
Axel Springer Berlin Prize
Bosch Berlin Prize in Public Policy
Haniel Berlin Prize
Berthold Leibinger Berlin Prize
Metro Berlin Prize
Siemens Berlin Prize

David Rubenstein Foreign Policy Forum

ENDOWMENT GIVING

Mary Ellen von der Heyden Berlin Prize for Fiction
The von der Heyden Family Foundation
Max Beckmann Distinguished Visitorship
Deutsche Börse AG, Villa Grisebach (Berlin),
Bernd Schultz

Marcus Bierich Distinguished Visitorship
Deutsche Bank AG
Lloyd Cutler Distinguished Visitorship in Law
Wilmer Cutler Pickering Hale and Dorr LLP
C.H. Beck Stiftung, Gabriel Resources Ltd.,
Verband der Automobilindustrie, Villa Grisebach
(Berlin)
Georg Graf zu Castell-Castell, Christian Crones,
Paul P. Eckert, Jutta von Falkenhausen,
Jan Heithecker, Dieter Lange, William Lee,
Stefan Ohlhoff, Lisa J. Pirozzolo, William Perlstein,
Ulrich Quack, Martin Seyfarth, Daniel H. Squire,
Roland Steinmeyer, John B. Watkins,
Roger M. & Jill J. Witten
EADS Distinguished Visitorship
EADS
Kurt Viermetz Distinguished Visitorship
Axel Springer Stiftung, Deutsche Börse AG,
Hypo Real Estate Group

CORPORATIONS AND CORPORATE FOUNDATIONS

PRESIDENT'S CIRCLE

\$25,000 and above
Alcoa Inc.
Audi AG
Bank of America, N.A.
Bayer Schering Pharma AG
Buse Heberer Fromm
Cerberus Deutschland Beteiligungs-
beratung GmbH
Citi Foundation
Daimler AG
Daimler-Fonds im Stifterverband für
die Deutsche Wissenschaft
Deloitte & Touche GmbH
Deutsche Börse AG
Deutsche Lufthansa AG
Dürr AG
EnBW Energie
Baden-Württemberg AG
Fresenius SE
Germanwings
Goldman, Sachs & Co.
GÖRG Partnerschaft von
Rechtsanwälten
Herbert-Quandt-Stiftung
Hewlett Packard
KPMG
Macy's Corporate Services Inc.
Marsh GmbH

MSD Sharpe & Dohme GmbH
Pfizer Pharma GmbH
Philip Morris
Porsche AG
Susanna Dulkinys &
Erik Spiekermann,
Edenspiekermann
Vattenfall Europe AG
Weil, Gotshal & Manges LLP

BENEFACTORS

up to \$25,000
American International Yacht Club e.V.,
Axel Springer Stiftung, BMW AG,
Carnegie Corporation of New York,
Christie's, Ernst & Young, Fleishman-
Hillard Germany / Public Affairs &
Government Relations, Goldman
Sachs Foundation, The Hermes
Foundation, Hotel Savoy, Nextstop
Inc., Pepsico Foundation, Foundation
"Remembrance, Responsibility and
Future," Robert Bosch GmbH,
Rudolf August Oetker Stiftung,
Verlag Der Tagesspiegel GmbH

Pioneering spirit

A product of Lufthansa.

To earn your trust, we're always
breaking new ground.

From a constantly expanding network to convenient mobile check-in services, we are striving to make our passengers feel even more comfortable – especially our youngest guests, who are individually cared for. After all, they're the next generation of pioneers. For more information, visit lufthansa.com



There's no better way to fly.

Lufthansa