

The Berlin Journal

An aerial photograph of a city in ruins, likely Berlin after World War II. The image shows a vast expanse of rubble and the skeletal remains of buildings. In the foreground, a large, dark, angular structure, possibly a bunker or a heavily damaged building, dominates the left side. The rest of the city is a dense field of debris, with some recognizable structures like a church spire and a large, multi-story building in the distance. The overall tone is somber and historical.

A Magazine from the American Academy in Berlin | Number Eleven | Fall 2005

In this issue:

Anthony Appiah

Jane Dailey

Norbert Frei

Richard C. Holbrooke

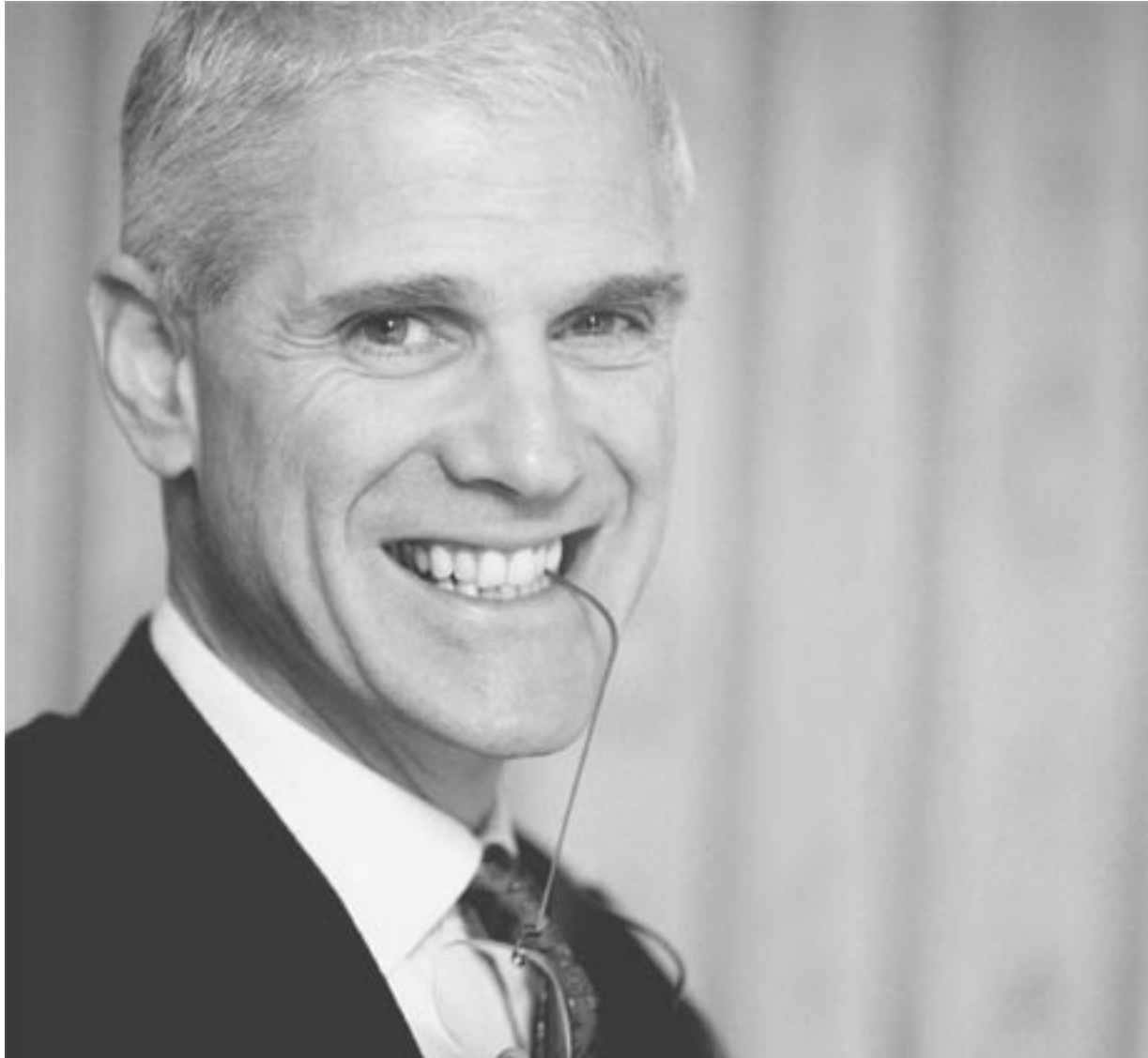
Ian Johnson

Nicole Krauss

Kenneth Pollack

and others

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We are part of the arts.**



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Artistic Director, Bavarian State Opera

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Lee Friedlander, Eureka Band Member, New Orleans (1958).

Courtesy of Fraenkel Gallery, San Francisco and Galerie Thomas Zanker, Cologne

As this issue goes to press, the waters in and around New Orleans have only begun to recede, and the vastness of the human tragedy becomes more visible every day. America's internal, painful debate seems magnified, if not simplified in the European press. Some politicians and pundits have been judgmental and ideological, but there has also been an efflorescence of generosity from many in Germany who share the pain of Americans and wish to help. We send them our sincere gratitude and see in their support a demonstration of the strong bond between our nations.

-G.S.

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The Berlin Journal

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Editorial

Shaping History

In his June acceptance speech for the prestigious Deutsche Nationalstiftung award, Academy Trustee Fritz Stern reflected upon the power of the historian's pen. Historical understanding is a red thread running through this eleventh issue of the Berlin Journal, which begins with a piece by Middle East expert Kenneth Pollack, who cautiously applies lessons learned in Vietnam to the US dilemma in Iraq.

When the Academy's chairman Richard Holbrooke returned to the State Department in 1994 after a year as US ambassador to Germany, he became immersed in a crisis on Europe's edge: the Balkans. Holbrooke's greatest legacy to date is the agreement wrung out in 21 days and nights at Wright-Patterson Air Force base in Dayton, Ohio exactly a decade ago. Always alert to the demands of history, Holbrooke (who had persuaded Professor Stern to join him in Bonn as his mentor), engaged a gifted young aide, Derek Chollet, to conduct interviews with all parties over six months. Chollet's chronicle will be published just in time for the celebrations marking Dayton's decennial.

2005 marked, of course, another anniversary. The tension in Germany between remembering May 8, 1945 in terms of defeat or liberation, victimization or complicity, has been palpable in every postwar decade. As Norbert Frei's essay (based on a talk given this May in Professor Stern's honor) warns, what is at stake in rituals marking the end of the war is nothing less than German identity. The response of African-Americans to World War II was considerably more clear-sighted, though Jane Dailey's assessment of it may surprise some readers. As the cosmopolitan, German-trained philosopher W.E.B. Dubois (also the subject of Academy Trustee Anthony Appiah's article) recognized in 1936, the Nazis had declared "world war on the Jews."

The future of Europe will be tied to how successfully it responds to the challenges of integration, and two essays here help illuminate the dilemmas of Muslim participation in European society. We round out our number with a glimpse of life on the Wannsee waterfront as well as some highlights from that literary and operatic festival that is Berlin and the American Academy.

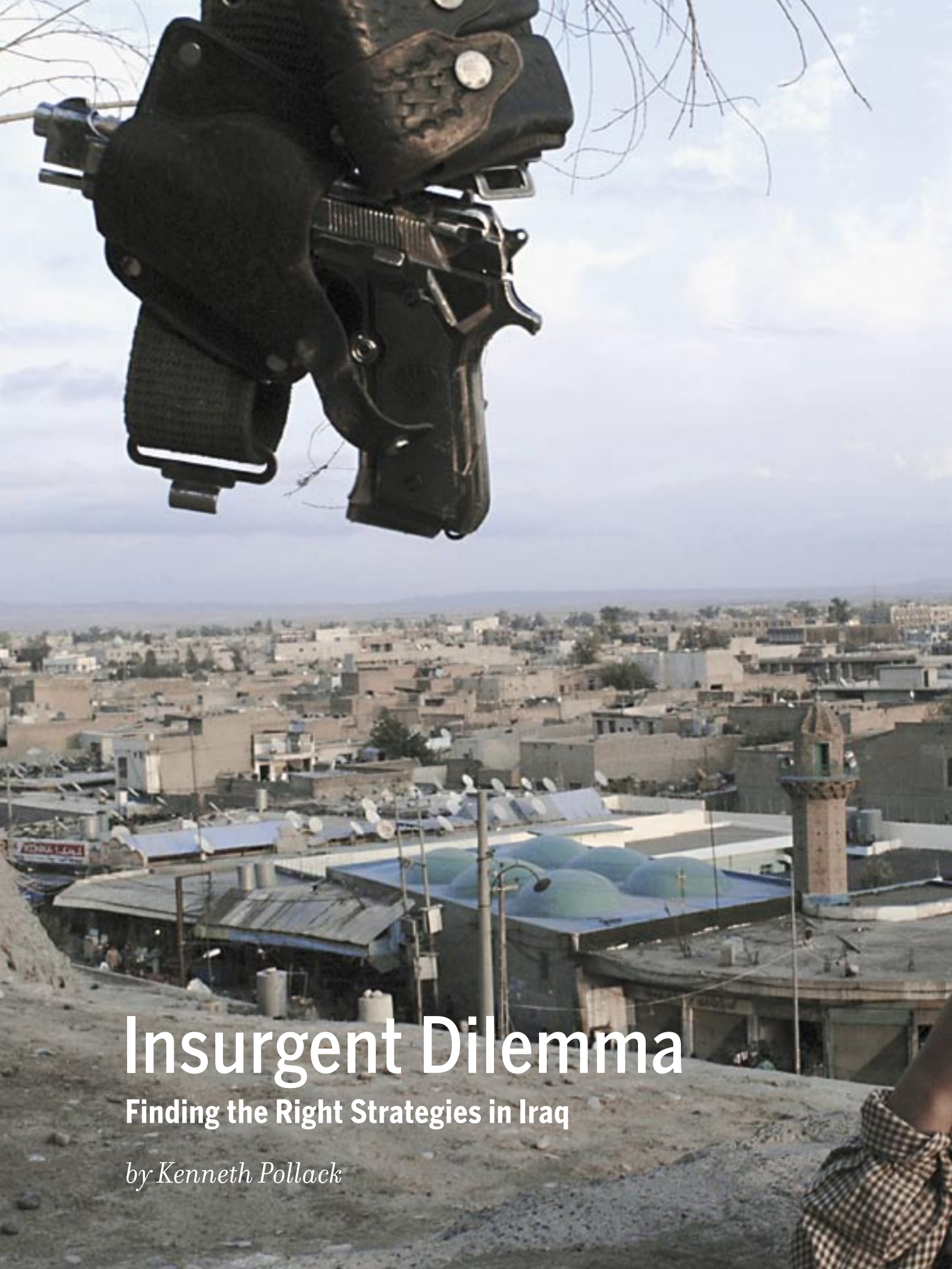
– Gary Smith



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Insurgent Dilemma

Finding the Right Strategies in Iraq

by Kenneth Pollack



Baghdad, 2003. Photograph © Abbas/Magnum Photos/Agentur Focus

AFTER TWO YEARS OF TRYING to secure Iraq with our current strategy, it is becoming increasingly clear that we have the wrong one for the job. Our current approach was appropriate in the immediate aftermath of the fall of Baghdad, but the inadequate number of troops we brought to Iraq and a series of other mistakes rendered it largely infeasible. Today, our problems have metastasized. We must fundamentally change our strategy to cope with the new challenges we face.

The US effort to secure Iraq faces two overarching and interlocking problems: a full-blown insurgency and a continuing state of semi-lawlessness. Reconstruction will likely fail if either is unaddressed. I believe that the current US strategy in Iraq is misguided because it is not properly tailored to defeat the first problem and largely ignores the second.

Today, and since the fall of Baghdad, the US has employed a “postconflict stabilization” model of security operations. ➡

The key element of this strategy is providing simultaneous security for the entire country by concentrating Coalition forces on those areas of greatest unrest to try to quell the violence quickly. Had the US brought sufficient ground forces to blanket the country immediately after the fall of Saddam's regime and had we not made a series of other mistakes – like failing to provide our troops with orders to maintain law and order and to impose martial law and prevent looting – I think this strategy might very well have succeeded.

However, our reliance on this approach is failing. By continuing to concentrate our overstretched forces on the areas of greatest insurgent activity, we are depriving most of Iraq's populated areas of desperately-needed security forces, and by emphasizing offensive search and sweep missions, we are making ever more enemies among Iraq's Sunni tribal population. In other words, we are failing to protect those Iraqis who most want reconstruction to succeed, and we are

As Mao Zedong once wrote, the guerrilla is like a fish who swims in the sea of the people. If you can deprive the guerrilla of support from the people, he will be as helpless as a fish out of water.

further antagonizing the community that is most antipathetic to our goals. We are reinforcing failure.

The crux of a traditional counterinsurgency strategy is never to reinforce failure but always to reinforce success. The US has so far failed to employ a traditional counterinsurgency strategy in Iraq – as we failed in Vietnam. As Dr. Andrew F. Krepinevich's important work *The Army and Vietnam* (1986) demonstrated, the Army high command largely refused to employ a traditional counterinsurgency (COIN) strategy against the Viet Cong and North Vietnamese Army forces. We are now failing in Iraq just as we failed in Vietnam.

As Mao Zedong once wrote, the guerrilla is like a fish who swims in the sea of the people. If you can deprive the guerrilla of support from the people, he will be as helpless as a fish out of water. The goal of a true COIN campaign is to deprive the guerrilla of that access. It begins by securing a base of operations by denying one portion of the country to the insurgency. This portion can be as big or as small as the COIN force can handle; the bigger the COIN force available, the larger the area. Within this area, the

COIN force provides the people with security. In Iraq, this would mean security from insurgent attack as well as from ordinary (and organized) crime. In so doing, the COIN force creates a secure space in which political and economic life can flourish once again, pouring resources into the area to make it economically dynamic and take advantage of the security the COIN campaign has provided. This, in turn, cements popular support for the COIN campaign and makes it attractive to people living outside the secure area.

The increasing attractiveness of these safe areas also solves the intelligence problem that COIN forces inevitably face. Ultimately, there is no way that a COIN force can gather enough intelligence on insurgent forces through traditional means to exterminate them. The only way to gather adequate information is to convince the local populace to volunteer such information, which they will do only if they are enthusiastic supporters of the COIN cam-

paign and feel largely safe from retaliation. When these conditions are met, the counterinsurgents enjoy a massive intelligence advantage, enabling the further eradication of the insurgents.

In addition, the COIN forces use these "safe zones" to train indigenous forces that can assist them in subsequent security operations. Once this base of operations is truly secure and can be maintained by local forces, the COIN forces then spread their control to additional parts of the country, performing the same steps as they did in the original area.

As Dr. Krepinevich wrote, "The counterinsurgent must direct his efforts, not toward seeking combat with the insurgent's guerrilla forces, but at the insurgent political infrastructure, which is the foundation of successful insurgency warfare. Keep the guerrilla bands at arm's length from the people and destroy their eyes and ears – the infrastructure – and you can win." This approach is typically referred to as a "spreading oil stain," which slowly deprives the guerrillas of support by securing the population and providing it with the material incentives of real security and a thriving economy.

A traditional COIN strategy is thus best understood as a strategy of reinforcing success. Our current efforts to "take the fight to the enemy" and mount offensive sweep operations designed to kill insurgents and eliminate their strongholds have failed to even dent the insurgency so far. It is likely to continue to fail, as was the case in Vietnam. We must beware of the false promise of hunting guerrillas.

Against a full-blown insurgency such as the one we are facing in Iraq, offensive operations cannot succeed and are ultimately counterproductive. The guerrilla does not need to stand and fight but can run or melt back into the population, thus avoiding crippling losses. If the COIN forces do not remain and pacify the area for the long term, the guerrillas will be back – maybe within weeks, maybe within years, but they will be back nonetheless. Meanwhile, the concentration of forces on these sweep operations means a major diversion of effort away from securing the population.

Often, the priority American formations place on force protection comes at the expense of the larger mission: the safety, psychological disposition, and dignity of Iraqis. Busting down doors, ordering families to lie down on the floor, holding them down with the sole of a boot, searching women in the presence of men, waving weapons, ransacking rooms or whole houses, and confiscating weapons all come with a price. Because too much of the intelligence that the US is relying on is poor, it is not a rare occurrence that houses raided turn out to be innocuous.

Our disastrous policy risks pushing Iraq into fragmentation and civil war. It is already convincing any number of groups – and not just the Kurds – that they should pursue autonomy from the central government, which is increasingly seen as out of touch, corrupt, and wholly focused on its own (irrelevant) squabbles over power.

THE US NEEDS TO ADOPT a true counterinsurgency strategy of the traditional "spreading oil stain" variety but simultaneously recognize that securing Iraq will take a very long time nonetheless. Success in Iraq will, as Donald Rumsfeld acknowledges, likely require over a decade if the US adopts the right strategy.

Painted in broad strokes, a true counterinsurgency strategy for Iraq would focus on securing enclaves (Kurdistan, much of southeastern Iraq, Baghdad, and a number

of other major urban centers, along with the oil fields and some other vital economic facilities) while, initially, leaving much of the countryside to the insurgents. Such a strategy might therefore mean foregoing national elections or rebuilding the entire power grid because the goals might be impossible where the Coalition forces have abdicated control. The Coalition would likewise redirect its political efforts and economic resources solely to the secured enclaves – both to ensure that they prosper and because those would be the only areas worth the short-run investment. This may be the only option open to us if the US-led Coalition cannot control large parts of the country or keep the peace in those areas where it does operate.

At a more tactical level, a true COIN campaign in Iraq would make securing the Iraqi people its highest priority. American forces in Iraq unfortunately remain preoccupied with force protection and with tracking down the insurgents who are attacking

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them and as a result provide little security to the Iraqi people. US forces generally remain penned up in formidable cantonments, cut off from the populace. In the field, they come out to attend to logistical needs and to conduct raids against suspected insurgents. In the cities, they generally only make infrequent patrols in Bradley fighting vehicles and in the ubiquitous “Humvees.” Prior to the January elections, American forces did (temporarily) engage in foot patrols in cities like Mosul, and the result was an immediate but equally temporary increase in morale and support for the US presence.

Adopting a true counterinsurgency strategy – coupled with its attendant tactics such as guarding population centers and key infrastructure, foot patrols, presence, and the eradication of crime and attacks on Iraqis – would doubtless expose US personnel to greater risks. However, they are

absolutely necessary if reconstruction is to succeed. There is no question that force protection must always be an issue of concern to any American commander, but it cannot be the determining principle of US operations. American military forces are in Iraq because the reconstruction of that country is critical to the stability of the Persian Gulf and a vital interest of the US. In their current mode of operations, our troops are neither safe nor are they accomplishing their most important mission.

PROTECTING THE IRAQI BORDER from foreign infiltration is another major issue. Iran is not as problematic when it comes to the Iraqi insurgency as Syria or Saudi Arabia are. The insurgency in Iraq is overwhelmingly Sunni, and while not everything that Iran is doing in Iraq is helpful to us, the country is not providing any significant degree of assistance to the Salafi Jihadists, Sunni tribesmen, former regime officials, and various other groups who comprise the bulk of the insurgency. The governments of Sunni Muslim nations such as Jordan, Saudi Arabia, Turkey, and Kuwait have not been bashful about their own concerns in Iraq, and their price for greater cooperation is likely to be a straightforward one: a greater say in the reconstruction of Iraq. This is a tricky proposition but not an unworkable one.


The US and the new Iraqi transitional government should convene a Contact Group consisting of all of Iraq’s neighbors (including Iran and Syria). This group would meet frequently and regularly to receive information about reconstruction issues important to them and to provide advice both to the Iraqis and to the US regarding developments inside Iraq. The function of the Contact Group should be purely advisory – neither we nor the Iraqis should be bound by its recommendations – but that advice should not be ignored either. In a great many cases, simply tempering a policy to make it more palatable to Iraq’s neighbors, or merely acknowledging their concerns and providing a full explanation of why their recommendation will not be the one adopted, can make a considerable difference. In return for their expanded role, all of the neighbors should be presented with detailed and concrete plans for stemming illegal traffic across their borders, and their membership in the Contact Group can be made conditional upon their meeting these criteria.

Unfortunately, such a measure is not likely to have more than an indirect impact on the success or failure of reconstruction in Iraq. The insurgency is only one of our problems there, and the insurgency is *not* principally driven by external factors. Our intelligence regarding Iraq has consistently established that foreign fighters comprise only a small percentage of the insurgents. Furthermore, anecdotal reporting suggests that foreign-born Jihadists are playing less of a role in the insurgency, as Iraqis are now much less reliant on the foreigners for training.

The best intelligence indicates that the bulk of the insurgency is drawn from Iraq’s Sunni tribal population, a great many of whom were recruited for Saddam’s Republican Guard and Special Republican Guard, the Fidayin, and other key security forces. They have lost their prestige – and their paychecks; they have been dispossessed by a society they once ruled; and they are fearful that the US intends to put the Shiah and the Kurds into the same position of authority their community once occupied. Thus, there are plenty of Iraqis fighting us out of fear and a lack of anything else to do.

One way of making a dent in the insurgency would be to effectively buy off the Sunni sheikhs, who appear to be ordering the young men under their authority to take up arms against the US and the new regime because they feel politically and economically excluded, fear a Shiite dictatorship, and because no one is paying them not to. History has shown their willingness to “do business” with a wide range of governments in Baghdad from the Ottomans and the British-backed monarchy to various Iraqi military dictators and Saddam’s Stalinist regime. Coupled with an effort to increase Sunni tribal representation in the new government, the Sunni sheikhs might be willing to decrease or even end their support for the insurgency.

Because the insurgency is so diverse, however, others would likely fight on: foreign fighters; homegrown Salafi Jihadists, of whom there is also a significant number; and true Baathist regime “dead-enders” who have so much blood on their hands that they could never expect anything but a hangman’s noose from a new, democratic Iraqi government.

To weaken the insurgency, shutting down Iraq’s borders cannot hurt, but doing so will be much harder and less likely to have real impact than convincing Iraq’s tribal sheikhs to withdraw their support from the insurgency. The first approach assumes that the insurgency is principally a foreign 

phenomenon, which it unquestionably is not; the latter relies on traditional Iraqi techniques to get at what is largely a homegrown problem.

This is a classic mistake of counter-guerrilla warfare: The forces needed to take down an insurgent stronghold must move on, allowing the last to slip back into guerrilla control.

The training of Iraqi security forces is critical. We must train as many Iraqis as we can and be able to provide them with the luxury of time and proper training (not to mention the related issue of proper equipment) so that they are someday able to shoulder the burden. They must be given the psychological tools to handle their very difficult responsibilities and must believe that what they are doing is of immediate benefit to their country, their people, their sect, and their family.

FINALLY, AND PERHAPS most controversially, I believe it would be of tremendous benefit for the US to significantly increase the number of high-caliber foreign troops in Iraq. Ironically, this is vital if the US sticks with its current approach to security, which I have already described as a “post-conflict stabilization” model; but is not necessary, only desirable, if the US shifts to a true counterinsurgency strategy.

We simply do not have the forces available both to provide security in Iraq’s populated areas and to suppress the insurgency in western and southern Iraq. In truth, we do not have sufficient troops for either one of those missions independently. As a result, with our current force structure, we may be able to reduce the insurgency in the Sunni triangle, but we cannot secure these areas for the long term. Inevitably, the forces needed to take down an insurgent stronghold must move on to the next one, allowing the last to slip back into guerrilla control. This is a classic mistake of counter-guerrilla warfare, and it is tragic that we are repeating it. Moreover, our focus on trying to come to grips with the insurgents and clear out their strongholds has largely denuded southern and central Iraq’s cities of siz-

able Coalition forces, leaving them prey not only to insurgent attacks but to crime and lawlessness as well.

If we stick with our current strategy, I see no alternative to a major increase in Coalition forces over the next two to three years, probably on the order of 100,000 or more troops. At some point, if our training program is allowed to mature, several hundred thousand capable Iraqi security personnel will be able to take over responsibility. However, that is several years away, and in the interim, US troops must make up for that deficit. Providing so many more ground troops for several years to come may necessitate a thorough restructuring of US ground forces more generally, but this is not the place to discuss those details.

To simply muddle through with the inadequate forces we have on hand would be a huge gamble for the US, Iraq, and the region. Powerful centripetal forces in Iraq are gaining influence because of our failure to deal with the insurgency and basic inse-

If we stick with our current strategy, I see no alternative to a major increase in Coalition forces over the next two to three years, probably on the order of 100,000 or more troops.

curity. The Iraqi people are frustrated and growing more so, and it is this frustration that is our greatest threat because Iraqis are beginning to turn to local sheikhs, alims, and other would-be warlords to deliver on basic security and services like electricity, gasoline, clean water, and jobs.

I believe it is wrong-headed and perverse to suggest that more American troops in Iraq will simply stimulate more terrorist attacks, either because they will provide more targets or because they will generate more animosity. As for the insurgents, they have repeatedly demonstrated that they oppose not just the US presence but the entire project of reconstruction and (for the Sunnis who comprise the vast bulk of the insurgency) the ascendance of the Shiite majority. The insurgents have committed far more acts of violence against other Iraqis than they have against American forces; they have made clear that they believe they are already waging a civil war against the Shiah, whom the Salafi Jihadists regard as apostates and for whom they reserve far greater venom than for infidel Americans.

Were US forces to leave Iraq, the insurgents would be even less restrained and

would greatly increase their attacks on the new Iraqi government, on the Shiah, on the Kurds, and on anyone else they do not like.

I also believe it is wrong to simply postulate that Iraqis want the Americans out and that their resentment of the American presence is a major source of the violence there. Iraqi views about the American presence are very complicated and, at times, contradictory. Most Iraqis dislike the US occupation, but they regard it as more than a necessary evil. Because of the fears I have just described and because they are realistic about the state of their country, the vast majority of Iraqis knows that it is vital for American forces to remain in Iraq for the foreseeable future because the alternative is chaos and civil war. However, Iraqis are deeply frustrated by the course of reconstruction. This frustration is compounded by their sense that American soldiers go to great lengths to protect themselves and do little to protect them. Indeed, many Iraqis

say that our obsession with force protection for our own troops comes at their expense. For instance, the long lines to get through security check points around American bases become prime targeting grounds for insurgents and criminals.

Increasing the number of US forces in Iraq and redeploying them to Iraq’s populated areas would probably be resented by some Iraqis. A great many others, however, would feel that it was a move long overdue. Evidence suggests that if additional American forces were deployed to provide security for the bulk of Iraq’s population, were deployed on regular foot patrols mixed formations with Iraqi units, and encouraged to get to know the residents of the neighborhoods in which they were stationed that Iraqi attitudes would range from grudging acceptance to positive relief. ☞

Kenneth Pollack, Senior Fellow and Director of Research of the Saban Center for Middle East Policy at the Brookings Institution, presented this material in testimony before the Senate Foreign Relations Committee on July 18, 2005. He was a C.V. Starr Distinguished Visitor at the Academy in September.

Manche beobachten.
Manche warten.
Manche handeln.

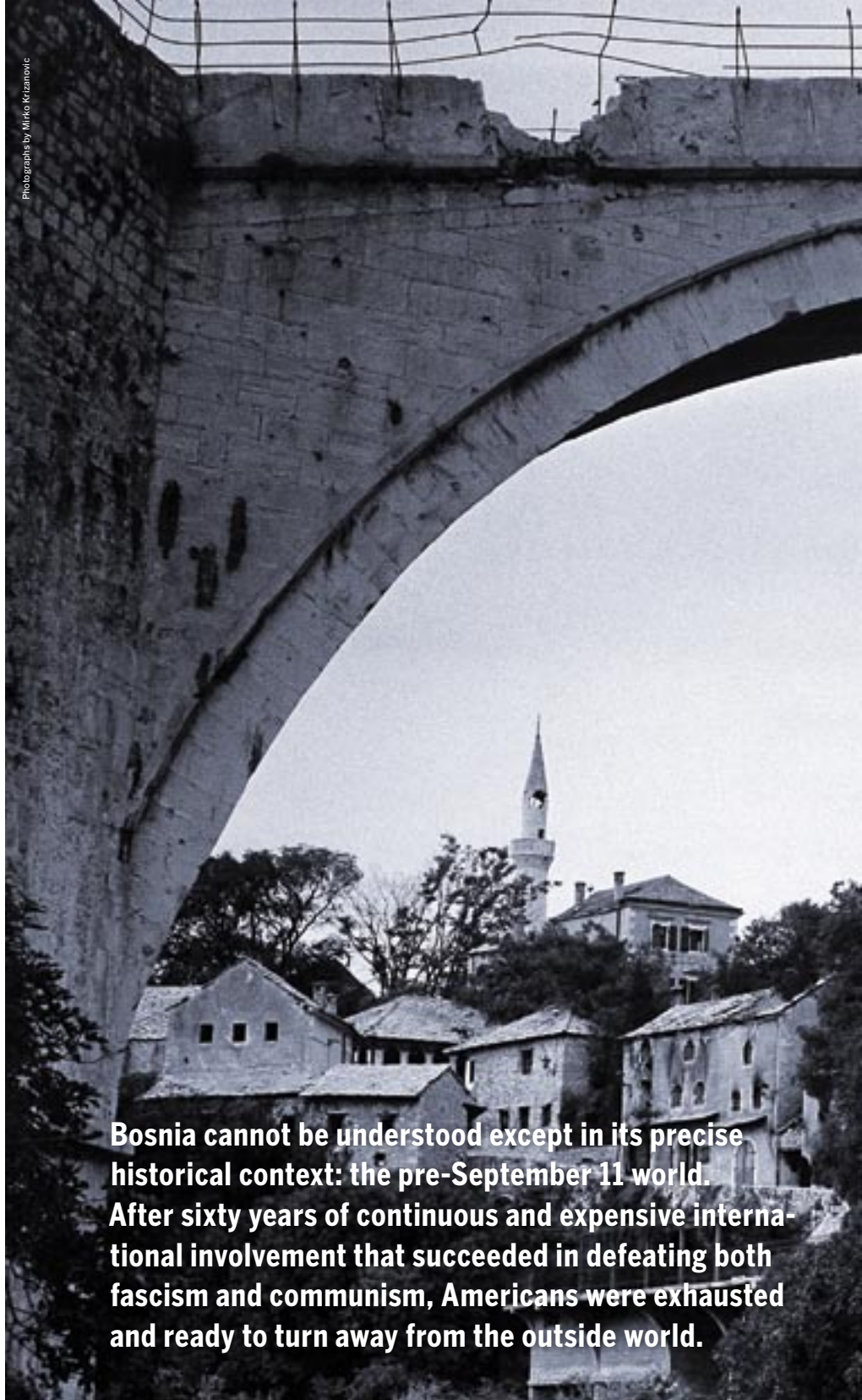


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Bosnia cannot be understood except in its precise historical context: the pre-September 11 world. After sixty years of continuous and expensive international involvement that succeeded in defeating both fascism and communism, Americans were exhausted and ready to turn away from the outside world.

THERE WERE OVER THIRTY ceasefires and agreements in Bosnia prior to the Dayton Peace Accords. All of them collapsed. Yet what was agreed upon at Dayton not only survived, it established the basis for a country that, with all its problems, is moving forward towards becoming a peaceful participant in twenty-first century Europe.

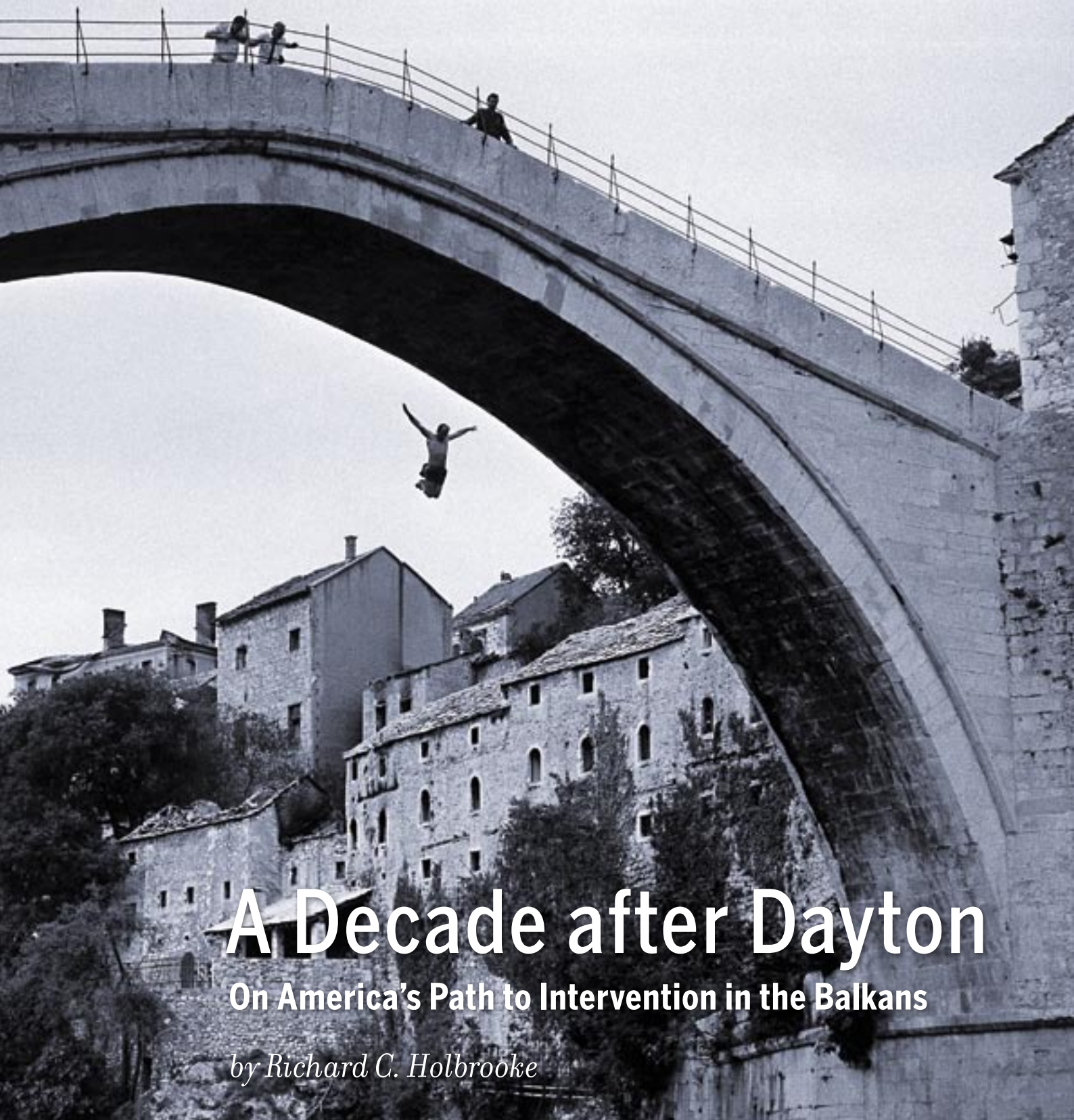
In the ten years since Dayton, the name of the small city in Ohio has become not only a simple shorthand for the entire Bosnian peace process but an internationally understood metaphor for taking an aggressive, engaged approach to conflict resolution. There have been numerous negotiations in conflict areas around the world which have not been successful, most notably, of course, in the Middle East. Dayton has contemporary relevance not because of the inherent drama in the negotiation – although there was plenty of that – but because it succeeded; in short, it ended a war.

By the time negotiations began behind a high barbed-wire fence at the Wright-Patterson Air Force Base on November 1, 1995, the Bosnian war had become the worst in Europe since 1945, posing a real threat to the stability of post-cold war Europe. Parts of Bosnia were becoming a sanctuary for Islamic terrorists, some of whom belonged to an organization whose name was still unknown in the West: Al-Qaeda. Criminal gangs ran much of the country, sometimes pretending to be nationalist movements. The Bosnian Serbs were openly seeking the destruction of Europe’s largest Muslim community in an ancient homeland – a clear case of genocide. And most Bosnian Croats would not have objected if the Serbs had succeeded. A “war within a war” between Croats and Muslims had destroyed most of the once-beautiful medieval city of Mostar and its historic bridge. Refugees by the hundreds of thousands had fled to Western Europe, overburdening the resources of countries such as Germany, Switzerland, and Austria.

Yet, for the four preceding years, the European Union and the United States had done little to stop the war. Their mediation efforts were puny and poorly coordinated; NATO was involved only as an accessory to a pathetic United Nations effort, which

the UN’s own Secretary General, Boutros Boutros-Ghali, did everything he could to hamper and undermine. Both Washington and Brussels refused to even threaten, let alone use, decisive force against Bosnian Serb aggression. In 1993, when President Clinton briefly considered a more aggressive policy (as he had called for as a candidate the previous year), a majority of Congress,

as well as most of the American military, led by a towering Washington figure, the Chairman of the Joint Chiefs of Staff, General Colin Powell, arrayed themselves in opposition. Even after the Dayton Accords ended the fighting almost three years later, an overwhelming majority of the American public still opposed using US troops to help enforce the peace, and there were predic-



A Decade after Dayton

On America's Path to Intervention in the Balkans

by Richard C. Holbrooke

tions, many from leaders of the foreign policy elite, that Dayton would fail, and that, in any case, it was not worth its risks and costs.

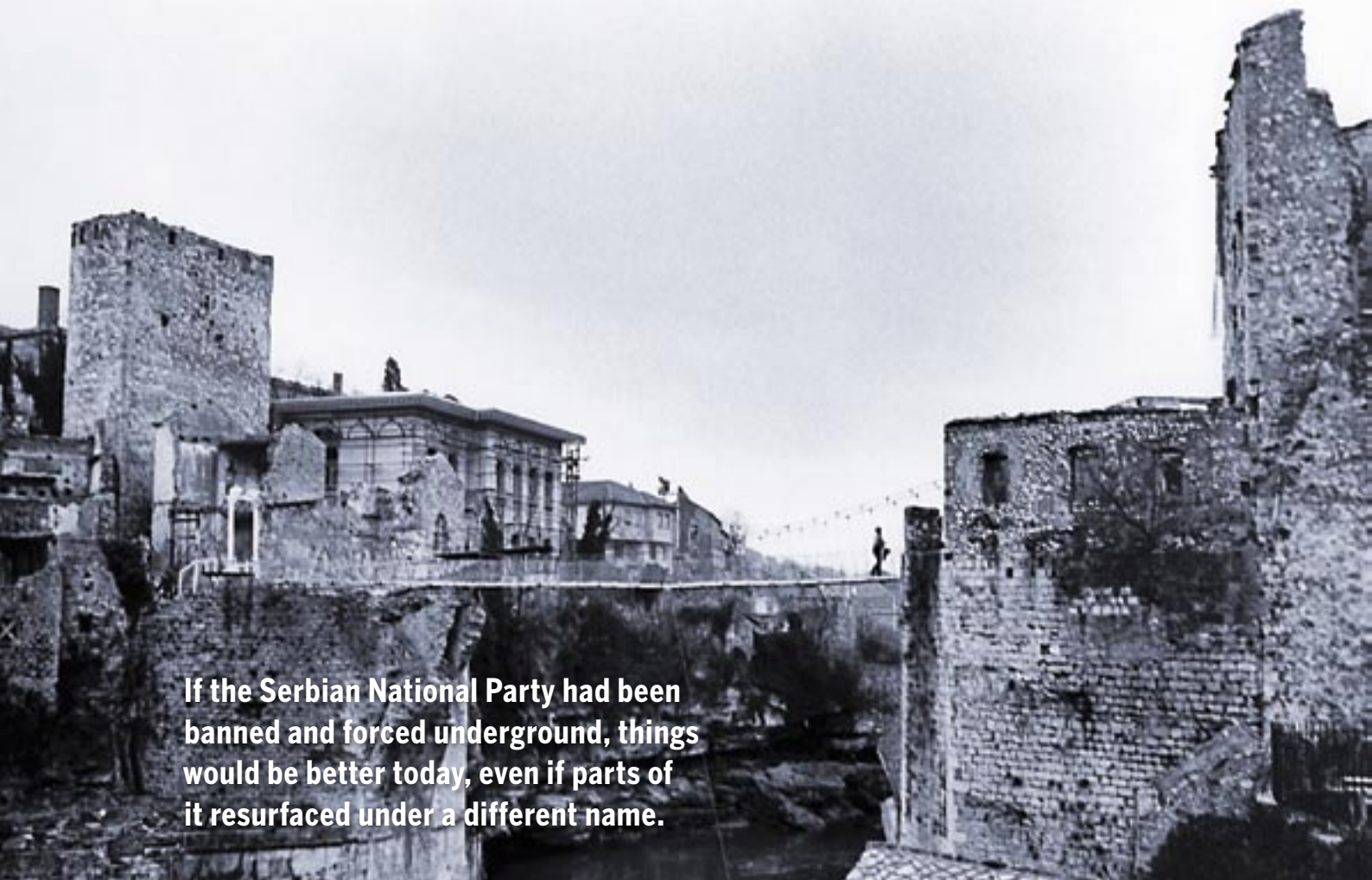
My generation had been taught that the Munich Agreement of 1938 and the Holocaust were benchmark horrors. Leaders of the Atlantic alliance had repeatedly pledged it would never happen again. Yet between 1991 and 1995 it *did* happen

again – not only in the Balkans but also in Rwanda, where an even greater number of people, an estimated 800,000, were killed for purely ethnic reasons in an even shorter period of time.

At the time, I saw Bosnia as the greatest collective security failure of the West in Europe since the 1930s. Rwanda was even worse. How could all this have happened at

the end of the twentieth century? And could it happen again?

BOSNIA CANNOT BE UNDERSTOOD except in its precise historical context: the pre-September 11, 2001 world. In the decade before September 11, Americans had turned away from the outside world after sixty years of continuous and expensive international



If the Serbian National Party had been banned and forced underground, things would be better today, even if parts of it resurfaced under a different name.

involvement, from Pearl Harbor to the disintegration of the Soviet Union at the end of 1991. Americans were proud, of course, that through their sacrifices they had succeeded in defeating both fascism and communism during that long period, but they were exhausted and ready to turn inward.

That changed, of course, with September 11, but it was not a coincidence that the three greatest disasters of international peacekeeping, disasters that almost brought the United Nations down – Somalia, Rwanda, and Bosnia – all occurred in the decade between the end of the Cold War and September 11; call it, if you will, “the inter-war years.”

SOMETIMES, HOWEVER, a horrific event can force even the most reluctant people to action. In the summer of 1995, over 7,000 Muslims, including some women and children, were butchered by General Ratko Mladic and his Bosnian Serbs in an isolated town called Srebrenica, while UN peacekeepers from the Netherlands stood by helplessly and NATO refused to intervene. I argued then, and still believe today, that NATO airstrikes would have stopped the Bosnian Serbs, who

preferred long-range artillery and short-range murder to anything resembling a real military operation. But London, Paris, and The Hague were fearful for the safety of their own troops and refused suggestions for military actions until their forces had left the three “safe areas” they had pledged to protect.

President Clinton recognized immediately that, although the American people still would not like it, the US could no longer avoid involvement. His choice boiled down to this: either assist the UN peacekeeping force in a humiliating withdrawal or else make an intense American effort to end the war on terms that protected the beleaguered Muslim community.

So in August 1995, President Clinton launched the all-out diplomatic effort that Derek Chollet describes in vivid detail in this book. It must be stressed that, at the time we began our shuttle diplomacy, no one in Washington imagined that the diplomatic effort would be accompanied by a NATO bombing campaign. That was a result of two events that occurred in the first few days of our travels: the death on Mount Igman on August 19 of three of the five members of my original negotiating team –

Bob Frasure, Joe Kruzal, and Nelson Drew – and the Sarajevo marketplace shelling nine days later. These two events rocked the administration (the men who died were extremely popular in Washington, and we paid them emotional farewells at Arlington Cemetery) and changed, in intangible ways, Washington’s sense of personal involvement in the war. After the funerals, President Clinton immediately sent me back to the Balkans with a new team, including then Lieutenant General Wesley Clark, my military advisor and original team member who represented the Joint Chiefs of Staff; Chris Hill, a State Department colleague then on the cusp of a brilliant diplomatic career; Jim Pardew, a tough former Army officer representing the civilian side of the Pentagon; then Brigadier General Donald Kerrick, representing the White House; and Roberts Owen, our wise legal advisor whom we affectionately called “mad dog.”

WHAT IS REMARKABLE, especially in hindsight, is that strong political opposition to putting American resources, especially troops, into Bosnia continued even after a combination of American airpower and American leadership brought the war to a

negotiated conclusion at Dayton. Despite this agreement, which achieved all of the primary objectives of the US and Europe, there were questions from almost every quarter of the American body politic about President Clinton's decision to send 20,000 American troops to Bosnia as part of the 60,000-strong NATO implementing force. In a national poll taken right after Dayton, only 36 percent of the American public supported sending troops to Bosnia; it was by far the lowest support that President Clinton had on any issue at that time.

Opposition to the deployment was fueled by widespread predictions that Dayton would fail and that, after the disastrous and bloody experience of the UN peacekeeping force in Bosnia, American casualties would be similarly heavy. "It's not going to work," said America's most respected senior statesman, Henry Kissinger, summarizing a widely held view just after the agreement had been signed. "When you're asking Americans to die, you have to be able to explain it in terms of the national interest. I see no vital US interest to support a combat mission there." A month later, Kissinger changed his position, but only slightly. "The only valid purpose for American troops in there," he said, "is to move into a demilitarized zone between the warring parties.... We should not risk American lives in nation-building, peacemaking, creating political institutions." His comments were echoed by many on both the liberal and conservative sides of the political spectrum.

The opposition did not let up. In a stunning repudiation of the administration, the House of Representatives – Newt Gingrich's House, with its Contract for America calling for a strong American national security policy – approved by a lopsided vote of 287 to 141 a bizarre resolution opposing the president's Bosnia policy but "supporting the troops." During the debate, members of Congress waved copies of *TIME Magazine*, its cover story captioned, "Is Bosnia worth dying for?" In a comment typical of the hostility among most Republicans, Senator Phil Gramm from Texas attacked the Dayton agreement almost as soon as it was signed. "Adding American names to the casualty lists cannot save Bosnia," he said.

There was also trouble in the Pentagon. Secretary of Defense Bill Perry publicly predicted casualties on roughly the same scale as the 1991 war against Iraq or as the failed UN peacekeeping mission in Bosnia. The American military feared Bosnia would be another quagmire. For the older

officers, including the Joint Chiefs of Staff themselves, Vietnam was a distant but ever-present ghost. (My own three years there as a Foreign Service Officer working on the pacification effort in the Mekong Delta and Saigon had marked me deeply, but I felt that the differences between Vietnam and Bosnia were fundamental.) The most notable exceptions were Wesley Clark, who had very close ties to Powell's successor as the Chairman of the Joint Chiefs, General John Shalikashvili, and Donald Kerrick, then on the NSC staff. Clark and Kerrick understood the issues well and argued courageously with officers senior in rank over the need for very strong "rules of engagement" for NATO.

It therefore took real political courage for President Clinton to send American troops to Bosnia. This was the most important decision in regard to Europe of his presidency – opposed, incidentally, by most of his political advisors. Bill Clinton has not received as much credit as he deserves for this classic Commander-in-Chief decision, which he made alone, without Congressional support and only with reluctant backing from the Pentagon. But it worked; without those 20,000 troops, Bosnia would not have survived, several million refugees would still be wandering the face of Western Europe today, a criminal state would be in power in parts of Bosnia itself – and we would probably have fought Operation Enduring Freedom not only in Afghanistan but also in the deep ravines and dangerous hills of central Bosnia.

LARGE NUMBERS OF BODY BAGS – as always, the exact number was a closely guarded military secret – had been prepared for the casualties that the Pentagon believed were certain to come. But in the end, *none* of the body bags were ever used for combat related deaths; not one NATO soldier was killed from hostile action in Bosnia. This was due, in large part, to the authority given to NATO in the Dayton agreement: to shoot first and ask questions later – the exact opposite of the sorry rules of engagement under which the UN peacekeeping mission had operated and suffered so many casualties. NATO was thus respected from the very beginning – a vital lesson, I hope, for any future operations involving international peacekeepers.

SEVEN YEARS AGO, I wrote, "On paper, Dayton was a good agreement; it ended the war and established a single multiethnic country. But countless peace agreements

have survived only in history books as case studies in failed expectations. The results of the international effort to implement Dayton would determine its true place in history."

Events since support this view. *Vigorous implementation is the key to the success of any ceasefire or peace agreement.* One cannot depend on the voluntary compliance or goodwill of recently warring parties. Force must be used, if necessary (and better early than late), to demonstrate that the agreement must be respected and will be enforced. And while Bosnia is at peace today and moving slowly forward, it would be in much better shape if the initial implementation effort had been more aggressive.

It had been a rocky start. The international community, including, I regret to say, NATO, did not use its authority enough in the crucial initial phase, the months right after Dayton. NATO was fine in force protection – that is, protecting itself – an important and necessary goal, particularly if compared to the substantial American casualties suffered in Afghanistan and Iraq. But several failures of the NATO command left a permanent mark on the land, inhibiting more rapid progress even today. The first and most important was the failure not to seek the immediate arrest of the two leading Bosnian Serb war criminals, Radovan Karadzic and General Ratko Mladic. These two men, who were still at large ten years later, were most vulnerable right after Dayton, but the opportunity was essentially lost after the NATO commander in Bosnia, US Admiral Leighton Smith, told Bosnian Serb television, "I don't have the authority to arrest anybody." This statement, which was a deliberately incorrect reading of his authority under Dayton, constituted a devastating invitation to Karadzic to resume his political activities, which he did with a vengeance until a subsequent agreement, which I negotiated in the summer of 1996, finally drove him underground. Incredibly, as of the summer of 2005, Karadzic was still moving secretly across the Balkans, supported and hidden by a network of Serb sympathizers that undoubtedly included core members of his political party, the SDS, as well as hard-core monks in the Serb church. His continued freedom, no matter how constrained, was a daily challenge to progress in Bosnia. (After President Clinton left office, he told me that he considered Smith's behavior to have verged on "insubordination.")

The lesson is, I hope, clear: once the US is committed in such a perilous project, ☞



Condoleezza Rice's upgrading the importance of the Balkans was welcome news in a region that respects the US above all other nations. For without a revitalized American policy, both Bosnia and Kosovo will drift aimlessly.

it cannot afford halfway, tentative measures. To this day, this lesson has not been applied adequately in the Balkans.

WHEN I LOOK BACK in hindsight, there were many other things we could have done better before, during, and after Dayton. I still regret, for example, agreeing to let the Bosnian Serbs keep the name “Republica Srpska” for their entity. Bosnian President Alija Izetbegovic was right when he told me it was a “Nazi name”; we should have tried harder to change it, for practical and symbolic reasons. On the other hand, I should not have acceded to a strange request of Izetbegovic’s, nine months after Dayton, to allow the SDS (Karadzic’s party) to remain a legal party. Instead, we should have disenfranchised it before the first Bosnian elections in September 1996, despite Izetbegovic’s statement to me that, while he hated the SDS, he “could work with them.” Two weeks before he died, lying in a hospital bed in Sarajevo in October 2003, he told me that he thought I was “joking [in 1996] about dismantling the SDS.” If that was the real reason for his position against shutting down that criminal party, it was a costly misunderstanding. The SDS has been the main promoter of divisive ethnic politics in Bosnia, while providing the core of the network that has protected Karadzic. If it had been banned and forced underground,

things would be better today, even if parts of it resurfaced under a different name.

A serious mistake was permitting one country to have three armies. But in 1995, NATO refused to accept responsibility for dismantling the three ethnic armies and creating a single, integrated force, something General Clark and I thought was eminently doable. Yet the NATO high command inaccurately thought it would be dangerous work and refused to allow it in the Dayton agreement. In recent years, NATO belatedly recognized the necessity of dealing with this problem and has begun slowly to integrate the army, creating a single defense ministry and an integrated senior staff and command. But under the 2005 reorganization, units are still organized on an ethnic basis at the battalion level. This is not a true solution to the problem. If Bosnia is ever to function without an international security force, the military – and the police, whose reform has been even more difficult – must eventually be structured without regard to ethnicity down to the lowest levels.

At the end of 2004, that international security presence was transformed from a NATO force (SFOR) into a European Union force (EUFOR). This received almost no attention in the US and not much in Europe. But it represented a major evolution, not only in Bosnia but in regard to the NATO-EU relationship. I felt at the time that NATO’s departure (except for a small NATO “office”)

should not have taken place until Karadzic and Mladic were in custody. Yet the pressure of deployments in Iraq and Afghanistan far larger and longer than anticipated was taking its toll on the American military, and Secretary of Defense Donald Rumsfeld insisted on the change, despite quiet misgivings expressed by Bosnians. Ironically, the change also suited the long-term French goal of reducing the EU’s dependency on NATO. Rumsfeld and French President Jacques Chirac thus became unlikely bedfellows. EUFOR deserves close study to see if it works, but its initial effect was clearly unfortunate; it left the impression that the US, the only power universally respected in the Balkans, was starting to depart, thus giving encouragement to the obstructionists in Srpska and weakening moderates everywhere. This spring however, the new Secretary of State, Condoleezza Rice, placed Balkan policy (including Kosovo) in the hands of her Undersecretary of State, Nicholas Burns, a highly capable professional diplomat who had been at Dayton. This upgrading of the importance of the region was welcome news in a region that respects the US above all other nations. For without a revitalized American policy, Bosnia and Kosovo will drift aimlessly.

I HOPE STUDENTS of conflict resolution will examine the Dayton negotiations carefully to learn what might be applied to other

problems. Of course, few negotiators have the added leverage that comes with bombing one of the parties. Nor are all negotiators usually able to lock up the leaders of the contending sides on an American military base. But much can be accomplished without such unusual incentives. To me, the key ingredient is leadership – determined leadership from the world's leading nation, with the clear backing of its allies. Assembling and holding together a coalition of friends is sometimes harder than fighting an enemy, as the current US administration is learning in Iraq. It is often forgotten that it was not easy in Bosnia either. Frictions within the Contact Group and the NATO alliance were at times almost unbearable. But the effort has to be made, for the returns are enormous, especially when there is an expectation that other countries will foot the larger part of the reconstruction or non-military bill. This was, of course, the case in Bosnia, as it is in most other parts of the world today, notably including Africa.

It was a huge honor to be part of the team that ended the war in Bosnia. Like the band of brothers Henry V spoke to before the battle of Agincourt, whatever else we do, each of us will remember those amazing days for the rest of our lives.

TEN YEARS AFTER SREBRENICA, on July 11, 2005, I found myself back in Srebrenica as part of the official American delegation appointed by President George W. Bush. It was a moving moment; I walked through muddy hills under a leaden sky as widows and mothers buried almost 700 recently identified remains, their grief undiminished by a decade.

I still thought of it as a valley of evil, but there had definitely been progress. When I had last visited Srebrenica five years before, ten brave – one might say recklessly brave – Muslim families had returned, living among 12,000 Serbs who had taken over old Muslim homes. By July 2005, however, over 4,000 Muslims had returned, and an equal number of Serbs had left. This was astonishing, and more of the same seemed certain if the international community stayed involved.

It was a day filled with irony and high drama. From Belgrade and Banja Luka came high Serb leaders who laid wreaths at the memorial, an appropriate silent acknowledgment of a great war crime.

Our route into Srebrenica, and the security itself, was the responsibility of the entity we were in, which happened to be

the Republica Srpska. The police – presumably including some who had been involved in the murderous events of 1995 – were respectful, if not exactly enthusiastic; they saluted as we passed and, more importantly, treated the endless line of victim families with correct politeness. An event that could have exploded into violence was incident-free. Even so, a large bomb had been found at the site a few days earlier.

Unfortunately, it was also a day for hypocrisy. Senior European, American, and international officials spoke, some apologizing for the past failures, all pledging, as usual, that it must never ever happen again. They also promised that the hunt for Karadzic and Mladic would be pursued with implacable determination. Then they got into their sedans and helicopters and went home. ☞

Ambassador Richard C. Holbrooke, founding Chairman of the American Academy in Berlin, served as the principle US envoy to Bosnia before serving as Assistant Secretary of State for Europe from 1994 to 1996. This article is the forward to Derek Chollet's book *The Road to the Dayton Accords: A Study of American Statecraft*, forthcoming this November from Palgrave.

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ARRIVING IN BELGRADE the afternoon of September 13, 1995 Holbrooke's delegation met with Milosevic in his hunting lodge. They had to use the last bargaining chip provided by NATO bombing. But as was becoming his custom, Milosevic had another surprise for the Americans. Insisting on addressing the air campaign before any other issue, Milosevic said that the situation needed "calming" and that he thought he could get the Bosnian Serbs to agree to lift the siege of Sarajevo. He then announced that Karadzic, Mladic, and other Bosnian Serb leaders were in a nearby villa and were ready to meet with them.

The Americans were shocked but ready. On the flight to Belgrade that day, they had agreed that, if given the opportunity, they would meet with Karadzic and Mladic – two indicted war criminals – provided three conditions were met: first, that Milosevic be recognized as the head of the delegation; second, that the Bosnian Serbs be willing to engage in "serious discussions," not digress into irrelevant historical monologues; and third, that Milosevic accue their agreement to these conditions prior to their meeting. He agreed, and Holbrooke led his team into the woods outside to wait.

A few minutes after the Bosnian Serbs arrived at the villa, he called the Americans in. They faced Karadzic and Mladic warily; some members shook their hands, others didn't. From the moment the meeting opened, it was clear that these men were visibly shaken by the air strikes. The Bosnian Serb vice president, Nikola Koljevic, complained that the use of Tomahawks was "no fair" and that it was "an outrage" that American jets had struck 150 meters from his office. Karadzic launched into a self-pitying diatribe about the bombing, referring often to the "humiliation the Serbs are suffering." Overall, the group appeared "staggered" by the bombing and the losses in western Bosnia. "The atmosphere in the region indicates a general breakdown of Bosnian Serb will," James W. Pardew, Dayton Implementation Ambassador, reported back to Washington. "[The Bosnian Serbs] argued long and hard but primarily wanted a face-saving way out of the bombing. They were very concerned with 'humiliation' of the Serbs."

Karadzic, clearly the leader of the motley group, did most of the talking. Mladic, dressed in battle fatigues, did little but scowl. At one point, Karadzic threatened

After several hours of tense discussion, the Bosnian Serbs agreed to allow the Americans to draft the terms for an end to the bombing campaign.

that if he did not get what he wanted, he would call the last US leader he had been in contact with, former President Jimmy Carter. Holbrooke responded firmly that, while he had worked for President Carter 15 years earlier, the American team worked only for President Clinton. Later, Milosevic told Holbrooke that it was good to clear this up for Karadzic. "You know," the Serb president said, "that was very smart the way you handled Jimmy Carter. Those guys are so cut off from the world they think Carter can still decide American policy."

After several hours of tense discussion, the Bosnian Serbs agreed to allow the Americans to draft the terms for an end to

all sides, not just the Serbs. Interrupting Mladic, Holbrooke turned to Milosevic and threatened to leave. "We had an agreement," he said. "This behavior is clearly not consistent with it. If your 'friends' do not wish to have a serious discussion, we will leave now." Milosevic quickly huddled with his Bosnian Serb colleagues, and they agreed to calm down and rejoin the discussions on American terms.

At three o'clock that morning, the Bosnian Serbs accepted the American plan. They pledged to cease all offensive operations around Sarajevo and begin immediately to relocate their heavy weapons. They also agreed to allow road access to Sarajevo and open the Sarajevo airport to humanitarian traffic. In exchange, NATO would suspend bombing for 72 hours to assess compliance. If the Bosnian Serbs cooperated, bombing would end indefinitely, and the agreement would be formalized with the Sarajevo government.

The Americans had gone to Belgrade to try their remaining leverage to negotiate an end to the bombing, which was going to end anyway, and remarkably, Milosevic delivered. Once again, when doubts had emerged that Milosevic was losing control

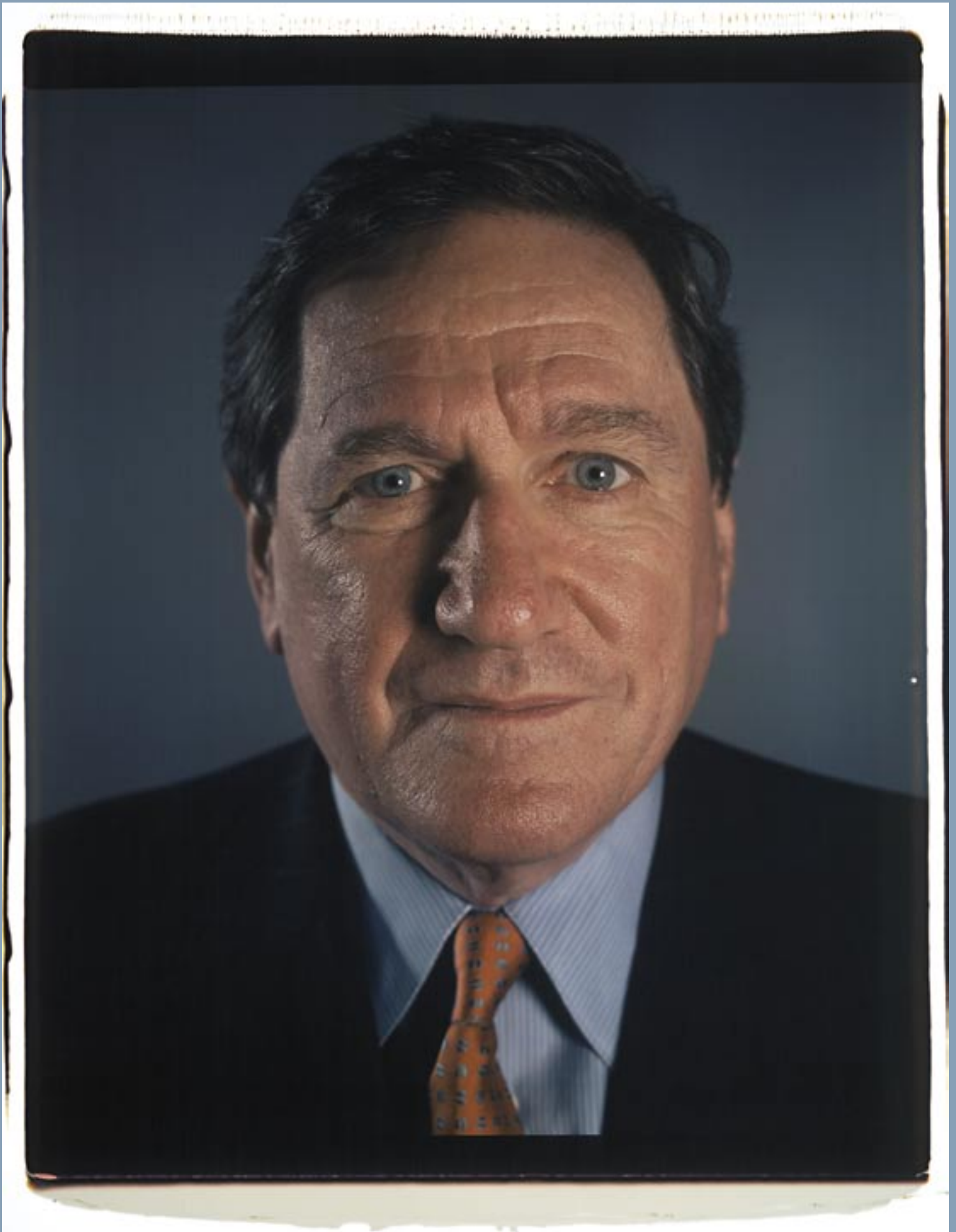
Milosevic's Surprise

From a Dayton Chronicle by Derek Chollet

the bombing campaign. General Wesley Clark joined Lord David Owen, European Community negotiator, Pardew, and Ambassador Chris Hill to write the document. A halfhour later, Clark stood to share the draft with the Bosnian Serbs. One of the most successful military leaders of his generation, Clark had a commanding presence, and his straightforward intensity made him an effective communicator. (Several years later the world got to know his skills much better when he served as the NATO commander during the 1999 Kosovo campaign and then, after his military career, as a 2004 Democratic presidential candidate.) As Clark read aloud, the Bosnian Serbs, particularly Mladic, became increasingly angry, complaining that the terms were unfair and offended Serbian pride. Mladic burst into a tirade, calling the bombing a criminal act and claiming that the US needed to punish

of his Bosnian cronies, the Serb leader moved decisively to prove that he was in charge. Although some had raised questions about the air campaign's military effectiveness, it seemed clear from this meeting that the Bosnian Serb leadership – as well as their chief patron – wanted the bombing to end. The shuttle team had no doubt that the air campaign had enhanced their bargaining power. Now they had the Serbs' agreement to lift the siege of Sarajevo. The next step would be to sell it to the Bosnians. ↩

Derek Chollet was speechwriter for Ambassador Richard Holbrooke from 1999–2001 and a Bosch Public Policy Fellow at the Academy in the spring of 2002. This article is excerpted from his forthcoming book from Palgrave, *The Road to the Dayton Accords*.



Richard C. Holbrooke by Chuck Close (2004), polaroid.



Photograph © akg-images

From Defeat to Liberation

The End of the War in German Historical Consciousness

by Norbert Frei

MAY 8, 1945 WAS A DAY of genuinely deep emotion, probably more so than any other day in the history of the Third Reich. There were tears of joy and tears of disillusion. There was the sheer relief of having survived. And at the same time, there were feelings of utter exasperation, of emptiness, and a sudden loss of the sense of life. The anger, hate, and desperation of the fanatics stood in contrast to the gratitude of those who now would realize that they “just barely got away.” *“Wir sind noch einmal davongekommen”* became a proverb in the 1950s. Soon many Germans – even those who would not consider themselves perpetrators – came to realize that they had not come through these terrible times unscathed. But, just as soon, the sense of complicity would be diminished or denied.

There were, of course, hundreds of thousands – indeed millions – who felt great relief and happiness on that day. They were the Germans and, much more so, the non-Germans who had then been regarded as the social, political, and racial enemies of the Nazi regime: the prisoners of war, survivors of the death marches, inmates of the concentration camps and of the Gestapo prisons, political opponents, and forced laborers. For them, the time of persecution,

torture, and exploitation had at last come to an end. A sigh of relief also went through the diffuse group of people who had passively kept a distance from the regime.

Liberation and defeat, relief and fear, and above all the devastating judicial term “unconditional surrender”; May 8, 1945 already contained all the emotions and concepts with which those who lived through this historical cesura would have to come to terms in the decades that followed. Sixty years later, how should we understand the end of the war?

The answer is not necessarily self-evident, for historical events are not fixed entities. In fact, May 8, 1945 is continually being reinterpreted.

Consider 1955, the year the political leaders of the young Federal Republic were first confronted with the delicate task of commemorating a major anniversary. Compared to the pomp of later years, this tenth commemoration of the war’s end was as modest as West Germany’s economic miracle was efficient. In a letter to Theodor Heuss, Konrad Adenauer suggested that the date should transpire “without too much noise.” And in fact, the speech that the president of the young republic chose to give on May 8,

mood. A decade after the end of the Third Reich, the Germans indeed saw themselves as victims. I will illustrate what I mean with a brief story.



THE SCENE WAS THE FIRST postwar meeting of the Waffen-SS in Verden an der Aller in October 1952. Bernhard Ramcke, former general of a parachute division, complained bitterly because the Allies had convicted some of his comrades as war criminals. “Who are the *real* war criminals?” he shouted. They are those “who destroyed whole cities without tactical purpose, those who bombed Hiroshima and produced new atomic weapons.” Ramcke’s answer was rather popular at this time, and his sentiment was felt beyond his audience. This kind of criticism of the victors was ubiquitous in Western Germany in the 1950s. It was more subdued in the German Democratic Republic, where it was strictly framed for propaganda purposes. Tellingly, however, the official GDR line was identical to the one Goebbels had used: “Anglo-American strikes of terror.” The catchword was “Dresden.”

not confront the complete history.” If such simple truths have to be reiterated – and by the look of it, louder each time – it is worth pointing out that the history of the Federal Republic is full of commemorations to “the victims of war and terror.” Local archivists and historians began to document the history of the destruction of their cities as soon as the war was over. All over Germany, memorial sites were built and church ruins transformed into places of commemoration. The *Volkstrauertag*, or Memorial Day, is celebrated each year.

If all of this remembering has been forgotten, we should not be surprised that people today think that a taboo has been finally broken, that *finally* we are free to mourn our dead.

In my eyes, the real scandal is not the allegedly cold attitudes of the Germans toward their dead but in the ongoing public talk about taboos that have to be broken. Right-wing radicals have continuously referred to these alleged taboos, and it is they who now profit from the fact that this tone has permeated our society.

Soon after the war, Germans generally felt that they themselves had been the primary

Why do so many people believe these days – or allow themselves to believe – that Germans could not mourn their dead until now? How did such a misperception enter the public realm? Is this not an expression of tremendous confusion?

1955 commemorated the 150th anniversary of Friedrich Schiller’s death.

Three days before, however, in his farewell address for the Allied High Commissioners who were retreating from Bonn, Heuss expressed the ambivalent feelings of his fellow Germans. In juxtaposing the “feeling of being liberated” with the awareness of “military destruction,” Heuss spoke of the “annihilation of hundreds of years of history of the German state and people.” In doing so, he again took up his 1949 interpretation of the German state of mind when he had formulated the idea that the Germans had been “simultaneously liberated and annihilated” at the end of the war.

What strikes today’s ear as particularly strange about this is the use of the term “annihilation” (*Vernichtung*). Although Heuss spoke of annihilation, he surely had not intended to equate the politics of the Allies with the politics of Hitler. But the connotation of his words was apparent; the fall of the Third Reich had made victims of the Germans. Heuss had captured the public

On February 8, 2005 in front of the Dresden Frauenkirche, there was a lot of talk about reconciliation. But there was also, as *Die Zeit* reported, quite a lot of babble “about the legitimate right of the Germans to mourn their World War II victims.” “We are finally free to do justice to our own dead,” a young woman was heard to say. Significantly, these were the thoughts of people who had assembled to demonstrate against right-wing radicals and neo-Nazis, who had also rallied in Dresden. Is this not an expression of tremendous confusion? Why, one must ask, do so many people believe these days – or allow themselves to believe – that Germans could not mourn their dead until now? How did such a misperception enter the public realm?

It seems that nobody remembers the speech given in Dresden ten years ago by Roman Herzog, the then president of the newly united Germany. Herzog literally insisted that we “also mourn the German victims of our history” because “one cannot find relief or reconciliation if one does

victims of Hitler’s regime, a feeling shared in both the west and the east. In the GDR, the interpretation of Allied area bombing was dictated from above. In the FRG the protest came from below. The latter called for abolishing all sanctions that had been part of the Allied policy of denazification and of the judicial persecution of Nazi crimes. In the early 1950s these requests culminated in public demands to release all condemned war criminals. But there was more at stake in these heated debates in both East Germany and West Germany. The undercurrent was a socio-psychic search for the relief of guilt in the broadest possible sense.

It has become a truism that the foreign policy rationale of both new German states implied a commemoration of the “victims of the Nazi terror regime” – or, to put it into GDR speak, “the victims of fascism.” But the expectations of those who lived through the Nazi period were much higher. The average former *Volksgenossen* at that time expected the acknowledgement of *all* victims, ☞

including those who had sacrificed themselves for the Nazi cause.

This policy of leveling guilt was most intense among those who could be called the Third Reich's "functional generation," those born around 1905, who continued to be highly influential in West German society but who were also not without influence in the east. This generation immediately claimed the *tu quoque* argument by citing the Allied area bombing and the policy of expulsion of German populations from Eastern Europe to prove that *the others* had also committed crimes. With this reflexive

The few remaining survivors of the Holocaust and other Nazi crimes find themselves surrounded by a growing group of Germans who also understand themselves as "victims."

response of denying any guilt – and later of meeting their childrens' questions with blatant silence – most of the functional generation missed the chance for any real mourning, even of their own suffering.

Fortunately, the general mood of those who had believed in Hitler and sustained the Nazi system was contested by the "skeptical generation." The former *Flakhelfer* (youth who helped with anti-aircraft guns) and young soldiers, born around 1925, refused to join in the self-pity of their elders. From the late 1950s and early 1960s on, they introduced a different, critical discourse in order to promote the political and cultural renewal of German society. An important part of this new discourse was the effort to launch a correct, indeed self-critical, discussion of the past.

Only now would the German victims – those killed in air raids and on the front, those expelled from the east – somewhat fade into the background. Only now would there be room for the *other* victims, the *victims of the others* – among which, however, German Jews were often still counted (rather than as Germans). The commitment of the skeptical generation – of people like Hans-Ulrich Wehler, Martin Walser, Günter Grass, and Jürgen Habermas, to name only a few – also implied a certain refusal to answer false questions and to rebut the opinions of the forever faithful Nazi adherents. (Today's assertion that it became a taboo during those years to reflect on Germany's "own" victims is simply wrong. Any newspaper of the period confirms this, as do the flourishing publications by the associations of expellees, war widows, war orphans, and the semi-official

book series on German POWs and expellees. In other words, there was no suppression of German victimhood.)

During those days, a differentiation emerged that was politically necessary for the sake of the young democracy: the separation of private memory, which follows its own rules, from the responsible public representation of history. This was the concept of *Vergangenheitsbewältigung* – coming to terms with the past – a term that by now has itself become history. In the 1960s, however, it emerged as a deliberate contrast to permanent denial of the past. To judge

the value of this concept in retrospect, one must take into account the intransigence of its opponents, who denounced it as a kind of black pedagogy of "re-education," as a diabolical machination to sap the strength of the German people.

Since the 1990s some leading intellectuals of the skeptical generation have begun to dissociate themselves from the moral task of confronting the past. There was Martin Walser's 1998 lecture in the Frankfurt Paulskirche, where he spoke of his desire to be free of the "obligation to remember." Günter Grass's novel *Crabwalk* about the sinking of the ship "Wilhelm Gustloff" is told in the voice of one who overcomes a "taboo" by focusing on the suffering of the refugees from the German east. Perhaps such new tendencies can be understood as the changing perceptions of those who think their own project of critically exploring history was successful. And certainly it indicates a change in the constellation of generations. The functional generation has disappeared; postwar generations have grown up. Most of this changing mood among the *Flakhelfer*, however, must probably be understood in the context of their own aging, in their wish to reconcile themselves and their biographies with German history.



IF THE WAY THE NAZI PAST has been dealt with is to some extent founded in generational constellations, then the generation that came of age in the 1960s is, of course, of great interest. By the end of that decade, the members of this agegroup were almost less in conflict with their own parents than

they were with the speakers of the skeptical generation, their seniors by 15 to twenty years. The critical pragmatism, the matter-of-factness that characterized the skeptics' efforts to explain the Nazi past, did not satisfy the ideals of the 68ers. They had more radical demands, which, although deeply rooted in conflicts with their parents, were hardly linked anymore to an interest in the Nazi past. The 68ers sought to fight capitalism – and despised anti-fascism for its "helplessness."

This was, of course, thirty years ago. Today we find quite a few of those who formerly perceived themselves as revolutionaries prepared to make milder judgments about the past. Completely changed perspectives may still be the exception. But the shift in emphasis from remembering the *victims of the Germans* to remembering the *Germans as victims* is perceptible nonetheless, as in the case of former left-wing radical Jörg Friedrich, whose expressionistic cascades about the Allied air raids have found a wide audience in recent years. And if one listens a bit more carefully in circles that formerly believed everything personal is political, one hears astonishingly private and completely apolitical views of history, views that blur the distinction between perpetrators, victims, and bystanders.

Today, the wish to reconcile with one's ageing parents seems to be taking precedence over the search for leftist traditions in the German past. And where this reconciliation is no longer possible, a new form of suffering has been discovered: the shame of having missed one's chance. Psychohistory now urges us to listen to the war's "last contemporaries" before it is too late. This means not just talking to the survivors of Nazi persecution but also "meeting with members of the war generation" – regardless of what their role had been.

The disappearance of the Third Reich's last contemporaries not only produces a kind of *laissez-faire* in matters of dealing with the past, a calmness toward the policy of the past that would have been impossible in earlier constellations. It also seems to do away with some old competing and differing attitudes among the following generations. The average German bystanders are now becoming subjects of their children's compassion. For the latter, this offers opportunities to understand themselves as victims as well: as victims of the bombings, of the expulsion from the east, even as victims of inherited feelings of guilt. The identification with the victims of the Holocaust

– once the distinctive mark of rebellion toward their parents' generation – is slowly receding into the background.

The consequences of these psychodynamics is a multifaceted process of diffusion of empathy, if not a transfer. The first generation, i.e. the contemporaries of the Nazi period, in the view of their children, regain a place next to the actual victims of Nazism – even substitute for them. They regain the place where they had seen themselves already when the regime came to an end. At the same time, members of the second generation are now seeking – for themselves as well as for their view of their parents – the understanding of their own children, i.e. the third generation of Germans.

Since the generation of the perpetrators is almost extinct, these shifting self-perceptions are leading to a strange phenomenon: the few remaining survivors of the Holocaust and other Nazi crimes – as well as their children and grandchildren – find themselves surrounded by a growing group of Germans who also understand themselves as “victims.”



IT IS OBVIOUSLY TOO EARLY to judge these new generational constellations in full, but one thing is clear: a new tone has entered the political debate about the past since the Flakhelfer were voted out of office – that is to say, since the end of the Helmut Kohl era.

In 1984, the Chancellor Kohl introduced a new tone into political discussion about the past when he invoked the *Gnade der späten Geburt* – “the grace of late birth” – during a visit to Israel. Kohl's suggestion that he and his generation bore no guilt unleashed ardent criticism. Ironically enough, twenty years later, the “Schroder generation” has been able to appropriate the same argument with disturbing ease. Kohl's successor can say many things that would have been completely impossible, even damaging, to his predecessor.

It has become almost routine for the German political class to confess, at home and abroad, to the Nazi past. President Köhler's address on May 8 of this year is a case in point. Another occurred in the summer of 2004 at the commemoration of the sixtieth anniversary of the Normandy Invasion, when Gerhard Schröder claimed to speak for a nation that had “found its way back into the community of civilized peoples.” The comment neatly sums up

the feeling of a huge distance toward, in Schröder's words, “the old Germany of those dark times.”

Schröder, born in 1944, brought up fatherless in meager circumstances, is the perfect representative of this fast-growing community of the children of the war whose self-invention we are now witnessing. “Only four years ago,” he told the public at Normandy, “my family located the grave of my father, a soldier who was killed in Romania. I never got to know him.” When a statesman speaks about history in this private mode, he is not simply confess-

Many believe that, with the disappearance of the last contemporaries of the Nazi period, the discourse of guilt has rendered itself obsolete. The end of guilt seems to have come closer.

ing to a typical “fate” of his generation. He is participating in changing the code of memory: to its center the Germans are now streaming – as victims.

This shift is also becoming apparent in the controversial proposal to build a privately funded “Center against Expulsions” initiated by the Association of German Expellees, which currently faces strong criticism from German experts and negative public opinion in Poland and the Czech Republic. That the center is to be built in the German capital can only be understood as an attempt to counterbalance Berlin's newly opened Monument to the Murdered Jews of Europe.

Many believe that with the disappearance of the contemporaries of the Nazi period, the discourse of guilt has rendered itself obsolete. The end of guilt seems to have come closer, and across the political spectrum the expectations for this new state of mind are high. In a country where the perpetrators have died out, the future offers many opportunities. During the commemorations this May, a twofold postulate could be heard in nearly every speech and talk-show: the Germans need to remain conscious of their “historical responsibility,” but they also need to stop letting themselves be inhibited by their past. We should be proud of our talent for democracy. And we should trust in ourselves. Without any evidence, Germans are

being advised to believe that “the future” was impossible until now, since they were delving so deeply and for too long into the Nazi past. While over the course of six decades *Vergangenheitsbewältigung* has indeed become part of the Federal Republic's political culture, the argument overlooks the fact that exactly this historical self-criticism has gained the Germans the respect of their neighbors. Not only because they acknowledged historical guilt, but also because they assumed financial responsibility.

President Köhler's address this May, following the example set by President Richard von Weizsäcker in 1985, interpreted the surrender of the German Wehrmacht as a day of liberation; today, however, Weizsäcker's interpretation is being contested with increasing regularity. To call May 8 a day of liberation is less convincing for today's Germans than it was only ten years ago. This is true not only in the former East Germany, with its complicated history. The argument for liberation is not, it seems, compatible with the idea of Germans as victims.

In this context, it is not surprising that another argument against the notion of defeat tends to be forgotten. The idea that the Germans had been liberated of a “terrible burden” – to cite the phrase used by President Walter Scheel in 1975 – always had a euphemistic tone. Not all Germans longed for political liberation in 1945. Nor did the Allies want them to view themselves as liberated.

The ambivalence of the liberation thesis deserves to be studied carefully, as do the political implications of that ambivalence for democracy. Those who consider the latter should be able to overcome the constraints of a purely German perspective, which again have arisen in the recent debate. The Germans, even sixty years after Hitler, have difficulties accepting the utter truth: what was at stake on May 8, 1945 was not the liberation of the Germans but the liberation of Europe and the world of the Nazi plague. ☞

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Ethics in a World of Strangers

W.E.B. Du Bois and the
Spirit of Cosmopolitanism

by *K. Anthony Appiah*

IN A 1788 ESSAY in the *Teutscher Merkur*, Christoph Martin Wieland – once called “the German Voltaire” – wrote, in a characteristic expression of the cosmopolitan ideal: “Cosmopolitans... regard all the peoples of the earth as so many branches of a single family, and the universe as a state, of which they, with innumerable other rational beings, are citizens, promoting together under the general laws of nature the perfection of the whole, while each in his own fashion is busy about his own well-being.” And Voltaire himself

– whom nobody, alas, ever called the French Wieland – spoke eloquently of the obligation to understand those with whom we share the planet, linking that need explicitly with our global economic interdependence. “Fed by the products of their soil, dressed in their fabrics, amused by games they invented, instructed even by their ancient moral fables, why would we neglect to understand the mind of these nations, among whom our European traders have traveled ever since they could find a way to get to them?” 🗨️

But there are two strands that intertwine in the notion of cosmopolitanism. One is the general moral idea that we have obligations to others, obligations that stretch beyond those with whom we are related by the ties of kith and kind, or even the more formal ties of a shared citizenship. The other is that we take seriously not just the value of human life but of particular human lives, which means taking an interest in the practices and beliefs that lend them significance. People are different, the cosmopolitan knows, and there is much to learn from our differences. There will be times when these two ideals – universal concern and respect for legitimate difference – clash. There’s a sense in which cosmopolitanism is the name not of the solution but of the challenge.



W.E.B. Du Bois at Atlanta University (1909).

We all share a disgust with cosmopolitanism’s noisiest foes. Both Hitler and Stalin – who agreed about little else, save that murder was the first instrument of politics – launched regular invectives against “rootless cosmopolitans”; and while, for both, anti-cosmopolitanism was often just a euphemism for anti-Semitism, they were right to see cosmopolitanism as their enemy. For they both required a kind of loyalty to one portion of humanity – a nation, a class – that ruled out loyalty to all of humanity. And the one thought that cosmopolitans share is that no local loyalty can ever justify forgetting that each human being has responsibilities to every other. Fortunately, we need take sides neither with the nationalist who abandons all foreigners nor with the hardcore cosmopolitan who regards her friends and fellow citizens with icy impartiality. The position worth defending might be called (in both senses) a partial cosmopolitanism.

Loyalties and local allegiances determine more than what we want; they determine who we are. George Eliot, in *Daniel Deronda*, wrote of choosing “the closer fellowship that makes sympathy practical – exchanging that bird’s-eye reasonableness which soars ... for the generous reasonableness of drawing shoulder to shoulder with men of like inheritance.” Her thoughts echo Cicero’s claim that “society and human fellowship will be best served if we confer the most kindness on those with whom we are most closely associated.” A creed that disdains the partialities of kinfolk and community may have a past, but it has no future. The challenge of cosmopolitanism is to combine this recognition of the need for partiality and the value of difference with the recognition of the value of encounter across identities. W.E.B. Du Bois, I believe, almost always got this balance right.

Du Bois’s cosmopolitanism is displayed in his openness to the achievements of other civilizations; his celebration of European culture, high and low, is always evident. He had more than a passing acquaintance with Germany. After Harvard, where he earned his second BA in 1890, *cum laude* (his first had come from Fisk, a black university) and an MA in history, working with Albert Bushnell Hart – one of the founding fathers of modern historical studies in the United States – Du Bois studied at Berlin’s Friedrich Wilhelm University. Here he would find himself at the apex of a German academic system that had recreated the university by inventing modern graduate education. He worked with Wilhelm Dilthey; he listened to Max Weber and Heinrich von Treitschke; and he deepened his knowledge of the Hegelianism that he had learned from George Santayana at Harvard. When he could not raise the funds to complete the doctoral degree in Germany, he returned home and received the first Ph.D. granted to an African-American by Harvard.

In *The Souls of Black Folk*, first published in 1903, we can see this intense respect for European, and particularly German, culture in “The Coming of John,” when the black John is moved beyond measure by Wagner’s music: “... he sat in dreamland, and started when, after a hush, rose high

and clear the music ... The infinite beauty of the wail lingered and swept through every muscle of his frame, and put it all a-tune.” But it is also present in the many ways in which, as the scholar Russell Berman has pointed out, the fictional story of the two Johns echoes the themes and tropes of Wagner’s *Lohengrin*, the very opera by which the black John was so transported.

It is hard for most people nowadays to think of cosmopolitan nationalism as anything other than an oxymoron.

To give but one instance; the Sorrow Song that begins the essay, “I’ll Hear the Trumpet Sound,” contains the lines:

*You may bury me in the East,
You may bury me in the West,
But I’ll hear that trumpet sound
In that morning.*

Berman points out that these lines echo the lines in which King Heinrich promises equality between Germans in the east and the west of the German Empire:

Ob Ost, ob West? Das gelte Allen gleich!

Du Bois’s cultural cosmopolitanism is equally evident in his citations not just of German high culture but of its folk culture as well: as when he quotes a German folksong in the final pages of *The Souls of Black Folk*: “*Jetzt Geh i’ an’s brunele, trink aber net.*” (Now I’m goin’ to the well, but I ain’t gonna drink.)

This was not just aesthetic cosmopolitanism; Du Bois accepts the fundamental cosmopolitan moral idea that, whatever his duties to the Negro, he has obligations to those outside his racial horizon; and he is a methodological cosmopolitan, finally, also, in his insistence on adopting a globally comparative perspective even when he is talking about the United States. Du Bois sees the problem of Jim Crow as part of a global tragedy: the color line imposes Jim Crow in Georgia, but it also imposes a destructive colonialism on “Asia and Africa ... and the islands of the sea.” This tone is consistent. After World War I, writing in criticism of American hostility to the Negro, he says:

Conceive this nation, of all human peoples, engaged in a crusade to make the “World

Safe for Democracy! Can you imagine the United States protesting against Turkish atrocities in Armenia, while the Turks are silent about mobs in Chicago and St. Louis; what is Louvain compared with Memphis, Waco, Washington, Dyersburg, and Estill Springs? In short what is the black man but America's Belgium, and how could America condemn Germany for that which she commits, just as brutally, within her own borders.¹

There can be little doubt, then, that Du Bois deserves to be called a nationalist – I understand this is not news – but also a cosmopolitan. And it is hard, I think, for most people nowadays to think of cosmopolitan nationalism as anything other than an oxymoron. Surely cosmopolitanism, the idea



W.E.B. Du Bois with fellow Harvard graduates (1890).

that all human beings are, in some sense, fellow citizens of the world, is the very opposite of nationalism, the conviction that the boundaries of nationality should be the boundaries of citizenship? And yet, as we shall see, elegant as this argument is, it is simply a mistake.

Not a mistake, however, that someone with Du Bois's intellectual background was likely to make. Friedrich Meinecke – who was only a little older than Du Bois and, like him, had studied with Treitschke – wrote, just five years after *The Souls* was published, “Cosmopolitanism and nationalism stood side by side in a close, living relationship for a long time.” Here Meinecke was discussing the philosopher Johann Gottlieb Fichte, one of the key figures in the transition from Kant to Hegel; but the point he is making applies quite widely both to philosophers and to practical patriots, which is why the book in which he

1. The American cities are the sites of lynching; Louvain was the Belgian city where German troops ran riot in August 1914, murdering civilians and destroying many of the buildings.

makes it is called *Cosmopolitanism and the National State* (1908). Anyone who followed – as Du Bois certainly did – the movements of nationalism in nineteenth-century Europe would have recognized the sentiment of Giuseppe Mazzini, the great Italian patriot, who in 1844 wrote in *The Duties of Man*, “Your first duties – first as regards importance – are, as I have already told you,

The European nationalism of the nineteenth century recognized that the demand for national rights only made sense as a moral demand if it was claimed equally for all peoples.

towards Humanity. You are men before you are either citizens or fathers.”

In 1840, in a famous essay on “Byron and Goethe,” Mazzini had written admiringly of the English poet who had gone to Greece to fight for its independence:

I know no more beautiful symbol of the future destiny and mission of art than the death of Byron in Greece. The holy alliance of poetry with the cause of the peoples; the union – still so rare – of thought and action – which alone completes the human Word, and is destined to emancipate the world; the grand solidarity of all nations in the conquest of the rights ordained by God for all his children, and in the accomplishment of that mission for which alone such rights exist – all that is now the religion and the hope of the party of progress throughout Europe, is gloriously typified in this image, which we, barbarians that we are, have already forgotten.

The European nationalism of the nineteenth century, at least in the elevated and philosophical formulations that Du Bois would have studied, as in the form he experienced it more directly in Berlin, recognized that the demand for national rights only made sense as a moral demand if it was claimed equally for all peoples. Du Bois's defense of the Negro and of the legitimacy of Negroes, like himself, having a higher degree of concern for their own kind, was always framed within the recognition both that they had obligations to people of other races and that they would gain greatly from conversation across the races. His nationalism, his partiality for the Negro – like Mazzini's Italian nationalism – never descended into chauvinism. When he is critical of “white people,” it is most often for a general failure to recognize and implement the universality of the very values they claim as their own. As he said in *Dusk of Dawn*:

The democracy which the white world seeks to defend does not exist. It has been splendidly conceived and discussed, but not realized. If it is ever to grow strong enough for self-defense and for embracing the world and developing human culture to its highest, it must include not simply the lower classes among the whites now excluded from voice in the control of indus-

try; but in addition to that it must include the colored peoples of Asia and Africa, now hopelessly imprisoned by poverty and ignorance. Until these latter are included and in as far as they are not, democracy is a mockery and contains within itself the seeds of its own destruction.

Du Bois always recognized, too, the risk that black folk, facing a world in which so many of the white people they met would refuse contact with them, would be forced into an un-cosmopolitan withdrawal from the contact across nations and peoples, the contact that the cosmopolitan claims is vivifying and essential. He makes the point in *Dusk of Dawn*, when he talks of the way American racism imprisons black people within the race:

Practically, this group imprisonment within a group has various effects upon the prisoner. He becomes provincial and centered upon the problems of his particular group. He tends to neglect the wider aspects of national life and human existence. On the one hand he is unselfish so far as his inner group is concerned. He thinks of himself not as an individual but as a group man, a “race” man. His loyalty to this group idea tends to be almost unending and balks at almost no sacrifice. On the other hand, his attitude toward the environing race congeals into a matter of unreasoning resentment and even hatred, deep disbelief in them and refusal to conceive honesty and rational thought on their part. This attitude adds to the difficulties of conversation, intercourse, understanding between groups.

Du Bois was in his seventies when he published the book from which these words come. Notice that everything he says here about black people enclosed within an American context can be applied equally to Americans enclosed in a provincial nationalism ☞

within the world. This formulation is surely deliberately abstract: it is a critique of the anti-cosmopolitan tendencies of nationalism that is completely general. And indeed, in “The Souls of White Folk,” which he published in *Darkwater* in 1920, he expressed pity for white Americans “imprisoned and enthralled, hampered and made miserable” by racism in very much the same terms. Still, if this careful statement by the aging scholar is more sober and universal, it is also, I think, less moving than the way he expressed it half his life earlier in *The Souls of Black Folk*. There he spoke with a cosmopolitan instinct for conversation across peoples in these justly more famous words:

I sit with Shakespeare and he winces not. Across the color line I move arm in arm with Balzac and Dumas, where smiling men and welcoming women glide in gilded halls. From out the caves of evening that swing between the strong-limbed earth and the tracery of the stars, I summon Aristotle and Aurelius and what soul I will, and they come all graciously with no scorn nor condescension. So, wed with Truth, I dwell above the Veil.

In 1900 Du Bois said that the color line – the double problem of racism within the West and racial imperialism outside it – would be the problem of the twentieth century. In the century of Hitler and of Stalin (and, for that matter, of the Khmer Rouge and Hutu Power) we cannot say that his exclusive focus on racism directed against people of color turned out to be justified. Indeed, I don’t know if it’s worth trying to decide what slogan would properly identify *the* problem of a century with so many problems. But it was undeniably a century in which more of the cosmopolitan spirit – a little more respect, that is, for difference and a little more concern for the moral interests of strangers – would have made a huge difference for the better. The record of such prophecies is not great, but if I were asked for an enemy of human hope for our new century, I would say it was anti-cosmopolitanism; one that has taken new forms in our time but that already underlay the indifference and contempt for others that Du Bois dubbed “the problem of the color line.” The challenge of the twenty-first century is, I believe, the cosmopolitan challenge, and in reading Du Bois today I am struck by how much his spirit engages this new challenge. The world has changed in the century since *The Souls of Black Folk* first appeared; but the spirit that animates it is, I believe, as relevant now as it was then. 📖

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Fighting Hitler and Jim Crow

African Americans and World War II

by Jane Dailey

IT IS A SCHOLARLY COMMONPLACE that the American media's response to the anti-Jewish policies of the National Socialists in Germany during the 1930s was disengaged and skeptical. The persecution of the Jews, as historian Deborah Lipstadt has pointed out, "was never the central theme of the reports about the new regime." Lipstadt's description is accurate

Black papers reported early and often on Nazi racism and drew comparisons – most of them unflattering – with America, particularly with the American South.

with regard to such white-owned and operated publications as the *New York Times* and *Life* magazine, but it does not hold true for America's thriving black press, which served the nation's 13 million African Americans. In the 1930s, newspapers were as segregated as everything else in America; and whereas blacks read white papers like the *Times*, very few whites read black papers such as the *Pittsburgh Courier* or the Baltimore *Afro-American*. Worried about verification of stories considered unlikely – and preoccupied with offending the new German regime – both the US government and mainstream newspapers and magazines adopted a circumspect stance toward Nazi racism. Black papers, on the other hand, reported on it early and often and drew comparisons – most of them unflattering – with America, particularly with the American South.

The US was a segregated nation in the 1930s. South of Washington, D.C. and east of Arizona, those American citizens legally defined as non-white were unable to vote or be elected to office. When black people rode the bus, they stood or sat at the back; when they took a train, they were relegated to the smoking car; when they saw a film, it was from the balcony. Their children attended ramshackle segregated schools lacking both books and indoor plumbing. Sex and marriage with whites were strictly forbidden; those (white as well as black) who violated restrictive marriage laws found themselves guests in the state penitentiary. Southerners called this system of legal segregation Jim Crow, and it influenced race relations in other regions in America as well, particularly the west.

Hitler's sudden rise to power in 1933 created ideological and rhetorical space

for critics of American politics and society. They seized the opportunity to make fascism synonymous with racism, and vice versa, and to tie democracy to non-discrimination. Establishing the first of these equations was increasingly easy, particularly after passage of the 1935 Nuremberg Laws regulating and restricting Jewish German life, which – leading Nazis and

the African American press both pointed out – were modeled on Jim Crow statutes. As one black author put it, "What else are Jim-Crow laws but Fascist laws.... it is difficult to believe that Hitler to save time did not copy them directly from the southern statutes

and from the unwritten laws of America against negroes." While the *New York Times* searched for a neutral tone to address the new German regime and the 1933 *Christian Science Monitor* described life in Germany as "normal and serene," America's black papers and magazines made Nazi racial persecution a front-page story. W. E. B. Du Bois reported from the 1936 Berlin Olympics for the *Pittsburgh Courier* that the Nazis had declared "world war on Jews." More than a year before, the *Afro-American* had called whites protesting the admission of a black student to the University of Maryland law school "American Nazis" and proclaimed them "quite as bestial as their German brothers."

Such sentiments crossed the political spectrum and increased as the Nazis became more openly anti-Semitic. In 1939, William Z. Foster, chairman of the National Committee of the Communist Party USA, testified before Congress that "I do not think you will find anywhere in the world a nationality so deeply oppressed as the colored group in America. They are worse off than the Jews under Hitler." That same year, *Opportunity*, a monthly published by the Urban League – which occupied a political slot to the right of the National Association for the Advancement of Colored People (NAACP) – editorialized that "Germany is modeling its program of Jewish persecution after American persecution of Negroes." Although some white newspapers did note the erosion of Jewish civil rights in Germany, they did not acknowledge the obvious parallels between German *Rassenpolitik* and Jim Crow, and they were uninterested in doing anything about what the *Philadelphia Tribune* (black) called the "Nazis zu Hause."

The black campaign to equate the two systems of racial segregation was strategic and did not necessarily reflect concern for the fate of Germany's Jews. Many African Americans (including Du Bois prior to his 1936 trip to Germany) indulged in considerable *Schadenfreude* at the predicament of European Jews. At the same time, the political usefulness of comparing fascist Germany with democratic America was irresistible to this generation of civil rights workers. Frequently noting that racial prejudice was officially outlawed in the Soviet Union, black publications hammered home the point that "Nazi prejudice against Jews is like Dixie's." In an editorial on lynching in the NAACP newspaper *The Crisis*, the editor explained, "The only essential difference between a Nazi mob hunting down Jews in Central Europe and an American mob burning black men at the stake in Mississippi, is that one is actually encouraged by its national government and the other is merely tolerated." In 1941, as America avoided being drawn into the European war, the Urban League made racial equality a crucial marker of democracy. "All over the world," it lectured, "the color line is being erased as nations fight to preserve the democratic form of government. All over the world except in Hitler's Germany, Mussolini's Italy, and the United States of America."

HAVING ABSORBED COMPARISONS of segregation to fascism for the past seven years, it was not immediately apparent to many African Americans in December 1941 why they should risk their lives fighting for a nation indifferent to its own core principles. A Philadelphia man, Harry Carpenter, was arrested for treason when he remarked in public that the war was "a white man's war and it's no damn good." Why, many wondered, should black Americans support the war on Hitler while Jim Crow reigned at home?

THE NAACP acknowledged African American ambivalence toward fighting the fascists. "We all know that the attitude toward the colored people of the nations fighting Hitler, Mussolini, and Hirohito leaves much to be desired," admitted the organization's executive secretary Walter White. But he insisted that African Americans had special interests at stake in this war: "If Hitler wins, every single right we now possess and for which we have struggled here in America for more than three centuries will be instant-

neously wiped out. ... If the allies win, we shall at least have the right to continue fighting for a share of democracy for ourselves.”

In the end, black civilians joined the war effort because they saw it as part of their own struggle to gain access to democracy. As with the earlier comparison of segregation to fascism, this was a calculated decision. Nothing short of “a considerable weakening of the white races by war” would, in the sober estimation of historian Rayford Logan, “bring any appreciable improvement” to colored peoples world-wide. All things considered, Logan concluded, American blacks should “change their song from ‘Ain’t goin’ to study war no more’ to ‘Let’s see what we can get out of a war.’”

Determined not to let the opportunity of wartime change slip away, America’s leading civil rights organizations exhorted, “Now is the time *not* to be silent about the breaches in democracy in our own land.” To this end, black Americans added a fifth freedom – “freedom from segregation” – to the “four freedoms” already denominated by President Roosevelt (freedom of speech and religion, freedom from fear and poverty). Both the black press and civil rights spokes-


men remained skeptical about America’s wartime politics, and both strove unceasingly to keep the needs of the nation’s largest racial minority center stage.

LEADING WHITES, including Franklin Roosevelt, were irritated by black demands for equality after 1941, seeing them as untimely. At the same time, many progres-

In January 1942, white military and civilian police wounded 21 black soldiers and killed ten in a riot in Alexandria, Louisiana, that began when a military policeman slapped a black soldier’s girlfriend.

sive white and black commentators were disgusted by the attitude of white Southerners to the war, which seemed to be primarily to shore up the domestic racial caste system under wartime conditions and only secondarily to win the war. According to reports filed in 1942 by field agents for the Bureau of Agricultural Economics, southern whites refused to “go all out” in the war effort if “going all out may mean ... a revolution

in southern society and southern societal and racial relationships.” Believing that they were fighting for things “as they have been in America” and haunted by “revolting visions of what the new society may be like,” white Southerners often seemed to be fighting their own separate war.

The campaign many white Southerners were most interested in pursuing was a rear-guard action against African-American efforts to erode Jim Crow. If not officially under siege by the government, which refused to desegregate the armed forces during the war, the South’s social system was challenged more directly and more systematically than it had ever been before. As the war industry brought better paying jobs to more and more blacks, they felt empowered to ask for better conditions and an end to segregated labor. Disagreement about segregation exacerbated the more general wartime aggravations of urban overcrowding and food and fuel shortages, and those who kept track of such things worried about the rising number of interracial altercations across America. Fisk University’s Social 

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Science Institute counted 242 incidents of interracial rioting and violence during 1943.

Many of these involved soldiers. Because of its temperate climate and the power of its congressional delegation, the South housed most of America's new men in arms. Northern black recruits unfamiliar with the quotidian indignities of Jim Crow clashed daily with white southern GIs and war workers, and they chafed against the strictures of segregation. In the three months after Pearl Harbor, there were two army camp riots; by May 1942, 14 black men in uniform had been killed by civilian police in communities adjacent to Army training camps. At Fort Benning, Georgia, Private Felix Hall was found hanging from a tree, his arms and legs bound. Black soldiers stationed at Luke Field near Phoenix, Arizona spent Thanksgiving Day 1942 shooting it out with white military police; three were killed and 11 wounded, and 27 black GIs faced courts martial. The previous January, white military and civilian police wounded 21 black soldiers and killed ten in a riot in Alexandria, Louisiana, that began when a military policeman slapped a black soldier's girlfriend. All in all, wartime America saw six civilian race riots, more than twenty military riots and mutinies, and between forty and 75 lynchings. As Howard Donovan Queens, a black officer in the Regular Army who eventually rose to the rank of colonel recalled years later, "The Negro soldier's first taste of warfare in WWII was on army posts right here in his own country."

Conditions were better in England, where 130,000 African American GIs trained for the June 1944 invasion of Europe. Proud of the fact that, as the British Home Office put it, "there is no color bar in the United Kingdom and none will be permitted," the British government nonetheless did what it could to discourage black-white social interaction, with mixed success. "Everybody here adores the Negro troops. All the girls go to their dances," enthused a Wiltshire woman in March 1943. "But," she added, "nobody likes the white Americans. They swagger about as if they were the only people fighting this war. They get so drunk and look so untidy, while the Negroes are very polite, much smarter, and everybody's pets."

Needless to say, the social equality offered to African Americans by the English enraged white southern GIs, who made every effort to enforce southern social mores abroad. "Here in England we are the butt of white American insults wherever we go, which the English themselves don't understand," complained

one northern black. English civilians were informed by white southern troops that "Negroes had tails, that they were illiterate, that their color was due to disease, that all Negroes carried razors which they would use on the slightest provocation, and that 'they will rape your women,'" the NAACP's Walter White reported.

Such tales were reinforced by the chief of the Service of Supply (to which the majority of black soldiers in Britain were assigned), Lt. Gen. John C. H. Lee of Virginia, who explained that "colored soldiers are akin to well-meaning but irresponsible children.... Generally they cannot be trusted to tell the truth, to execute complicated orders, or to act on their own initiative... They individually or collectively can change form with amazing rapidity from a timid or bashful individual to brazen boldness or madness or become hysterical." This sort of instruction in the verities of Jim Crow was resented by many non-south-

ern white American troops (and even by a few white Southerners), who began to draw the same comparison between the US and Germany that the black press had made since the mid-1930s. "What is taking place in our army today is nothing [less] disgraceful than what Hitler is doing to minorities in Germany," wrote one disgusted white GI in a 1943 Army survey on race relations among soldiers. "I joined the American Army to fight against the persecution of minorities," this young soldier concluded. "I resent that our Army actually practices the same type of persecution." Black soldiers also interpreted their fight overseas as linked to their future in America. As one explained to the Army, "Our mothers and fathers would feel very bad after we have come over and help won the war [if] some of our peoples have to go back down South and put up with the same thing [fascism] on these plantations."

It may be too much to assert (as some historians have) that Hitler "gave racism a bad name." Nonetheless, the comparison African Americans first drew between the Nazi persecution of the Jews and America's Jim Crow regime made an impression on many white Americans, some of whom reevaluated the harsh realities of white supremacy at home during the years they fought fascism abroad. The fight against Nazi Germany may not have made racism unfashionable across the ocean, but by the end of the war even many white Southerners agreed with the sentiment

that "men who faced bullets overseas deserve ballots at home" and that black disenfranchisement reflected "the hateful ideologies" that the nation opposed in the war.

Even so, undoing the beliefs of a lifetime would not be easy. A white southern lieutenant, in a letter to Margaret Halsey (the writer who helped run the famous integrated Stage Door Canteen in New York City), wrote frankly of the obstacles to racial equality in America. Describing himself as one of those "who seek democracy in a nation where it is sometimes hard to find," the lieutenant continued,

Even I am not sure how far I would go to insure that democracy. I want my colored friend to vote; I want him to be free from prejudice in the courts; I want him to go to college; I want him to have the best of living condi-

English civilians were informed by white southern troops that "negroes had tails, that they were illiterate," and "that their color was due to disease."

tions; I want him to be paid what he is worth; I want him to be an active and respected member of any union he desires; I want him to know and enjoy the Four Freedoms. I will work and work hard to see that he – or his sons – gets these things, but – I do not want him to live next door to me; I do not want him to be my house guest; and I do not want him to dance with my daughter. How can I reconcile these conflicting desires?

Halsey responded by explaining that she did not think the lieutenant (or most white Southerners of his generation) could reconcile them: they would just have to live with the tension these conflicting desires produced.

It would take another twenty years, and an all-out campaign of direct action and civil disobedience, to gain for black Americans the rights promised them by the Constitution. In the meantime, Halsey recommended that the lieutenant join an organization dedicated to working for racial justice when he returned to the States and suggested that the white man "stock up on bicarbonate of soda and try not to think of posterity." ↵

Jane Dailey is professor of history at Johns Hopkins University and held a Berlin Prize at the Academy in the fall of 2004. She is the author of *Before Jim Crow: The Politics of Race in Post-Emancipation Virginia* and is completing a book to be called *Sex and Civil Rights*.



Remembering Lloyd N. Cutler 1917–2005

THE AMERICAN Academy in Berlin lost an active, thoughtful trustee and special friend when Lloyd Cutler passed away on May 8, 2005.

Lloyd had an extraordinary range of interests and experiences, which made it a particular delight to be asked to lunch with him. At lunch, the conversation would turn to ideas – in law, politics, art, music (he was a director of the Metropolitan Opera and tried to time his teaching at the

Salzburg Seminar in American Studies to coincide with the Salzburg Music Festival) – and, at some point, to a little illuminating gossip as well.

Lloyd founded and helped build a renowned Washington-based law firm (now Wilmer Cutler Pickering Hale and Dorr), which was always recognized for attracting particularly outstanding lawyers to its ranks. He was a superb advocate and argued before the US Supreme Court nine times. He made contribu-

tions to bankruptcy law, administrative law, securities law, auto and drug safety law, and was a major force in launching and carrying out the American Law Institute's path-breaking project on corporate governance.

In addition to being sought out as counselor to a large number of corporate executives, including German chief executive officers, Lloyd was recruited by six US presidents for important service. For Presidents Jimmy Carter and Bill Clinton, he was White

House Counsel. For the others, he served on important Presidential Commissions.

Lloyd also devoted a substantial amount of his time to private organizations designed to serve public purposes. In the 1960s, he founded and co-chaired the Lawyers' Committee for Civil Rights under Law. (He suggested that I consider serving as staff director for this important effort, but unhappily I could not take up his suggestion. It was the last time I failed to follow

his advice. One of his later “suggestions” was that I serve as president of the American Academy in Berlin.) Lloyd also founded the South African Legal Services and Legal Education Project, which fought apartheid in South Africa. He was a director and, for many years, chairman of the board of the Salzburg Seminar in American Studies. He was a member of the Council of the American Law Institute for more than thirty years and served on its executive committee for 15 years. Lloyd also served as a trustee of the Brookings Institution. The list goes on.

Lloyd had a remarkable career because he was an extraordinarily successful and influential practitioner who fully understood the profession’s obligation not only to serve clients but also to serve the community in which he lived. Lloyd recognized that his community was not confined to Washington or the United States, but embraced the world. The broad-gauged, public-minded professional practitioner, the lawyer-statesman has become rare in the American legal world, and therefore we feel his loss particularly deeply.

-Robert Mundheim

I WAS ALWAYS PLEASED when Polly Kraft, Lloyd Cutler’s wife, would travel out of town. It meant that one of the most charming and interesting men I knew was available for dinner.

I had the good fortune of living around the corner from the Cutlers. Lloyd and I would often walk to a nearby Italian restaurant for a bowl of pasta and a bottle of Chianti. These evenings became important to me, and I will always remember them with great fondness.

It is not often that one can sit in the company of someone with Lloyd’s breadth of knowledge, wisdom, courtesy, and unusual intelligence. This was

all steeped in his respect for the rule of law and his sense of right versus wrong. In the years to come, I will often ask myself “what would Lloyd have thought.” These were the qualities that Lloyd Cutler brought to the American Academy in Berlin. His world perspective and sound judgment were indispensable to shaping our original intentions.

With thanks to Wilmer, Cutler & Pickering, the Academy established the Lloyd Cutler Fellowship. I brought the first Lloyd Cutler Fellow, Hiroshi Motomura, to visit Lloyd at his office in Washington. Mr. Motomura is a professor at the University of North Carolina and was writing a book on immigration and citizenship in the US. Even though this meeting occurred in Lloyd’s last year, he asked insightful questions and offered Mr. Motomura several books from his bookshelf that he thought would be helpful to Mr. Motomura’s research.

Lloyd had a gleam in his eye and a bright, original wit. His sense of humor was with him to the end. He asked a friend who visited him during the last week of his life whether she had brought him a favorite cookie, which she often served him at her home in New York. When the lady said that she had not done so but would go home and bring some back, he quipped, “You’d better hurry.”

It will be difficult carrying on without Lloyd, but how fortunate I was to have known one of the last distinguished American gentlemen.

-Gahl Burt

LLOYD CUTLER’S LEGAL domain covered much of the earth, important parts of the sea, and various slices of the sky.

His clients included presidents, secretaries of state, manufacturers with household names, newspapers and televi-



Photographs courtesy of the family of Lloyd Cutler

sion networks defending the first amendment, the people of Czechoslovakia seeking a constitution, the people of South Africa seeking simple justice, and Greenpeace, the NAACP, the Metropolitan Opera, and the Rolling Stones.

He argued in the Supreme Court about elections and railroads and securities fraud. He negotiated treaties about fishing and strategic arms. He made business deals that doubled his clients’ money. He crafted legislation that made automobiles safer. And he counseled everyone: powerful public and private clients, ordinary citizens of Washington caught up in the 1968 riots, and all of us who were his friends.

He enhanced our understanding of all three branches of government and a dozen fields of law. Presidents sought his help in dealing with housing supplies, urban violence, hostage negotiations, election

machinery, judicial and civil service salaries, and American intelligence capabilities. He wasn’t an “expert” in any of these things – just the guy you wanted to talk to when you really needed the right answer.

I’m not sure how Lloyd did it all, but I have some ideas.

One is that Lloyd found joy in *everything* that could put his mind to work. He would not be surprised to hear me say that he had a very Jewish love of the complexity and beauty of this world, because the world gave him so many things he could have interesting thoughts about. A side benefit for the rest of us was that he was wonderful company, whether you felt like talking about law or business or politics or Verdi’s *Otello* or Shakespeare’s *Othello* or Goya’s tapestries or the human genome or menus or wine lists or his always loyal but deliciously observant views of public figures and mutual friends. He was the only person

on earth that I ever looked forward to taking long plane flights with.

Lloyd also had an instinctive generosity in dealing with ideas. He *liked* listening, and he also *liked* sharing his own thoughts without saving anything for later, and he really *liked* it (not all of us do) when a collaboration produced something larger than his own contribution, and he enjoyed giving his collaborators more credit for our parts than we often deserved.

But Lloyd's greatest source of strength was his conviction that his own purpose on earth was to solve problems. Sometimes they came to him from public or paying or pro bono clients (it didn't matter which), but very often he just looked for problems and went to work on them.

One example, because it's important: In the last couple of years of his life, Lloyd confronted the fact that the Constitution doesn't provide any efficient way to replace members of Congress if they are disabled in large numbers, with the result that a terrorist attack might leave Congress without a quorum to pass laws or appropriate funds. He proposed a constitutional amendment that has languished in Congress. One concrete tribute we could make to his memory would be to do something about that.

Lloyd calmly attacking a tough problem was something to behold. What a *comfort* he was to his friends and clients and to the nation.

But although he was fiercely loyal to his clients, he never let their own perceptions of their problems distract him too much from finding a solution. And so he taught generations of lawyers, who might otherwise have thought that a lawyer's job is to get the client what the client thinks he wants, that a lawyer's real job, from start to finish, is to get to the right answer and then sell it, first to the client and then to the court or the guy on the other side of the table.



Lloyd Cutler was my partner for more than thirty years and my friend – in some ways my best friend – for nearly forty. I will be grateful all my life for the privilege of knowing and working with him, and his death leaves an empty place that will not be filled.

-Louis R. Cohen

LLOYD CUTLER BELIEVED in the constructive power of rational reasoning, and he believed that if serious people who held different points of view talked through their differences, they could resolve them, or at least narrow them significantly.

Of course, Lloyd left out one critical ingredient: himself. We needed Lloyd, or someone very much like him, to get people to the table. We needed Lloyd, or someone very much like him,

to get them to agree. But there was only one Lloyd Cutler. He had an extraordinary ability to cut through people's differences, extract whatever common ground they had, and fashion creative solutions.

As we remember his remarkable career, we must also recognize what we have lost. And that loss, which is a loss to our nation, is also our loss at the American Academy in Berlin, where Lloyd was one of our most treasured trustees. He believed in the Academy when it was no more than an idea and worked hard to help make it a reality. He believed also in the city of Berlin, where he and his colleagues had the vision to open an office when many other firms were going elsewhere. And he believed in US-German relations, to which he devoted much energy.

I knew Lloyd for almost forty years. He was already a pillar of

Washington when I arrived in the mid 1960s, a man consulted informally and confidentially by leaders of American political and corporate life. But he had time for a young foreign service officer, and I will always be grateful. Over the years, I sat with him often, seeking his counsel on issues both personal and professional. On my last visit, less than three weeks before he died, his wife Polly sent me upstairs to see him. He was clearly uncomfortable and weak, but his interest in events around him was undiminished. He was pleased that he had just brought his law firm a new piece of business. "You see, I am still a rainmaker," he joked. He wanted to discuss Iraq and, of course, his beloved Democratic Party. He had just heard an interesting story about someone; was it true? He worried about the future of the Democrats. And



why was the Bush administration so inept at building a consensus among different constituencies? How is your beautiful wife? Isn't Polly wonderful? She is bearing up so well.

We talked as though there was all the time in the world. But of course there wasn't, and we both knew it. He wanted me to know how much he enjoyed the American Academy, what a contribution it had made, and how honored he was that his law firm had led the establishment of a fellowship in his name.

We talked about the Dayton Peace Agreement that had ended the war in Bosnia ten years ago; Lloyd had been part of our delegation, offering valuable ideas and creative approaches to issues of sovereignty. If you look closely at the photographs of the opening day of those negotiations – which were on every front page in the world the next morning – you will find him seated in the first row behind the small round table of the chief negotiators, right between his old friend Warren Christopher and me, within easy earshot to offer advice and counsel. That day, as on so many other days, Lloyd was exactly where he wanted to be and where he

belonged – the wisest of advisors, and the best of friends.

-Richard C. Holbrooke

LLOYD WAS A GREAT American citizen, but he was also a great personal friend to people outside the United States, once they had won his confidence. I have always considered it an honor to count as one of them. Our friendship, which began with a meeting of the Trilateral Commission and which lasted more than thirty years, was extremely precious to me. Our annual lunches at the Metropolitan Club in Washington were always the highlight of my visits to the US. Thanks to Lloyd, I met a great many interesting people and learned more about the American legal and political system.

For me, the high point in our friendship was Lloyd's legal representation of German companies at the compensation negotiations for forced laborers during World War II. Without Lloyd, we would not have achieved the outcome we wanted. I will always remember an especially difficult day at the Treasury when the

process had reached a stalemate. Lloyd stepped in and helped restart the discussions, and with his guidance, we were able to reach a solution. That day I witnessed Lloyd's great moral and personal authority. I will honor Lloyd's memory.

-Otto Graf Lambsdorff

ANYONE IN BUSINESS will sooner or later discover an old axiom of law. Not only is law based on pure realization or cognition of, say, "the truth," law is also a matter of hard-fought interests that influence legislation – even more so, when protagonists of different cultures and legal systems come into play. The increasingly global dimension of trade, industry, and services is constantly creating new realities that call for new legal approaches. Lloyd Cutler was a personality of outstanding qualities and qualifications, which enabled him to deal with the legal challenges globalization is posing to administrations and companies alike. He transformed Wilmer, Cutler & Pickering into a truly international law firm that is fully at home in various cultures and legal sys-

tems. To me, Lloyd Cutler reflected the cosmopolitan style of a New England man – a personality ideal for the international stage. Well versed both in culture and jurisprudence, he was endowed with a great liberal American mind. The experts whom he picked are the best of their class, many with experience in both government and industry. They helped Lufthansa get approval for the Global Star Alliance in three places simultaneously. This case was exemplary of the kind of legal advice that international business companies seek today. Lloyd Cutler served presidents, industrialists, and common people. It was his lofty goal to moderate the process of reconciling conflicts of public and private interests. Looking back, we appreciate his outstanding work, and we may say that he more than succeeded in his aims.

-Jürgen Weber

LLOYD CUTLER MADE worldliness and idealism seem like perfect friends.

Because Lloyd believed that law is one of the supreme expressions of the human spirit; and that law, even in its most arcane regions, is the service of justice; and that justice is the unceasing work of reason; and that reason is the highest method of government; and that government, or the direction of power by wisdom, is the telling measure of a society's goodness – because all this was Lloyd's true and diligent faith, his religion of law and justice and reason and government – because all his life Lloyd mingled stringency with sympathy, he brought honor not only to his country, but also to his people; and so it is my melancholy privilege to recite in my formidable friend's memory Judaism's ancient prayer for mourners, the doxology known as the *Kaddish*.

Yitgadal v'yitkadash, magnified and sanctified...

-Leon Wieseltier

ONCE SAID TO Lloyd Cutler that he was not Herschel Bernardi. But who is Herschel Bernardi? That's the point. Herschel Bernardi was a comedian who said that a career has four stages. Stage One: Who is Herschel Bernardi? Stage Two: Get me Herschel Bernardi. Stage Three: Get me someone like Herschel Bernardi. Stage Four: Who is Herschel Bernardi?

Lloyd's Stage One ended, and Stage Two began, during World War II, when an intelligence expert, a friend of Lloyd's, announced, "We need Cutler." And off went Cutler to become a top code-breaker.

Lloyd's brush with Stage Three was brief. President Clinton, after beginning to say, "Get me someone like Lloyd Cutler," caught himself, said, "Get me Lloyd Cutler," and persuaded Lloyd to become the only lawyer to undertake two separate tours of duty, serving President Carter and President Clinton, as White House Counsel.

As for Stage Four, it never happened.

Lloyd, my friend, my guide, my mentor ... so many of us have silently spoken those words. Lloyd had an unusual ability to see potential in others and to help them develop talents they might not even know they had.

Forty years ago I first heard about Lloyd Cutler from Don Turner, law professor, economist, Justice Department official. Lloyd had realized that Don, were he chief of the antitrust division, could help reform anti-trust law, help it make economic sense. So Lloyd set to work; he encouraged Don; he talked to people; and, how typical, the appointment happened, and the law was reformed.

I recall Lloyd talking to young foreign civil rights leaders at Salzburg. The castle, the lake, the mountains, the restaurants, the music festival, all served as backdrop, not to the Sound of Music, but to hard work, teaching classes and the kind of exchanges that would eventually mean new constitutions, better law, in Eastern Europe and elsewhere. Whose fine hand did we see organizing those meetings, guiding and encouraging the participants? The hand of our modern Max Reinhardt, or, as he was then known in Austria, Herr Graf Cutler.

Commitment to improving institutions was another Cutler trademark. Lloyd, an inveterate problem solver, would persuade each side to understand the other and would devise reasonable, often imaginative, solutions. The list includes Presidential rule-making, a better Special Prosecutor, Government

continuity in times of terrorism. And it goes on and on.

Lloyd was a legal builder. With John Pickering he created from scratch one of the country's greatest law firms. More than that. Lloyd understood that government had to work well in a democracy. And he did something about it. Commissions, boards, Presidents (several) were all the beneficiaries of Lloyd's creative energies and his sound judgment. Lloyd was practical, he was wise, he was effective, he was everywhere.

Lloyd loved to organize: a brief, legal arguments, government institutions, social events, and, I must admit, sometimes other people too. He wanted it (whatever "it" might be) to work and to work well. As for people, he was deeply devoted to his family, Louise, his children of whom he was so proud, and Polly whom he adored and who gave him so much support. He loved watching basketball, baseball, football, movies, with his friends. He wanted his friends to be friends. He created a network, committed, as Cutler was, to using their own abilities to help others.

Cicero tells us that "it is our duty to honor and revere those whose lives are conspicuous for conduct in keeping with their high ethical standards and who,

as true patriots, have rendered ... efficient service to their country." That, Lloyd, is our duty to you.

We who love our country and work in its service will miss our friend, our mentor, our guide, our inspiration. We will miss him, but we have not lost him. He remains with us, giving us advice, reminding us to take others' views into account, helping us to exercise sound judgment, inspiring us to look for ways to make a practical difference, showing us that Holmes did not express a vain hope when he said, "I wanted to prove to my father that a lawyer can be a great man."

To the new generation of young men and women, of lawyers, of those who revere our institutions, we say, draw near. Reflect upon a life that, in this 216th Year of the Republic, provides convincing evidence that a man can have family, success, the highest of standards, all the while making a difference for the better, in public life.

Look upon a life characterized by that spirit of public service that distinguishes the law at its best. Contemplate our friend Lloyd Cutler, the lawyer statesman, the good citizen, the ancient Roman republican, the modern great American.

-Stephen Breyer





The Privatization of Public Diplomacy

An Update on the C.V. Starr Program

“OH, I WOULDN’T WANT IT,” replied Ambassador Stapleton Roy to Bernd Mützelburg. The German National Security Advisor had jokingly recommended that the former US envoy to China, Indonesia, and Singapore (now managing director of Kissinger Associates) reenlist in the foreign service. Mützelburg had spent an afternoon candidly discussing the challenges and opportunities of China’s rise with Roy and later moderated his public talk to more than one hundred guests at the Academy this May. But Roy just laughed: “Doing diplomacy in private is much more interesting.”

The C.V. Starr Public Policy Forum builds on that model. Made possible by a generous gift from the Starr Foundation, the forum uses various formats to enhance the dialogue on topics of high political relevance with a rotating regional focus. The Academy recruits seasoned US policy experts, both from within government and from the think tank community, brings them to Berlin for a week, and builds a platform around them. In informal, one-on-one meetings, political leaders and key journalists discuss controversial issues of transatlantic concern with influential US experts with a candor

rarely found under the rigid rules of diplomatic etiquette. Staffer meetings in the Bundestag, Foreign Ministry, or Chancellery enable an equally open debate with the working level of public administration – often across layers of hierarchy that can be equally stifling. Roundtables in Berlin’s think tanks and business associations are proving to be inspiring venues for political debate as well, and there is a keen media interest in the forum’s visitors.

This fall, after last spring’s focus on China, the program addresses Iran. Kenneth Pollack from the Brookings Institution, Reuel Marc Gerech of the American Enterprise Institute, and Samuel Berger, President Clinton’s National Security Advisor, will not only bring new perspectives to Berlin; they will also bring European views to the US. Next spring, Eliot Cohen from Johns Hopkins University and Shaul Bakhash from George

Mason University will round out the discussion on Iran. In addition to its overarching semester topics, the C.V. Starr Forum also offers informal expert meetings on short notice to cover other foreign policy issues of pressing importance. Two months after the terrorist attacks in London, for instance, Jane Harman, ranking Democrat on the House Permanent Select Committee on Intelligence, visited the Academy. In a talk moderated by Rüdiger Freiherr von Fritsch, vice president of the German Intelligence Service, she discussed counterterrorism and intelligence sharing with a small group of high-level German intelligence officials in the Hans Arnhold Center library.

Discussing public policy through private diplomacy is, it seems after a year, an unmitigated success and one of those rare win-win constellations.

by Thomas Rid

Regine Leibinger

The Academy Welcomes a New Trustee

At the spring meeting at their Hans Arnhold Center, Academy trustees welcomed Regine Leibinger to the Board of Trustees with an enthusiastic round of applause. Leibinger has been a close friend of the Academy since its inception. After receiving her M.A. in architecture at Harvard’s Graduate School of Design, she moved to Berlin in 1993 and established Barkow Leibinger Architekten with her husband Frank Barkow. The firm has enjoyed numerous exhibitions in the US and has been recognized throughout Germany for

its innovative designs, such as the biosphere in Potsdam. The practice continues to flourish, with industrial projects from Stuttgart to Hartford, a highrise under construction in Seoul, and a new building underway for the architecture school at Cornell University. One of her passions has been teaching, and, after regular guest professorships at Harvard and London’s celebrated Architectural Association, Leibinger accepted a tenured professorship at the Technical University in Berlin, where she herself once studied.



Photograph by Getty Danziger



Bringing Berlin to New York

The Academy Debuts at Carnegie Hall

IN RECOGNITION of the Academy's engagement in cultural exchange, the Berlin Philharmonic's prestigious Scharoun Ensemble has agreed to give a special performance honoring the Academy at Carnegie Hall on Tuesday, January 24, 2006. This will be the first New York

event ever held by the American Academy in Berlin.

The evening will be chaired by Richard Holbrooke and Kati Marton, Henry and Nancy Kissinger, Felix and Elizabeth Rohatyn, Jürgen and Lydia Schrempp, and James and Elaine Wolfensohn. The Scharoun

Ensemble will perform works by Beethoven and Academy alumnus Mason Bates. Following the concert, the members of the ensemble will join the guests for dinner. Henry Kissinger and Sir Simon Rattle will make remarks.

The interest in underwriting tables has been immense, and we are happy to announce that over two-thirds of the twenty tables available have been reserved. DaimlerChrysler has generously agreed to underwrite the evening.

For more information, please contact the New York office.

Sneak Preview

The Spring 2006 Fellows

In spring 2006, journalist ROGER COHEN of the *New York Times* and H.D.S. GREENWAY of the *Boston Globe* will hold Bosch Berlin Prizes in Public Policy. They are joined by STEVEN CHAPMAN of the *Chicago Tribune*, a George H.W. Bush Fellow. The semester's other George H.W. Bush Berlin Prize-holder, legal scholar RUTH WEDGWOOD, hails from Johns Hopkins University's SAIS and Yale Law School.

Historians include JERRY MULLER from Catholic University

of America, an Ellen Maria Gorrissen fellow; CLAUDIA KOONZ from Duke University, recipient of the Haniel Berlin Prize; and DaimlerChrysler Fellow PAUL RAHE from University of Tulsa. Art historian JACQUELINE JUNG of the University of California, Berkeley will be the Coca-Cola Fellow.

CHARLES MOLESWORTH, professor of English at Queens College takes up the DaimlerChrysler Fellowship. The belles lettres are represented by Ellen Maria Gorrissen Fellow and poet ROSANNA WARREN and writer JOYCE HACKETT, a Holtzbrinck Fellow. Artist KERRY TRIBE, the Guna S. Mundheim Fellow, will stay on at the Academy to complete her year-long fellowship.

The 2005–2006 Berlin Prizes were awarded by an independent selection committee that included: Carolyn Abbate and Anthony Appiah (Chair) of Princeton University; Paul Baltes, Max Planck Institute for Human Development, Berlin; Scott Brewer, Harvard University; Stephen Burbank, University of Pennsylvania; Christopher Caldwell, the *Weekly Standard*; Barbara Epstein, the *New York Review of Books*; James Hoge, *Foreign Affairs*; Andreas Huyssen, Columbia University; Jürgen Kocka, Wissenschaftszentrum Berlin für Sozialforschung; Charles Maier, Harvard University; John Mearsheimer, University of Chicago; Amity Shlaes, the *Financial Times*; and Leon Wieseltier, the *New Republic*.

Julie Finley From Washington to Vienna

Academy Trustee Julie Finley was sworn in by Secretary of State Condoleezza Rice as US Ambassador to the Organization for Security and Cooperation in Europe (OSCE), assuming her duties in Vienna on August 18, 2005.

"Although we are sad to lose her for the time being, her appointment is a very encouraging sign," said the Academy's director, Gary Smith. "In her long-standing engagement for NATO expansion, she has developed impressive multilateral skills and knowledge of central Europe, all of which will serve her well in her new role." Ambassador Finley has been outspoken on behalf of the Academy from Washington since she joined the Academy's board in 2000. "The political and intellectual elite of Central Europe as well as the best of both conservative and liberal thinking in Washington would meet at dinner parties at her Washington home," Smith said. "Now the same thing can happen in Vienna."



Guest Appearances

Notes from the Fall Program

THE ACADEMY IS PROUD to welcome Justice Patricia Wald as Richard C. Holbrooke Distinguished Visitor and many other guests to the Hans Arnhold Center throughout the fall.

The semester kicked off with a public interview of Ambassador Holbrooke by Alison Smale of the *International Herald Tribune* on the Balkans ten years after the Dayton Accords (see page 10). Holbrooke, the Academy's chairman and former ambassador to Germany and the UN, has received numerous Nobel Peace Prize nominations for his achievement at Dayton. The evening interview with Smale, who reported at the time from the Balkans for the AP, drew a crowd of almost two hundred to the Hans Arnhold Center.

When the Deutsche Staatsoper Unter den Linden was looking for an American to write a libretto for an experimental production, the Academy recommended its frequent guest Jonathan Safran Foer. In conjunction with the bestselling author's stay in Berlin for the opening of *Seven Attempted Escapes from Silence* (see

page 53), Foer also read from his most recent novel *Extremely Loud and Incredibly Close* in the opera's warehouse, where the collaborative opera premiered in early September.

As the *Journal* went to press, David M. Rubenstein, founding partner and managing director of the Carlyle Group, shared his thoughts about the future of private equity in Europe in three separate meetings chaired by Academy trustees: a small, private lunch hosted by Kurt Viermetz (including CDU finance expert Friedrich Merz), an evening lecture at the Academy entitled "Everything You Always Wanted to Know about Private Equity in Europe but Were Afraid to Ask" led by Otto Graf Lambsdorff, and a breakfast introduced by Franz Haniel. The Carlyle Group spans 13 countries on three continents and boasts some \$31 billion under management, making the private equity firm one of the world's largest.

Dan Diner of the Hebrew University in Jerusalem and Simon Dubnow Center at the University of Leipzig explores

everything from the political culture of current American politics to Holocaust studies. In October, he will discuss tradition and modernity in the Muslim world at the Academy, in a lecture moderated by current JPMorgan Fellow Anson Rabinbach.

The Academy is fortunate to host a wide range of authors at the Hans Arnhold Center over the semester. New York author Nicole Krauss (see page 61) will read selections from her critically acclaimed novel *The History of Love*. Later in the fall, UCLA physiologist Jared Diamond, who won a Pulitzer Prize during his Wissenschaftskolleg year in 1998 for *Guns, Germs, and Steel: The Fates of Human Societies*, will join the S. Fischer Verlag and the US Embassy at the Academy for a lunchtime roundtable.

The same evening, Jonathan F. Fanton, president of the MacArthur Foundation, will give the semester's Stephen Kellen Lecture. His subject is private philanthropy in the US. With approximately \$180 million of grants annually, the formidable MacArthur is one of the nation's ten largest private philanthropic organizations.

In mid November, Justice Patricia Wald, inaugurating the prize named for Holbrooke, will discuss the major challenges

to the future of American justice. The former judge of the US Circuit Court of Appeals for the District of Columbia and of the International Criminal Tribunal for the former Yugoslavia (ICTY) will then join other judicial colleagues and experts at a day-long conference "The Persecution of Crimes of War and Crimes against Humanity Sixty Years after the Nuremberg Trials," hosted by the Academy at the German Federal Ministry of Justice. Keynote speaker Philippe Kirsch, current president of the International Criminal Court, will specifically address the ever-debated role of the International Criminal Court. Other participants include Ernest W. Michel, former special correspondent at Nuremberg; Richard W. Sonnenfeldt, former chief interpreter at Nuremberg; Eberhard Kempf, vice president of the International Criminal Bar; Gerhard Werle, professor of German and international criminal law; and Hildegard Uertz-Retzlaff, senior trial attorney at the ICTY.

The Academy's departing Deputy Director, Paul Stoop, was instrumental in organizing the proceedings. He will be much missed by Academy Fellows, staff, and many appreciative alumni.

R. M. / M. E. R.

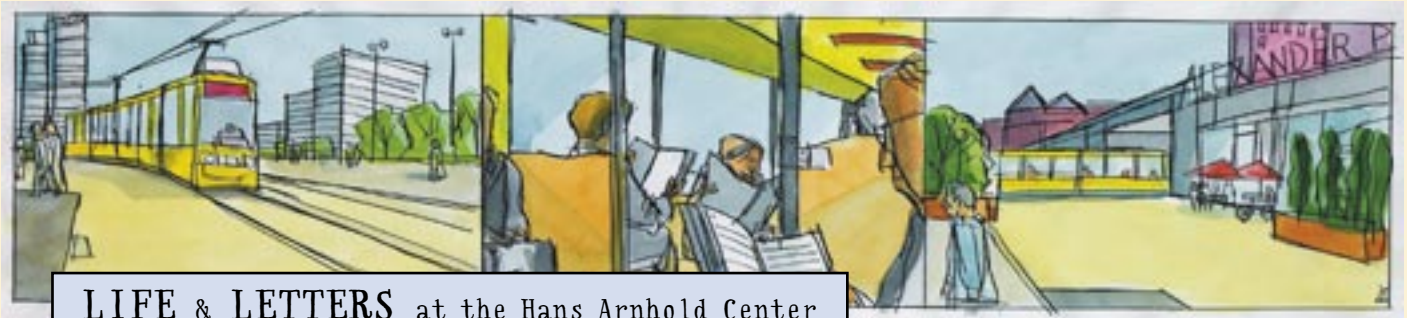
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The Fall 2005 Fellows

Profiles in Scholarship

Though Brecht's *Threepenny Opera* has become a staple of the twentieth-century German literary canon, his other forays into libretto writing tend to be dismissed, if acknowledged at all. The author himself was even apt to criticize the genre of opera as a "bourgeois oppression," which has since led scholars to ignore this significant body of work. JOY CALICO, assistant professor at Vanderbilt



University's Blair School of Music, hopes to remedy this academic oversight while in Berlin, where she will delve into the archives to augment her already developed research. She is combing for sketches, notes, and scores of three neglected opera projects that Brecht conceived – and discussed with composers as varied as Kurt Weill, Hanns Eisler, and Paul Dessau – during his years of American exile. As the projected book, *Brecht at the Opera*, and her past work on Eisler and the GDR's musical cultural politics reflect, Calico takes an interdisciplinary approach to all her inquiries. The Anna-Maria Kellen Fellow considers a Brecht libretto set to a score

by Dessau (known above all for his compositions for film), for instance, as an entrance into the larger considerations of Socialist Unity Party policies, and she concludes that rather superficial censorship of the 1951 piece implies a much different relationship between Berlin and Moscow than most scholarship acknowledges.

Germany is familiar turf for the Academy's current George H.W. Bush Fellow, DAVID CALLEO. His 1978 classic *Germany Reconsidered* took a hard look at the common questions posed by German history with the aim of reaching beyond the common answers to better understand cold-war politics. With the fall of the Iron Curtain, old questions



of the "German problem" are being posed once again. Fears of a presumably evil, power-hungry unified Germany have since been quelled, but the country still must face the difficult task of defining its role within a united Europe. The final stages of the resulting book project, *The German Problem, Old and New*

– in many ways a companion to the 1978 book – will take place in Berlin, where the professor at the Nitze School of Advanced International Studies at Johns Hopkins will consult local political analysts. Calleo's expertise, however, ranges far beyond the borders of Germany. His 1992 in-depth look at US economic philosophy, *The Bankrupting of America*, was praised for its ability to overturn widely held misperceptions. In addition to some dozen more books on US and European political science, Calleo has written for a variety of publications including the *New York Review of Books* and *Foreign Affairs*.

Many aspects of high-level decision making and negotiating undoubtedly remain hidden from the outside observer, but Bosch Public Policy Fellow BARBARA KOREMENOS dissects the public material to pinpoint specific components of agreements. The UCLA political scientist's current research aligns well with the Academy's transatlantic goals, as she is now specifically putting international agreements under the lens to determine how they affect international cooperation. Her theoretical work is grounded in solid empirical research: case studies ranging from the international coffee trade to the Nuclear Non-Proliferation treaty, which she breaks down into categories such as flexibility provisions, membership provisions, and references to other international agreements to assess the effectiveness of each. The National Science Foundation recognized this singular approach

in 2001 with its Career Award, a five-year stipend of \$250,000, for her project "Designing International Agreements: Theoretical Development, Data Collection, and Empirical Analysis." Koremenos is only the second political scientist to



have won such a prize in the ten years since this award has been given. Integration is at the heart of Koremenos's work, as she uses her academic research tools to produce results both relevant and accessible to the policy community.

"I am an embarrassed inhabitant of my own biography," writes NORMAN MANEA in *The Hooligan's Return*. And yet, it has provided his work with an enduring theme: exile. Deported as a five-year old child from his native Romania to a concentration camp in Ukraine, he returned to Bucharest after the war, where he later lived through the insularity, brutality, and deep absurdities of Ceauçescu's Romania. For years, Manea resisted the waves of Romanian-Jewish migration to Israel – despite the palpable indignities of living in a country where "anti-cosmopolitanism" was but a barely disguised form of anti-Semitism. As Larissa MacFarquhar has writ-

ten in a recent *New Yorker* profile, “He could imagine living outside Romania but not outside Romanian.” As Holtzbrinck Fellow this fall, Manea will write the companion to his first autobiographical volume, to be titled *The Fifth Impossibility* in homage to Kafka. Manea’s literary fore-



bear had named four impossibilities particular to his condition: the impossibility for a Jew to write in German, the impossibility of *not* writing, the impossibility of writing differently, and, finally, “the impossibility of writing per se.” To this Manea adds the impossibility of *writing in exile*, which he calls, “the snail’s impossibility.” The writer takes along his language “as the snail does his house.”

Touted by the *New York Times* as “blessedly level-headed,” author-in-residence at John Hopkins’ Nitze School of Advanced International Studies JAMES MANN is well



known for his non-partisanship. His recent bestseller *The Rise of the Vulcans: The History of Bush’s War Cabinet* surveys the first Bush administration’s self-proclaimed “gods of fire” and offers not only a glimpse into their individual careers but also a broader scope on shifts in the White House over the last thirty years.

A former Beijing bureau chief for the *LA Times*, Mann made a splash with *Beijing Jeep* (1989), a critical analysis of American-style business within the confines of Communism. While putting the final touches on a new book about China, the Siemens Fellow will also turn to the subject of cold-war policy at the end of the Reagan era. His focus: the president’s famous Brandenburg Gate rhetoric. From the Wannsee, Mann will interview the political leaders of the time as well as normal German citizens in hopes of better understanding Reagan’s true role in the fall of the Berlin Wall. The book will coincide with the twentieth anniversary of the historical event.

“Law is essentially a local instrument,” writes RALF MICHAELS of Duke University, “yet technological progress has made physical territory and distances less relevant and has created more and more phenom-



ena that are non-local – not only because they spread over territories, but also because they have no true locality at all.” Michaels, who holds this fall’s Lloyd Cutler Fellowship, cites the internet as one (but by no means the only) such example. How, he asks, can local courts and legislators address such non-local phenomena as human rights and global markets? Is the solution to be found in proposals for world law and world courts? Ought countries to assert jurisdiction when they see violations of their laws abroad? “Globalization requires a global theory,” writes the German-trained expert in comparative law. From Berlin,

he plans to look beyond the welter of studies focusing on the specifics of internet law to the broader, theoretical factors at work. These include examining the social sciences’ theories of globalization and the ways in which technological progress has influenced jurisdiction throughout history. The resulting book will propose a shift in how we think about these issues – “from the conflict of laws to a coordination of laws.”

Hegel accorded great importance to the concept of patriotism in *The Philosophy of Right*, calling it “the substance of the individual subject.” But what, exactly, did he mean by patriotism? How could it be reconciled with the philosopher’s emphasis on individual self-determination – on

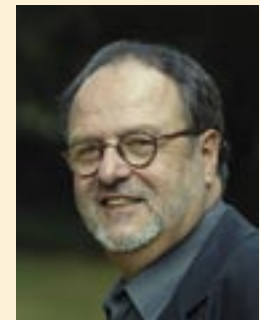


freedom? LYDIA MOLAND, this semester’s Commerzbank Fellow, is exploring the idea that Hegel’s patriotism had more cosmopolitan connotations than is commonly assumed. According to the assistant professor of philosophy at Babson College, Hegel, along with many of his French, German, and English contemporaries, would have understood patriotism as allegiance to humanity as a whole rather than “instinctive allegiance country” in the narrow sense. Moland suggests that Hegelian patriotism was “a willingness to put aside individual interests for the greater good.” For her book project on the intersection of ethics and politics in Hegel’s work, Moland will examine the values that national and cultural heritage has on our ethical lives today. Applying Hegel to contemporary

ethics, she holds that individuals’ particular commitments to their specific communities can, in fact, help them gain freedom. In an era of competing loyalties and competing definitions of patriotism, the issue could not be more timely.

Author of *In the Shadow of Catastrophe: German Intellectuals between Apocalypse and Enlightenment*, Princeton University’s ANSON

RABINBACH takes up a JPMorgan Fellowship at the Academy to write on the Reichstag fire campaign and its legacy. The German-born historian sees the



controversial fire as a superb means to chart the sixty-year history of antifascism. The 1933 fire has long been understood as a staged Nazi pretext to ostracize and condemn the communists. But Rabinbach looks carefully at how the Communist party fought back. The *Brown Book*, whose conspiracy theory of a doped-up, homosexual Nazi party enjoyed instant success, gave new energy to the disorganized communists and launched, in essence, a new political-cultural movement. Using newly declassified material, Rabinbach follows the primary minds behind the book in order to trace a series of complex shifts in the antifascist movement and its various cultural manifestations. Rabinbach, a founder of the eminent journal *New German Critique*, has also devoted much scholarship to the concept of totalitarianism and how the term’s use has broadened since the 1930s to simultaneously encompass regimes and political systems as diverse as Stalinism and Nazism.

“Must look like a terrorist,” specified an ad placed by artist KERRY TRIBE in December 2001 inviting actors to sit for one-minute screen



tests for an experimental film. *Untitled (Potential Terrorist)*, her silent homage to Warhol, shows the faces of 28 men and a single woman in painfully slow succession, each actor trying his hardest to project the very stereotype he would want to avoid in an airport or office lobby. Tribe, who studied semiotics at Brown before earning her MFA in 2002 at UCLA, engages the sometimes unwitting help

of actors, children, and everyday people to establish the parameters of her art. The result gently spoofs the documentary genre’s claims to authenticity. Her films witness actors flubbing their lines at an audition – part of a series that Tribe tellingly styled as “home movies” – the meandering recollections of elderly Florida residents, the thoughtful naiveté of a ten-year-old girl responding with innocent aplomb to a series of complex philosophical questions. The result is a strange mix of uncanniness, humor, straightforwardness, and lyricism. Often enough, the work probes existential questions: how do families communicate? What is the difference between *being* and *acting*? How does memory relate to experience? Tribe is the first artist to hold the Guna S. Mundheim Berlin Prize for a full year.

In his forty years at the University of California, Berkeley, FREDRIC

E. WAKEMAN has devoted his prodigious scholarly powers to exploring and explaining four centuries of Chinese history. With benchmark publications on subjects ranging from social unrest in South China to the philosophy of Mao Zedong, Wakeman’s contribution to Chinese history



is unparalleled in the US. As a JPMorgan Fellow at the Academy, Wakeman will write a biography of an enigmatic figure of the Chinese Communist Party: Pan Hannian (1905–1972). A child of the Mandarin intelligentsia, Pan

led a dramatic life in the communist underground in 1930s- and wartime Shanghai, later serving as the city’s deputy mayor – before being denounced by Mao in 1955 and ending his days in a labor camp. Wakeman was fascinated “by the transformation of a gifted romantic poet into a hardened party intelligence chief, and by the sacrifice of such an intellectual to the autocratic arbitrariness of Mao.” The historian knows this world well, having already devoted two books to the Shanghai of Pan Hannian’s day and penned a biography of Dai Li, chief of China’s wartime secret service. Though Berlin may seem far from central China, the German capital also figured in Pan’s world; by infiltrating the Japanese secret service as a double agent, Pan was able to inform Mao – who, in turn, passed on the news to Stalin – of Hitler’s plans to attack the Soviet Union.

R.M. / M.E.R.

Sebastian Currier

Composer in Residence

American composer Sebastian Currier grew up in Providence, Rhode Island in a family of musicians. His mother and brother are composers, and his father played the violin and viola in the Rhode Island Philharmonic. “Our house was filled with music,” he says.

“The number of instruments we had lying around! Guitars, a rebec, a nun’s fiddle, four pianos – three of them grands! Scores everywhere. A synthesizer too. We didn’t, as you can imagine, talk sports at the dinner table. One day when I was very young, no more than 13, my father invited a string quartet over to play, and when I came downstairs, my father pointed to me and said, ‘Oh, by the way, guys, my son here has something for you to try.’ They played a

piece I’d written, and I remember thinking, ‘They’re not sounding very good.’ I suppose that was a sign of something to come, though I’m not sure what.”

Currier attended the Manhattan School of Music, where he took a degree in guitar, and then Julliard, where he



Fellow portraits by Mike Minehan

studied composition with Milton Babbitt. Since then he has written orchestral, vocal, and chamber music at a prolific rate, pieces that have then been performed by distinguished musicians in most of the world’s major concert halls from Paris and Washington to Tokyo and Moscow. The National Symphony Orchestra,

the Gewandhaus Orchestra, the San Francisco Symphony, and the Frankfurt Radio Orchestra are among the fine orchestras that have performed or recorded his work. Among his many honors are an award from the American Academy of Arts and Letters, the Rome Prize, a Guggenheim fellowship, and now the Deutsche Bank Berlin Prize from the American Academy in Berlin.

“For me, writing music involves such an ideal balance between form and emotion,” Currier says. “They each necessitate one another, of course, but finding this way to express feeling within a musical structure is endlessly exciting and absorbing.”

In 1993, Anne-Sophie Mutter commissioned Currier’s “Aftersong,” a fifteen-minute piece for violin and piano that she performed on tour at Carnegie Hall, the Barbican in London, and the Salzburg festival, among other venues. Mutter has since commissioned a second piece, “Book of Hours,” which has not yet

premiered. The Circle of Friends of Anne-Sophie Mutter has commissioned a cello and piano composition, “Aerialism,” which the German cellist Daniel Muller-Schott will debut in 2006.

Currier prizes Germany, “like everyone else, as the country of Beethoven and Bach and Brahms, but now, maybe even more, for the contemporary musical culture, which is so rich, has such tremendous vitality.” In the coming months, his music will resound in Berlin. A concert of his chamber music performed by members of the Berlin Philharmonic at the Kammermusiksaal will take place on October 26.

Currier lives in New York, where he teaches composition at Columbia University. “I love my students,” he says, “but the chance to come to one of the great cities of the world and settle down into serious work is so exciting.”

By Nicholas Dawidoff
(Ellen Maria Gorrissen Fellow, spring 2002)

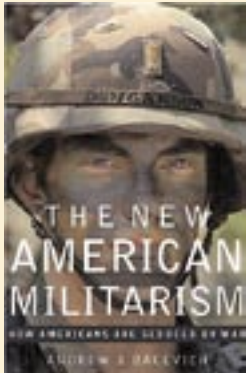
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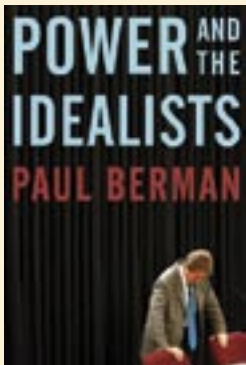
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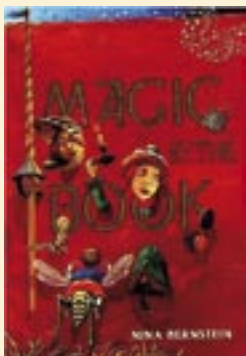
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Nina Bernstein

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Philip V. Bohlman

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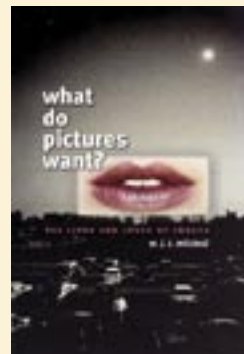


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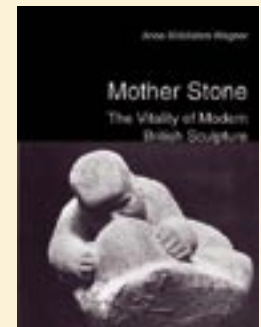


Stephen Szabo

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Jurisprudence in the Age of Globalism

Justice Margaret Marshall Compares Constitutions

The United States has no fewer than 51 different constitutions. When Margaret H. Marshall, Chief Justice of the Supreme Judicial Court of Massachusetts, issues an opinion, she often looks beyond state borders, be it to Washington's Supreme Court or to other states like Connecticut or Utah. In doing so, she has established that the differences in constitutions and jurisprudence are immense. When in 2003 her own court ruled on the constitutionality of same-sex marriages, the tension between the Massachusetts Constitution and the US Constitution became obvious.

At the American Academy in Berlin this April, Marshall pointed out that the current US administration calls for unilateralism. The judiciary, in contrast, nurtures an increasingly transnational orientation. She ascribes this development at least in part to globalization. All over the world, constitutional courts visit one another, inform each other, and quote one another. Constitutional comparativism has also long been on the agenda in the US.

Even the US Supreme Court has been affected by this development. In 2003, it cited British jurisprudence, the European

Court of Human Rights, and universally accepted principles of human freedom to declare as unconstitutional an old Texan law forbidding "homosexual sodomy." And recently, it again cited international jurisprudence standards overturning a death sentence against a convicted murderer who had been a minor at the time of the crime.

So is it impossible to tell the difference between American and European judges? The matter is a bit more complicated. In the cases mentioned above, the Supreme Court's winning margin was a slender five to four. And a movement is gathering steam in the House of Representatives to prevent the citation of foreign authorities in American courts.

Under what circumstances can foreign decisions help guide US courts? Marshall suggests a pragmatic approach: "When it is helpful," she says. "When we are looking at something for the first time." And which constitutional courts are worthy of reference? Again, the Chief Justice answers pragmatically: democratic states that guarantee fundamental rights and enact independent constitutional jurisdiction. These include the courts of Great Britain, Australia, and Germany, as well as Israel and Marshall's native South Africa.

Marshall explains why some American judges, in particular Supreme Court Justice Antonin Scalia, are resistant. For almost two centuries, the American

courts stood alone as far as constitutional jurisdiction in a democratic state was concerned. There simply were no comparable institutions, not even in Great Britain. The triumphal procession of a shared foundation of human rights did not begin until after World War II.

In the US, Marshall explains, "judicial globalizers" and "originalists" make up two sides of the debate. The former, who are in the majority, do not want to replace national with transnational legislation but rather hope for opportunities for comparison in order to find as "perfect a jurisprudence" as possible. The latter, centered around Scalia, see the references to foreign legislation as illegitimate. Marshall describes Scalia as a brilliant judge who knows exactly what he is doing. For him, the text of the US Constitution is holy; the only relevant criterion of interpretation is the intention of its authors.

Defending Scalia from the audience at the Hans Arnhold Center were Ulrich K. Preuß and Patrick Bahners. Was it not possible to argue that Scalia's interpretation of law is the more democratic one? When the US Constitution is silent, a glance abroad need not be the only solution, Marshall concurred. A constitutional amendment would be more democratic, but it is much more difficult to achieve. Although certain topics could not be discussed that evening, Marshall nonetheless made clear how lively judicial debate in the US is becoming.

By Tim B. Müller
Süddeutsche Zeitung
 April 15, 2005
 Translated by Andrea F. Bohlman



All photographs by Mike Minelien

Transatlantic Tears

Newt Gingrich for German-American Harmony in Berlin

The American Academy's rooms are deathly quiet as Newt Gingrich begins to lose his poise. It is a June evening, and the former Speaker of the US House of Representatives has just turned to the topic of German-American relations. His voice breaks. Tears well up. "Why would you think we would not want you to succeed?" the Republican asks. Then he gets a hold of himself and delivers a blazing plea for more intensive transatlantic cooperation, especially where Germany is concerned. He even suggests – to a dumbfounded audience – that the US be granted associate membership to the EU. Naturally Gingrich qualifies this as his "personal opinion," but everyone in the room knows that the former Congressional leader still has considerable influence in Republican Washington.

This influence has brought him to Berlin as the appointed co-chair of a congressional task force on United Nations reform.

The former Republican hardliner's message is simple: Europeans and Americans are coming together to face certain common challenges such as the emergence of China and India. But members of the Academy audience, including Richard von Weizsäcker, look somewhat surprised to hear Gingrich cite his childhood pride in the Treaty of Rome as a sign of current European-American solidarity.

Gingrich then proceeds to the topic at hand, emphasizing how seriously the US takes the subject of UN reform. As he starts listing a number of necessary reforms, you can see Bernd Mützelburg, the chancellor's national security advisor, relax. Despite fierce debate



over the gap between Germany's own UN ambitions and the current reality, a new German-American harmony starts to spread through the room. Sailboats drifting peacefully on the Wannsee complement the scene. Mützelburg affirms his agreement, point by point. He too supports a transparent and effec-

tive UN that will not look away from human rights violations.

Later, when Gingrich apologizes for the emotionalism with which he began the evening, Volker Rühle, chairman of the Foreign Affairs Committee, takes exception: "We can be grateful for your emotions. There are not enough emotions on either side of the Atlantic."

In the end, Gingrich is impressed that Germans want more for the UN than just a seat for themselves on the Security Council. Because Gingrich is "personally" convinced that the Security Council will be expanded, and because Germany is on his list of "personal" favorites (number three behind Japan and India), the German government can rejoice that it is one step closer to its goal. "Personally," Gingrich is also sure that no current permanent member of the Council will veto an expansion.

By Andreas Rinke

Handelsblatt, June 3, 2005

Translated by Andrea F. Bohlman

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Restructuring Risk

SEC Commissioner Roel Campos on Hedge Fund Regulations

SEC Commissioner Roel Campos spent a week in Germany as a Distinguished Visitor at the American Academy this June. In addition to giving a talk at the Academy, Mr. Roel Campos found time to speak with the German press, including Daniel Eckert and Holger Zschäpitz of *Die Welt*.

Die Welt About 8000 hedge funds control one billion dollars worth of investments worldwide, and they are largely unsupervised. How can this go well?

Roel Campos Hedge funds are not fundamentally bad things, even if this is often suggested. In fact, they fulfill an important role in the financial markets by increasing efficiency, standing in for liquidation, and absorbing risks for which there would otherwise be no buyers. For firms who find themselves in precarious situations, hedge funds are often their last resort.

Die Welt So are these high-risk funds unfairly criticized?

Roel Campos Not exactly. In their overall development, we do see a risk, especially as the number of funds constantly rises. If the same hedge funds are always chasing the same yields, depriving one another of profit, it becomes increasingly difficult to meet investors' high hopes. Over the long term, it is hardly possible to produce earnings to justify a handling charge of as much as 2 percent and a success royalty of 20 percent.

Die Welt What can the SEC do to prevent this?

Roel Campos We want to implement the registration of hedge fund managers starting in February 2006. There are also plans for all hedge funds to report their activities on a monthly basis. This would indicate whether or not risks for the individual funds

or the market as a whole were developing.

Die Welt Are these measures enough?

Roel Campos Regulation in the US will be quite far reaching. Every hedge fund manager controlling more than 25 million dollars will be required to register. Professionals will need to make public the investment style they are pursuing. We also want to know if there are conflicts of interest or if they have previously had conflicts with supervising authorities. This information will also be accessible to the hedge fund clients.

Die Welt For many fund managers this will be a culture shock. Are you afraid that the industry will turn its back on the US?

Roel Campos No, I think that we have found a good compromise. As inspectors, we don't want to be looking over the shoulders of thousands of hedge fund managers on a day-to-day basis. We don't need to be informed about every investment decision. But the hedge fund industry also needs to abide by certain rules.

Die Welt What is the point of all this information, if in the end you cannot do anything?

Roel Campos By all means we can do something. If we know that too many funds are pursuing the same kinds of investments and there is a conglomeration of risks, we will begin by negotiating the reduction of risks in discussions with the funds management...

Die Welt And if that does not work?

Roel Campos If not, we can shut down the funds in the most extreme cases. We have already done this in the past, when a hedge fund manager was involved in deceptive practices.

Die Welt But that only affects illegal business.

Roel Campos You can be sure that a telephone call from the SEC is enough to get the managers to come around. We want to know to which markets hedge funds are giving preference. If, for example, they are mostly in currency speculation or if they predominantly prefer arbitrage dealings, or if they act, like many others, as private equity firms. By knowing this, we can better assess whether a systemic risk is developing and can then step in before it is too late.

Die Welt Where else do you see a need for action in the investment industry?

Roel Campos In the US, the supervisory authorities still need to do something in the area of accounting standards. For example, the many complicated rules in the evaluation of companies complicate comparison for the investors. By the end of the decade the international standards should be unified. Another issue is management salaries. Here too, we don't want to dictate how the companies should compensate their leading employees. High salaries can become a problem if the managers do not produce enough return for the stockholders.

Die Welt It almost sounds as if the world has been straightened out in the three years since the Enron and Worldcom scandals.

Roel Campos As a matter of fact, the American economy has been able to gain back some confidence. Still, we have a long road ahead of us; as the cases of manipulation of stock funds in the US and the Parmalat scandal in Europe have shown, there will always be setbacks.

Die Welt Such as the case of the insurance company AIG, which



inflated its financial statements for several years.

Roel Campos Exactly. That example also shows that an authority like the SEC is more important than ever. Henceforth we are hoping for stronger international cooperation, though every country is certainly allowed to keep its own regulatory framework where appropriate.

Die Welt But precisely the international companies on Wall Street complain that the regulations imposed by the Sarbanes-Oxley Act are too strict. Some have even completely withdrawn from the American market as a result.

Roel Campos It is unfortunate when foreign companies turn their backs on Wall Street. We will approach the companies and address possible problems through direct discussion. Fundamentally, we cannot overturn Sarbanes-Oxley, even if we might be able to improve it here and there.

Interview by Daniel Eckert and Holger Zschäpitz
Die Welt

June 29, 2005

Translated by Andrea F. Bohlmann

The journal for European foreign policy

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A Course in Islamology

Everyday Dilemmas of Muslim Life in Berlin

by Ian Johnson

Earlier this year, I wanted to learn more about Islam as young Muslim activists in Europe see it. So I signed up for a course in “Islamology” and spent a snowy March day listening to Amir Zaidan.

Mr. Zaidan is a Syrian immigrant who earned some notoriety in Germany a few years back for his “camel fatwa.” A Muslim family in the state of North Rhine-Westphalia had refused to let its daughter go on a class outing on the basis of an opinion that Mr. Zaidan had given to a local mosque, and the issue had gone to court. Mr. Zaidan’s fatwa, or religious opinion, was that women may not take overnight trips without a male blood relative accompanying them. Without such a guardian, women should only travel as far from the family home as a camel caravan could travel in a day in ancient Arabia. The court, without commenting on Mr. Zaidan’s fatwa, ruled that the girl was in such a tense psychological state that she shouldn’t go on the trip. A few German publications wrote about it, and Mr. Zaidan had his 15 minutes of fame.

In the world of Muslim activists, however, Mr. Zaidan is a more enduring figure, largely because of the courses he regularly leads. The goal of his courses is simple: to transmit as much of the great Islamic tradition as possible to modern, Western Muslims without losing the religion’s character. And that character is one of rules and certainties. Yes, there is some flexibility, but only to a point. The camel rule, for example, is not seen as a guideline to be understood in its original context (1,400 years ago, travel in Arabia was dangerous, and there might have been some threat to women going on long trips alone) but rather as a part of the Islamic legal heritage, something not to be changed lightly.

Mr. Zaidan has held dozens of these courses, and they vary in content. The one I attended was on Islamic jurisprudence. It was designed to teach the fundamentals of Islamic law, or *sharia*, to what in essence amounted to the cadres of various Islamic organizations and mosques around Berlin. The idea was to give them a grounding in what the religion does and does not allow. The course was open to everyone, but most participants were activists of some sort.

How Islamic law is interpreted is arguably one of the most important issues facing Muslims in Europe. Traditional Islamic jurisprudence is unequivocal: Muslims should live in a state governed by *sharia*. But

what to do in Europe, where secular states have established independent courts with laws passed by elected parliaments, not issued by muftis? All but a few zealots view it as impractical to turn European countries into Islamic states. Going “back home” is impossible. That leaves two possibilities: make *sharia* compatible with Western life or opt out of Western society by constructing

Some questioners were in the traditional garb of their homelands, but many were young German Muslims in T-shirts and sneakers, their scruffy facial hair attesting to their first efforts at growing beards.

parallel societies where Islamic laws have practical, if not legal, precedence.

Adapting *sharia* to the West is a project that Islamic scholars are undertaking with varied degrees of success. Some have argued in favor of loosening the traditional ban on interest, for example, to allow for home mortgages. Without such changes, they argue, Muslims will be condemned to an economic underclass.

Constructing parallel societies is more haphazard. The phrase is much in the German media today and is used as though it were a concrete project. In fact, it is messier, a battle won in the minds of people, one by one.



The two-day course was held in a Turkish cultural center housed in a small villa in the working-class neighborhood of Neukölln. It was a surprisingly pleasant part of that sometimes gritty district, and we were far from the busy streets. The introductory materials made it clear that we should bring our own lunches because there were no restaurants or even döner kebab stands nearby.

We sat down around four tables arranged in a rectangle. I looked at some of the participants’ nameplates: Belal, Jennifer, Musa, Cigdem, Susanne, Mandy, Maryam, Bärbel, Nadeem, Sivia, Nina, Ian. A fair number were converts from Christianity, mostly through marriage, and almost all had been born in Germany. Those with immigrant backgrounds came from a variety of regions:

the Middle East, North Africa, and of course Turkey. Fourteen of the 19 were women, which could be explained perhaps only by the fact that women have more questions about Islamic law because the status of women in Islam is so complicated.

The language of the conference was German, which reminded me that second- and third-generation Muslims increasingly identify themselves as Muslims first and see their ethnic and national backgrounds as secondary.

Mr. Zaidan stood at the front, a stocky, friendly figure with an untucked plaid shirt, rolled up sleeves, and a beard that was so closely trimmed it was almost a shadow. The one clue that he was not secularized was an embroidered fez that he wore jauntily to the side.

Islam is a religion that thrives on certainties, and Mr. Zaidan’s goal was to eliminate uncertainty. His lecture treated the Koran as it is traditionally presented: the word of God as transmitted through the Archangel Gabriel to the Prophet Mohammed. In fact, the Koran was treated as such a bedrock that it was not analyzed at all. Instead, he focused on the use of hadiths, sayings attributed to the Prophet, which are acknowledged to be of varying degrees of reliability but crucial for determining how the Prophet acted, and by extension, how modern Muslims should act.

“Hadith science is unique,” Mr. Zaidan said at the start of the lecture. “It is different in Christianity. It isn’t clear who Matthew, Mark, Luke, or John were. Who wrote the New Testament? We can prove water boils at 100 degrees but if I say there’s a Day of Judgment or angels, where do I know this? It’s not enough to say that Mohammed said something. You need witnesses. The science of hadiths tells us who witnessed what he said and how reliable they were as witnesses.”

His talk was a brilliant mixture of tradition and modernity. Mr. Zaidan said Islamic law is not sexist. Female witnesses to the Prophet’s sayings, for example, are valued as much as male witnesses. The audience liked the message: Islam is modern and favors sexual equality. Heads also nodded later, when Mr. Zaidan said that Muslim countries traditionally have had plenty of problems and should not be taken as role models. Instead, the participants were expected to create for themselves a new, purer form of Islam, one untainted by the corrupt regimes in many of their nominally Muslim home countries. ☞

But critical thinking only went so far. Though Hadith science might be advanced, Mr. Zaidan advised students not to delve too deeply. Hadiths have already been studied and compiled according to four main schools of jurisprudence. He recommended the Hanbali school, which is widely viewed as the most conservative. Some things were unchangeable, Mr. Zaidan said. You must eat with your right hand, and men should urinate sitting – because the Prophet did so.

A leitmotif of the talk was that the West does not understand Islam. He was derisive of Islamic studies. “What we have are people who learn a semester of Arabic and a bit of Urdu and a bit of Turkish, and they’re called ‘Islamic scholars.’ If you don’t agree with them, you’re an extremist,” he said with a laugh.

The students were most interested in a section on contracts – taught by a young man named Usama – because this area had the most impact on their daily lives in Germany. They peppered Usama with questions about what was and was not allowed in stores, at banks, and at work. Charging or paying interest, he said over and over again, was taboo. But some weren’t satisfied with the message they were hearing – that sharia essentially has precedence over German law.

“What if you sell stolen goods,” one student asked. “You don’t really know it’s stolen, but you think so.”

“Ah,” said Usama, parsing the question like a good Islamic scholar. “How much do you not know?”

A young man named Musa quickly butted in.

“If you sell a notebook computer for 400 Euros in the original packaging, you are legally liable. It’s illegal in Germany.”

“Yes, but if you don’t really know it’s stolen,” Usama ventured, “then...”

Musa shook his head. “It’s illegal.”



A few weeks later, I got to hear how this learning plays out in a mosque. Mr. Zaidan was back in Berlin from his new home, Vienna, to give another Islamology course. A local mosque had asked him to give a talk, and he had agreed.

The mosque, a low-ceilinged room in the backyard of an apartment complex, once housed a work shed. Since being converted to a mosque, it has been painted, carpeted, and fitted out with a small niche in the wall facing Mecca. It usually attracts thirty or

so people, but that night more than seventy men crammed into the small rectangular room, and, on the other side of a folding divider, thirty women listened in.

Mr. Zaidan’s topic was innovation in Islam. His talk was short and to the point: innovations are necessary but have to be carefully controlled. People listened attentively, but it was clear they were there for something else: the chance to ask questions.

When Mr. Zaidan got up to leave, the mosque erupted, and he was surrounded by men with anxious questions. Some were wearing the traditional garb of their Middle Eastern homelands, but many were young German Muslims in T-shirts and sneakers, their scruffy facial hair attesting to their first efforts at growing beards.

“Can I contribute to my pension?”

Turning European countries into Islamic states is impractical. Going “back home” is impossible. That leaves two options: make sharia compatible with Western life or opt out of Western society by constructing parallel societies.

“Is life insurance forbidden?”

“People here celebrate Easter and Christmas. If these are pagan holidays and have no real religious meaning, can we celebrate them too?”

“Can we celebrate the birthday of the Prophet, peace and blessings be unto him.”

“May I let my daughter go to birthday parties?”

Overwhelmed, Mr. Zaidan decided to stay a bit longer. He was tired but smiled politely and sat down on the floor, his back to the wall. The men settled in front of him, and the women stayed behind the divider. Tea and cakes were passed around. He sipped a cup of tea and, with a smile, gestured to the first man, assuming the role of mufti, or Islamic judge, who wants to know the details of the problem before issuing an opinion.

“Your pension. Is it mandatory? I have to know the details. You can’t just have one rule. Islam requires that the specifics be known.”

The man explained that his pension is part of a new German government program to supplement state pensions. Individuals, the state, and companies kick in money, and

the fund accumulates interest until retirement. Mr. Zaidan realized that the pension is voluntary but that, in today’s Germany, state pensions are no longer sufficient. Strictly speaking, the program should be forbidden by sharia, but he decided to compromise.

“Then your payments are acceptable because you have no choice. The government’s and the company’s contributions are acceptable too. But the interest is forbidden. Deduct the interest that is accrued and refuse to accept it.”

Many men nod, relieved. But some were perplexed. “The system only works on compounded interest,” said one man to his neighbor. “Without this, the pension will not pay enough when we are old.” But his young friend, wearing a long cotton tunic of his parents’ Egyptian homeland, was convinced. “Nevertheless, interest is forbidden.”

On one issue, Mr. Zaidan was more liberal: celebrating the Prophet’s birthday. Many fundamentalists condemn this as adopting a Western tradition; Arab Muslims do not traditionally celebrate birthdays, and many Muslims say there is no evidence in the Koran or other writings that the Prophet did either. But Mr. Zaidan answered that such celebrations are culturally specific, not related to religion. Moreover, mosques are able to use the Prophet’s birthday to stage events that draw casual Muslims into the mosques.

Again, many of the men disagreed. They see birthdays as a door to Western licentiousness. Boys and girls innocently eating birthday cake and playing pin-the-tail-on-the-donkey will become young men and women drinking beer and carrying on.

After a few more questions, Mr. Zaidan got up and begged to go. Everyone gave him a round of applause.

The men began to filter out of the mosque, commenting on the answers. One younger man began to argue strenuously with a neighbor about birthdays. “No, I tell you it’s wrong. It’s un-Islamic. But he has to say that birthdays are okay. Otherwise people are going to flip out. They have nothing they can celebrate with the Germans.”

Ian Johnson, who won the 2001 Pulitzer Prize for international reporting, writes for the *Wall Street Journal* in Berlin. To date, three articles from the “Islam in Europe” series have been published, with two more due this autumn. He will take a leave from the paper in 2006 to write a book on the subject.

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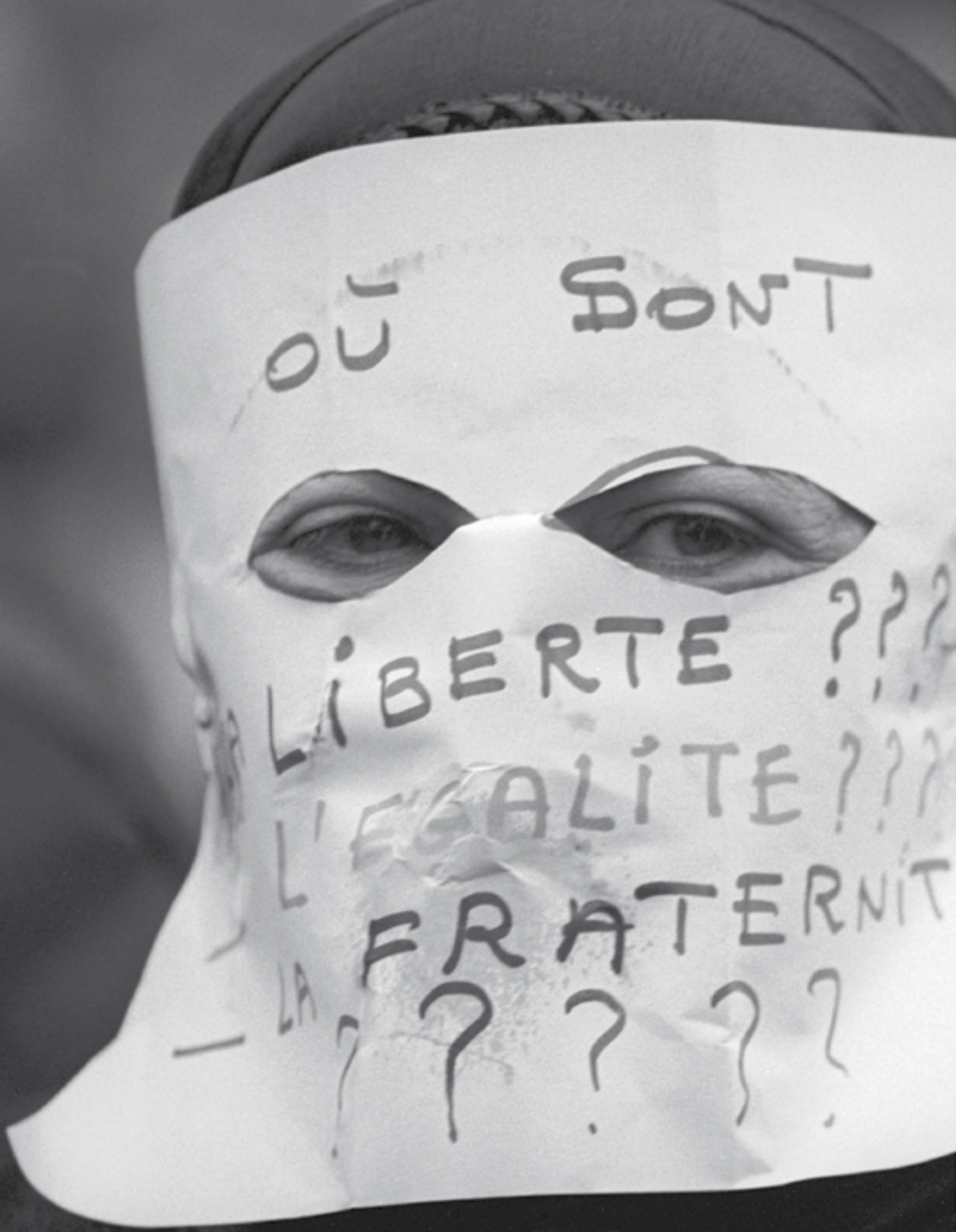
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Paris, January 2004. "Where are Liberty, Equality, and Fraternity?"

The Islamic Challenge

A Study of Muslim Elite in Europe

by Jytte Klausen

EUROPE HAS BECOME a battlefield," according to Gilles Kepel. Samuel P. Huntington says it is facing a "clash of civilizations" and "cultural war," a new *Kulturkampf*. Helmut Schmidt, the former chancellor of Germany, argues that a peaceful accommodation between Islam and Christianity is possible only in authoritarian states.

These apocalyptic pronouncements are not only counter-productive; they are also dangerously misleading. The question of Islam in Europe is not a matter of global war and peace. Rather, it raises a more familiar set of domestic policy issues about the relations between state and church and, on occasion, even prosaic questions about government regulation and equitable

for ways to build institutions that will allow Muslims to practice their religion in a way that is compatible with social integration. To be sure, there is not one Muslim position on how Islam should develop in Europe but many views. However, there is general agreement that immigrants must be integrated into the wider society. There is also a widespread feeling that Europe's Muslims should not rely on foreign Islamic funding of local institutions but be able to practice their faith in mosques built with local funding and with the assistance of imams certified and educated at European universities and seminaries.

Huntington predicted a historic and decisive global confrontation between "Islam" and "the West," and he represent-

Domestic conflict over the integration of Islam in European countries has little to do with foreign policy.

policy enforcement. Muslims are a new interest group and a new constituency, and European political systems will change as the processes of representation, challenge, and co-optation take place. There is a clash of values, but perhaps the most important is that between two old European parties, secularists and conservatives, as each struggles to come to terms with religious pluralism. The conflict does raise large questions, but these have to do with long-standing European preoccupations with state neutrality in religious matters and the place of Christianity in the construction of European public identity.

Europe's Muslim political leaders are not aiming to overthrow liberal democracy and to replace secular law with Islamic religious law, the *sharia*. Most are instead looking

ed problems with Islamic minorities in Western countries as local skirmishes in this international struggle, a struggle that was, at bottom, one of values, symbols, and identity.

Huntington's thesis rests on two postulates. The first is that religion is the predominant source of identity and value orientation for Muslims. "Liberal" and "Muslim" values are irreconcilable. The religious Muslim cannot separate public law and private religion. Only individuals who renounce key parts of Islam can be trusted as interlocutors in democratic societies. The second postulate is that Islam and Christianity are competing for global control. Islam is represented as monolithic and intent on world domination. From this perspective, a Muslim schoolgirl's

headscarf is imbued with symbolic significance beyond the individual girl's reasons for wearing the scarf.

Domestic conflict over the integration of Islam in European countries, however, has little to do with foreign policy. Muslims in Great Britain and the United States, the two allies in the war in Iraq, find fewer obstacles to the development of faith institutions than do Muslims in France and Germany, the two leading European anti-war countries. Rather, domestic conflicts have local causes, rooted in the particular histories of modern European states. One of the key factors usually neglected in these debates is the legacy of the "stability pacts" that were made between the majority churches and European states in the course of twentieth-century adjustments to universal suffrage and constitutional reforms. The accommodation of Islam necessitates a rethinking of those pacts and obliges national churches to reconsider their own positions on matters of proselytizing, inter-religious relations, and even on questions of theology and liturgy.

Until very recently, European governments have been reluctant to formulate policies for the integration of Muslim minorities. Muslims interpret this neglect as yet another form of discrimination, an extension of the discrimination experienced in daily life, in employment, education, and the provision of social services. Yet governments are now beginning to grapple with the issues. Some of their initial measures provoked fresh conflicts, notably bans on wearing the *hijab*, the Islamic headscarf, by female Muslim students and teachers; policies curtailing ritual slaughter; and immigration controls on imams. These policies are often perceived to be discriminatory, but they are sometimes supported also by Muslim leaders. There is little disagreement that radical clerics should be kept out, although the general view is that Muslims have democratic rights to say stupid things, too. Most Muslims think the headscarf should be tolerated, but many think it is a bad idea to wear it. But few governments have institutionalized democratic consultative mechanisms with Muslims or have come to terms with the fact that they are dealing with a diverse religious constituency that cannot be represented by a single head of a national "church," as is the European custom. For decades, Europeans paid little attention to the modest prayer halls and mosques that sprang up in their cities. Benign neglect was the preferred official response to the growing presence of Muslim immigrants. A Dutch anthropolo-

gist, Jan Rath, and his collaborators found that the first reference to Muslims in Dutch government sources was a memorandum on foreign workers from 1970, which referred obliquely to the need to provide "pastoral care" for foreign workers.

The lack of public policy involvement has both historical and political roots. When Muslims first came to Europe in the 1950s and 1960s, they were not expected to stay. They were mostly labor migrants – and often single men – who themselves expected to return with savings to the families they had left at home. Ironically, it was the col-

As a Dutch Muslim parliamentarian said to me, "any suggestion that Muslims are victims of employment discrimination is not helpful right now, when Christians think that Muslims already take far too much."

lective statement by Europe's Muslims that they are "here to stay" that triggered conflict. Once Muslims demanded integration, it became evident how much Europeans and their governments would have to change in order to accommodate them.

There are probably about 15 million Muslims living in Western Europe, but the exact number is in doubt. The count is subject to inflation, in part because Muslim leaders and populist politicians like to exaggerate the number to press their causes, but also because few reliable statistics exist. Most European countries do not include questions about religious affiliation in their censuses, instead extrapolating estimates based on immigration statistics. This method, however, would exaggerate the size of the Muslim population, since allowance is not made for assimilation through intermarriage or the acculturation of descendants, and it obviously confounds religious affiliation with country of origin. (Nor does it take account of conversions to Islam.) On the other hand, official estimates do not include illegal immigrants who in recent years have arrived primarily from predominantly Muslim countries such as Albania or Nigeria.

Public reactions in Western Europe to the growing presence of adherents of an unfamiliar religion have been remarkably similar. From Protestant Scandinavia to pluralist Holland and Catholic France, controversies have broken out over religious holiday schedules, accommodations for prayers, the wearing of Muslim dress in the workplace, the provision of building permits for mosques,

the public ownership of all available cemeteries, concerns about animal rights that disallow ritual slaughter, issues of pastoral care for Muslims in prisons and social services, the teaching of religion in public schools, and divorce law and other family law issues.

It is not possible to discuss the "clash of practices" set off by Muslims' claims for recognition without also discussing the reaction of the Christian churches. There is a popular fallacy that public life in Europe is secular. On the contrary, European states have given privileges to Christian churches for centuries, from public funding for religious

schools to tax support, to the maintenance of church real estate and clerical salaries. Most Europeans are accustomed to relying on the state for the public provision of pastoral needs, from cemeteries to churches and the training of clergy. The bias of current policies has become perceptible only with the increased visibility of the different customs of the immigrant religions.

However, Muslim leaders are generally reluctant to press too hard for equal treatment on all fronts. The German Greens were the first to suggest that an Islamic holiday – Eid al Fitr, the end of Ramadan – should be added to the long list of official German holidays, but the other parties responded with derision. Few Muslim leaders to whom I spoke think that holiday equity is a cause worth fighting for; granting Muslims employment protection to take the day off as a personal holiday is sufficient. It is not productive for Christian-Muslim relations in the current situation to suggest that Christians should take off Islamic holidays. As a Dutch Muslim parliamentarian said to me when I suggested that the Netherlands beef up anti-discrimination law in the face of unequivocal evidence of wide-spread employment discrimination against well-educated immigrants, "Any suggestion that Muslims are victims of discrimination is not helpful right now, when Christians think that Muslims already take far too much."

At the same time, there has been a growing suspicion about Muslims' loyalty to Western values. The issue was first dramatized in 1989. Ayatollah Khomeini pronounced a death sentence in absentia

against Salman Rushdie for blasphemous descriptions of the prophet Mohammed in his novel, *The Satanic Verses*. Book-burning demonstrations in the English towns of Bradford and Oldham and violent demonstrations across the Islamic world invited comparison to fascist bonfires of banned books in the 1930s.

A decade later, there were fears that terrorist networks were embedding themselves in little-known mosques throughout Europe. Mohammed Atta, one of the September 11 terrorists, attended the al-Quds mosque in Hamburg. When the German police found a tape featuring the imam of the mosque, a man of Moroccan origin known only by his last name, al-Fazizi, raging that “Christians and Jews should have their throats slit,” seven men from the mosque were arrested on terrorism charges. It was discovered that a 37-year-old Swedish Muslim convicted of possessing weapons and suspected of planning terrorism had links to the Finsbury Park Mosque in London and its fiery preacher, Abu Hamza. The shoe-bomber, Richard Reid, and the suspected twentieth September 11 hijacker, Zacarias Moussaoui, were also linked with the Finsbury Park Mosque. Abu Hamsa became an emblematic figure for

those who feared that a new jihad was being prepared in Europe, as was the “Kalif aus Köln,” Metin Kaplan, who was extradited to face murder charges in Turkey in October 2004. The murder of the Dutch filmmaker, Theo van Gogh, by a young Dutch-Moroccan who was linked to Hezbollah, an Islamic terrorist group, and the July bombings in the London tube system elicited strong reactions against Muslims. Sixty-five attacks on mosques and imams were reported over a six-month period in Holland, and hate crimes against Muslims on the streets of major British cities multiplied. However, the overwhelming majority of European Muslims are as repelled by the ranting of these clerics as are Christians.

The Muslim mainstream is better represented by civic and political figures who have been elected to public office by voters and parties that draw support from all voters and by leaders of Muslim national and community organizations. Their views and policy choices must be heard. European Muslims are necessary partners in the negotiation of accommodations with Islam, and the Muslim political and civic leaders will play a critical role in that process. Democracies are tested by their capacity to respond to the

claims and needs of new social groups and by their capacity to integrate new elites who represent those claims. The prospects for the accommodation of Islam rest in part on the ability of governments to generate solutions and in part on the Muslim elite’s involvement in the resolution of conflict.

There is an urgent need for a wide-ranging public debate about the implications of state neutrality and how equitable treatment of different religions is possible. The main concerns of Muslim leaders, however, are what is seen as the persistent mischaracterization of Islam by the media and politicians, the absence of public policy initiatives to support Islamic religious organizations, and the lack of public recognition that Muslims are Europeans too. ☞

Jytte Klausen is a professor at Brandeis University and was a Bosch Public Policy Fellow at the Academy in fall 2004. This text is the introduction to her forthcoming book *The Islamic Challenge: Politics and Religion in Western Europe* and is excerpted with the permission of the publisher, Oxford University Press. A German edition will be published by Campus Verlag.

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A photograph of a man in a white suit and red tie, looking upwards and to the right. He is holding a large red sign with white text. The background shows a blurred cityscape with a bridge railing in the foreground and a cloudy sky.

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In the summer of 2004, I was approached by the Deutsche Staatsoper, at the American Academy's encouragement, to write a libretto. Knowing very little about opera and feeling anxious about finishing my novel, I was hesitant. The idea, as it was explained to me, was that one librettist (me) would work with seven composers from seven countries. The same short libretto would be given seven different scores, as a new way of illuminating the choices made by a composer. (The libretto would serve as the fixed variable.) So it wasn't a libretto, per se, but one-seventh of a libretto. Which translated, I was promised, into very few pages and hardly any words at all. I didn't say yes. But I didn't say no, either.

As the conversation moved forward with the Staatsoper – one short, long-distance phone call at a time – it started to become clear that one libretto performed seven times would be a drag for anyone who had to watch it. So a full-fledged libretto – a Libretto – would be needed. It could be divided into seven distinct “chapters,” each of which could be handled by a different composer. The same ends would be accomplished – one literary vision expressed through seven different musical vehicles – and it would have a fighting chance of being sufferable for an audience. The novel, at that point, was just about done. (Or so I thought.) And the idea of working on something com-

pletely unlike anything I'd ever worked on before would be great fun. (Or so I thought.) I said yes.

My thinking about this project changed dramatically over the course of my writing the libretto. Before my visit to Berlin in September 2004, I had thought I might write about speechlessness. It felt like a politically and aesthetically relevant theme. The allegorical potential was so strong, especially in the moment in which the world then found itself, on the eve of the American elections. And what better way to give a composer freedom – a necessity for any libretto to “work,” but especially given the parameters of this project – than a libretto without words?

During my stay in Berlin, I was forwarded headlines from local papers, with the hope that some might inspire me. Several did.

- *Lion Escapes from Zoo; Community Wants Answers.*
- *Foreign Minister Resigns after Sex Probe.*
- *Double-Suicide Raises Questions.*

There was one, in particular, about trash bins in Berlin. For whatever reason, I was taken with the idea and started writing a libretto about a conference of designers asked to create a more beautiful trash bin for the city. I liked it. It was weird, dark, and funny. And I found the idea of German trash to be powerful.

- Minister 1** It has been said that a trash bin could never be beautiful.
We have no choice, Berliners: Our trash bins cannot *not* be beautiful!
- Hostage 1** What about a trash bin that was transparent?
- Minister 1** Totally absurd, we'd have to see our garbage.
- Hostage 2** What about a trash bin that thanked you when you filled it?
- Minister 2** Totally absurd! A talking trash bin!
- Hostage 3** What about a trash bin? What about a trash bin?
What if Berlin had only one trash bin?
- Minister 1** How could all the garbage fit in only one trash bin?
- Hostage 3** What about a very, very, very deep trash bin?
What about a trash bin that went to the Earth's magma?
With the added bonus
Of the temperature of the magma.
As the garbage fell
It would be incinerated.
- Minister 1** Totally absurd!
Have you no sense of history!
- Hostage 2** What about a trash bin? What about a trash bin?
What about an itsy bitsy microscopic trash bin?
What about a well-hidden trash bin, a camouflaged trash bin?
What about a trash bin that looked nothing like a trash bin?
A levitating trash bin? An incandescent trash bin?
A trash bin! A trash bin!
My kingdom for a trash bin!

Ahem... In addition to obvious problems of concept and execution, the further I got into it, the more I realized it was too narrative, too ... *closed*. I wanted to make something composers could interpret in radically different ways and make their own. Something, like a haiku, that was completely empty of *meaning* but full of *significance*.

The more I thought about that problem, the more right speechlessness once again felt. And sadly, it's an idea that has become more relevant with time. So I returned to my original inspiration and set to writing a libretto without words.

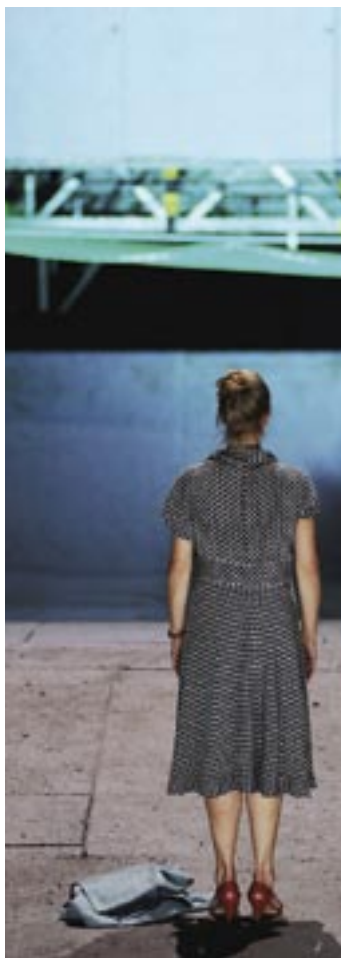
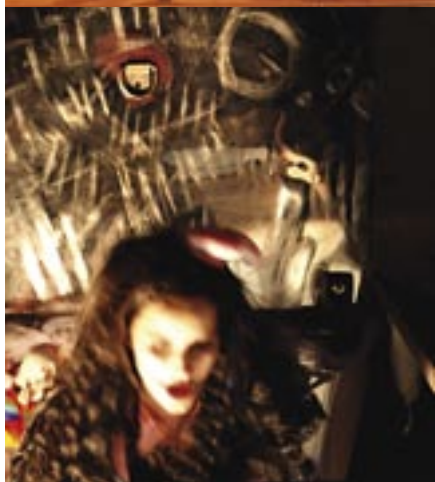
Every collaboration depends on striking the right balance of direction and freedom. I've tried to write something that isn't overly determined, so the composers aren't constricted, but is precise enough to be coherent as a whole. (Much of my writing is stage directions. The inmates don't speak, but they can produce sound. What they “say” is left to the composers.) Of course there had to be a speaking “guide” in the world of the speechless. But he, too, holds within him one hundred million words for every one that's said. Maybe there's nothing exceptional about that.

Knowing how hard it is to inspire someone without constraining them, I can only hope I've used exactly the right number of words ... ☞

Structure

The seven “chapters” of this opera will take place in a facility that houses people without the use of language. (I was very much inspired – maybe even overly inspired – by the Kafkaesque space of the Staatsoper’s Magazin, or warehouse. It has been one of the guiding forces in my creative process.) “Silence” is actually a misnomer, as the “inmates” are capable of making sound. They simply don’t have access to language.

http://www.staatsoper-berlin.de/de/fs_b2_neu_seven.htm



The narrator – a “speaker,” who is our guide – is a guard. Or perhaps he is another inmate. It isn’t entirely clear. Whatever the exact case, he is some sort of authority figure. He introduces the facility and proceeds to tell the story of seven attempted escapes. 🗨️

Photographs by Monika Rittershaus

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The Interrogation

by Norman Manea

A METHODICAL SCHEDULE, repeated daily, from five in the morning until ten in the evening. Without any modification, the same ordeals, over and over, repeated indefinitely. To humiliate, intimidate, destroy. From morning to evening. Sometimes at night as well.

The same precision, the same cruelty, for several months now. And then, suddenly, a change.

One Tuesday morning, without any warning, an unbelievable change. They hadn't beaten her, and instead of beating her, they'd moved her to a bigger cell, on the first floor. She was allowed an extra hour of exercise, alone in the courtyard, before lights out. In the evening, a fat, grumpy guard replaced the toilet can with an enameled chamber pot.

The next morning, hot sugared tea; the meals were better than usual, too. In the afternoon, at the time formerly reserved for her harshest punishment, she was taken to the shower. When she returned, she found a sheet on her bed, and a clean blanket, and some clothing, neatly folded. The most astonishing thing of all: the small rectangular mirror and the slender tube of Nivea lotion found among the clothes.

Thursday morning, they took her through a maze of corridors, going left, right, down, up, left again.

A room with white walls, like a doctor's office. A woman was waiting there, smoking, sitting on a couch covered in brown oilcloth. She seemed like a former colleague, or a vaguely remembered acquaintance.

They were left alone together for almost an hour. The unknown woman sat with her legs crossed and wrote in a notebook

Nelson Mandela's cell on Robben Island

propped up on her lap. Above her white knee, an elegant little fountain pen flew back and forth; every once in a while, the knee would twitch.

Then a doctor entered the room. Judging from the questions he asked, he had to be a psychiatrist. The unknown woman listened to all these routine tests with a bored or, rather, a blasé air. She must have been a person of high rank, because a simple gesture from her was enough to dismiss the doctor. Later she explained to the prisoner the reason for the unexpected changes of the last few days.

But only after making her stand completely naked for an hour, during which time the woman did invite her to sit down, true, and offered her cigarettes (which she herself chain-smoked), but she would not allow her to go anywhere near her clothes.

"Leave them alone," she'd barked imperiously. "Later."

The woman had carefully studied the different parts of her body. Without malice, with a cold, professional eye. The inspection finished with a smile.

"Sorry about your hair – I can't make it grow back in three days."

So it seemed she was the one who had thought of, or at least supervised, the details of this new program.

"Too bad they shaved you. Did you have pretty hair?"

She didn't seem bothered by the lack of a reply. Her questions were more in the line of amused hypotheses.

"As for everything else, you've taken fairly good care of yourself. And you haven't even become too bitter. Actually, that's quite a triumph, I must admit."

She smiled again, as though giving a handout to a poor relative.

"Today you won't have to follow any schedule. This afternoon, a nice hot bath. It'll do you good, you'd be silly to refuse. I've had some magazines and newspapers taken to your cell. If you need or would like anything in particular, let me know, I'll take care of it. Here, I'll make a note of it right now, if you want something."

She took a blank sheet of paper from the desk. She waited, unruffled by the stubborn silence of the naked woman sitting before her. She folded the piece of paper several times and then slipped it into the breast pocket of her black satin crepe blouse, which had a pointed collar and long sleeves.

She stood up. A dainty brunette, almost tall, her waist tightly encircled by a wide leather belt. Hair worn loose about her fragile shoulders. Slender legs, arms too long,

nervous hands. Bluish circles under her eyes. Very, very white skin, like the milky white of her short skirt, which didn't quite cover her thighs.

"We're getting you ready to see someone. An important meeting for you."

A tense, pinched smile.

"The gentleman would like you to look nice. In other words, normal, at least. He can't stand violence. He's a sensitive soul, you see."

Her eyes seemed to have changed color, grown even blacker, with a steely blue glint, and her voice was stern.

"As you'll find out, he's doing you a favor. A lucky break, you'll see."

She lit a cigarette, then turned her back, looked out the window, her thoughts elsewhere. Suddenly she whirled around, her hands clenched tightly together. Her face flushed, her expression pained. She slammed the door on her way out.

She didn't come back. The only indication that she might have remained in the vicinity came two hours later, when a somewhat panicky young man appeared, obviously instructed to be polite.

"Sorry, they forgot you were here."

Yes, the prisoner had put her clothes back on quite a while ago and was waiting, sitting rigidly on a chair.

"Please follow me."

She saw that her cell had been swept and aired. On the cement, a pile of newspapers and magazines.

At around three o'clock, her reading was interrupted. Two of them escorted her. She went downstairs, around corners, along lengthy corridors. This time, to a bathroom. Not the shower she'd already used. A gleaming white bathtub. Big, colorful, fluffy towels. A cake of perfumed soap. All sorts of little bottles. Slippers, nail polish. When she got back to her cell, a cup of hot tea was waiting for her.

And now, here it was, the fourth day. "Would five in the afternoon be convenient? Would it be convenient at five?" the woman had asked, as if speaking a line from an opera libretto, tired of the absurdity of what she'd been told to do and say.

So, the appointed day. That morning she was taken to another wing of the building. An elegant room. Thick carpets. Beautifully paneled walls. She was seated in an armchair, before a round, glass-topped table in a corner of the room. The table shook, the silver coffee service and china tea things tinkled. Croissants in a basket. Cherry preserves. Butter. Honey, apples, sugar cookies.

A large desk, running almost the entire length of the room. Not a single picture. Bare walls, except for a big round clock resembling a barometer, over the desk. Two windows, heavy drapes. Three chairs, including hers. Beneath one of the windows, a credenza with two shelves; on the lower one, a radio. A telephone and a lamp on the desk.

Lunch at two o'clock. Carp's eggs, green salad, deviled eggs, pork spareribs, slivovitz, tiny meatballs, spicy sausage, pickles, wine, mineral water, baklava pastries.

She fainted. Before passing out, she'd vomited until she was exhausted, and vomited again. She was taken to the bathroom, the one with the tub; she hadn't realized it was right next door. They cleaned the stains off her collar, they rubbed her temples and

Lunch at two o'clock. Carp's eggs, green salad, deviled eggs, pork spareribs, slivovitz, tiny meatballs, spicy sausage, pickles, wine, mineral water, baklava pastries. She fainted.

forehead with a damp washcloth. They stretched her out on an air mattress, to let her recuperate... They took her back to the same room, supporting her under the arms. Eggplant caviar. Meatballs. Deviled eggs. Carp's eggs. Slivovitz. Rum. Spareribs. Escalope Milanaise. Wine. Cake. Everything came up again. They caught her at the last moment, as she was falling. She sat down at the table once more. She picked up the knife, the fork. Then the bottle, the glasses, one after the other... When she awoke, the table was bare, cleared. There was only a slim black bottle, with a golden label marked *Eau de toilette*, and beside it, a tiny flask, hardly bigger than a thimble: *Perfume*. She looked at the clock. Four-thirty.

So she'd fallen asleep while eating, had slept with her head on the table. She pulled a handkerchief from the pocket of her dress. They'd given her handkerchiefs, and a dress. A kind of chemise, long and loose, of a thick material, like a new blanket. She moistened her face and hands with the toilet water. So she'd fallen asleep. She looked at the clock again. She'd have liked to go back to sleep. She felt groggy from the food and drink, and would have loved to rest some more. ☞

What could the important person have to say? Why should he waste any of his precious time on her? Would he say the same things, ask her the same questions? Would the Plenipotentiary turn out to be more subtle than his subordinates, the gorillas who carried out his orders? Would he confine himself simply to doing his job? Send his report, in turn, to his bosses, and nothing more? Indicating that he has personally contacted, that he personally visited, that he made an effort, that he personally knows, etc., etc. Yes, yes, yes, he thinks there's nothing more to be done, he suggests immediate measures, no leniency, and so on.

But what about that strange, lovely go-between, who seemed like someone from her past, like a refined, sadistic former colleague? "Your hair – I can't make it grow back in three days." "Did you have pretty hair?" The question hadn't seemed malicious; it had been asked quite simply, in a vaguely pensive tone. Perhaps the most surprising thing that happened the whole time they were together.

Nine minutes to five. If this wasn't some new ordeal, intended to fray her nerves to shreds, if this important person really did exist, if he'd actually set up this appointment, and if, moreover, he arrived on time, then there were nine minutes left. What else could he propose or ask of her beyond what she'd already heard day after day? Threatening her family, her friends... Could the fate of the man she loved be made even worse? Would he ever forgive her if for one crazy moment she believed their lies, their promises? If she gave in, for a single instant, to her desire to know that he was free? They were planning something; she had to be ready for anything.

In only a few days they'd succeeded in bringing her back almost to normal. Ready to remember the rules of normal life. How to wear a dress, set the table, serve a meal. Yes, it was the food, the meals that had softened her up. Good food, and lots of it. Probably brought over from a fancy restaurant. Contrary to the usual practice, they hadn't starved her first; they'd revived her little by little, over the course of a few days. So that she'd then be able to sit down calmly in front of the food. Be able to choose. To eat her fill, not from hunger, but from greediness. To stuff herself at leisure, delighted to experience once again the refinements of good living. To bask contentedly in the warmth and benevolence of the world. To become docile.

She'd noticed that her stubborn determination had lost its edge, especially during the last few hours. The sweetish, fruity wine had made her tipsy. Ever since her fainting spell, she'd felt weak and lethargic. She would have liked to sleep for weeks in a big clean bed, in a quiet, spacious room. Only waking up occasionally to soak in a steaming tub, with perfumed bath oil, like the last time. And have brightly colored refreshing drinks.

The door opened quietly, very quietly. But there were still two minutes left! Was he early? No, it was only some minor employee who hardly dared set foot into such an important room. Humble, hesitant, on tiptoes. Some timid functionary, sent to dust or air out the room, who knows?

He was carrying boxes of different sizes. He piled them carefully against the wall, in a corner, next to the door. He left and returned with a long, fat tube. A kind of cardboard tube, with a cover on one end. He moved silently, stooped over, without looking up, trying to be unobtrusive. He came in, disappeared, reappeared, gliding noiselessly. Clearly terrified by the importance of the person for whose arrival he was preparing. The cautious movements of this dogsbody – possibly one of the maintenance or clerical personnel – were enough in themselves to show that the expected personage was a very high-ranking official indeed.

The prisoner checked the clock. One minute past five. So he was late! They were making her wait on purpose, of course, they were hoping that she'd become upset and wonder what they were up to now. An old trick: they weren't showing much originality with that one. She'd learned how to protect herself.

Weary, no doubt, the silent employee sat down behind the desk! The poor man had some nerve! Snatching a moment's rest, sitting in the boss's chair! And what if he were to appear at that very moment? Just look at him: to cap it all off, he's smiling, shamefaced but proud, like an imbecile! He was looking at her, yes, he was staring at her and grinning. Pleased with himself, but lacking in confidence; his timorous and silly smile was a way of begging for encouragement.

"Be so good as to come closer. Bring your chair, bring your chair. Or rather, no, why don't you sit in one of these two here?"

She started in astonishment. The voice ... There was nothing ordinary about that voice, which certainly didn't seem to belong to that puffing flunky, done in by the weight of too many boxes too heavy for him.

The prisoner didn't know what to think, what to do. She was unable to move. A cold sweat broke out on her forehead; her hands and back felt clammy. A bad joke, right before the arrival of the Plenipotentiary, because a few minutes are all he's got left, this, this ... nobody ... this ... this janitor, stock clerk, cashier with too many mouths to feed, this post-office drone, doorman, storekeeper, salesman, plumber, whatever, with his voice, so ... yes, yes, so...

"I was on time, you noticed. Come closer, please. I'm used only to small audiences, short distances."

He swallowed syllables, ran words together, telescoping them. He seemed to think only in leaps and bounds. A warm, tentative voice. And yet a commanding tone. Affected. A bizarre mixture: firmness and fear, gentleness, power, yes, and harshness, and, also...

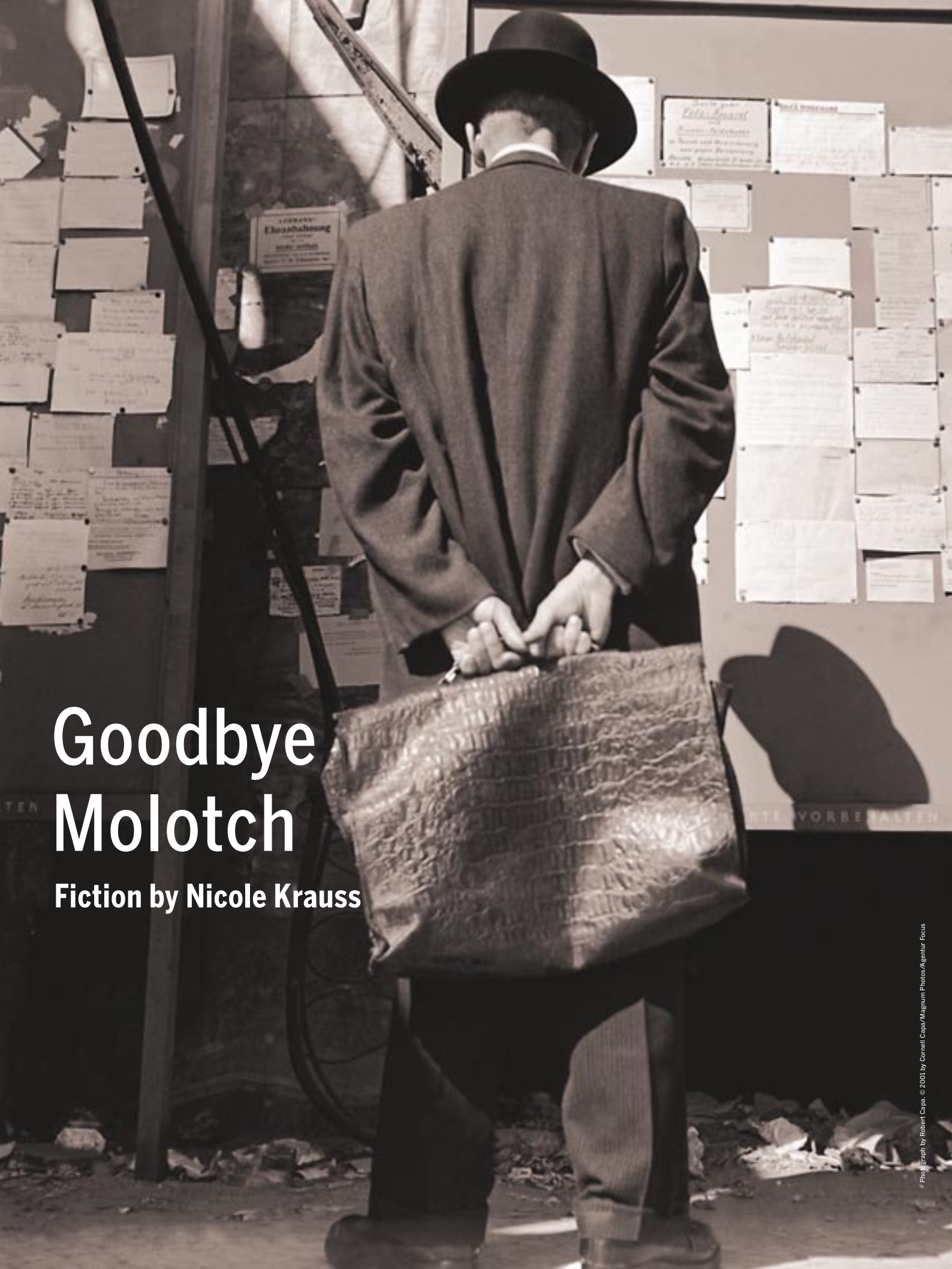
"Well, would you please come over here now?"

As he watched her stand up and walk to the armchairs in front of the desk, he pulled a slim flask containing a reddish-brown liquid from one of his jacket pockets and gently set it down flat on the glass surface of the desk. Once she was seated, he studied her closely for a long time, allowing himself to be examined by her in return.

He wore a kind of knitted shirt of fine wool, mustard-colored, with buttons and an open collar. A jacket in a gray check. He had few teeth, and those were bad, stained by nicotine. Tiny red spider-veins on his nose. Pale, flabby face. Small ears, scrawny neck, frail hands. Short, thin fingers, twisted and yellowed. Nails bitten to the quick. A high forehead, extended by a bald pate. Large, dark eyes. Intelligent, yes, lively and black. A penetrating gaze, restless, glittering, searching, observing, evaluating. There was a wild, glassy sparkle in his eyes that suddenly became fixed, unblinking, dead. Extraordinary, the look in those eyes! This was definitely the man in question. Yes, it was, no doubt about it now. ☞

Norman Manea is Francis Flournoy Professor of European Culture and Writer-in-Residence at Bard College and current holder of the Holtzbrinck Berlin Prize at the Academy. From the novel *The Interrogation* in the collection *Compulsory Happiness*.

Translated by Linda Coverdale.
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Goodbye Molotch

Fiction by Nicole Krauss

FOR FORTY YEARS Molotch lived above the bridge. He occupied a rent-stable apartment, and it was this, he said, that kept him there. Maybe “above” is the wrong word. It would be better to say he lived alongside her – lying in his bed on the 18th floor, his gaze was exactly in line with the bridge’s Upper Level. With his head cradled in the Hungarian down his sister, may her memory be a blessing, had sent him via airmail from Budapest sometime between the revolution that was crushed in 1956 and her death, in a peeling apartment house on *Dohány utca* in 1974, Molotch

Every morning, he set out for the bridge with the briefcase in his hand, even though in all his years of service he’d never had reason to open it.

could monitor the traffic through the window. If he wanted to see the Lower Level, all he had to do was stand up and cross the room in his slippers, but Molotch rarely, if ever, concerned himself with the Lower Level. Perhaps there was another Molotch, on the 16th floor, who made the Lower Level his business, but this Molotch didn’t know from the Lower.

Forty years, more or less. Probably more, but it was possible less. The truth was that Molotch didn’t know for sure how long. The date, even the year, he’d taken occupancy of the apartment had dropped from his mind like an egg from a hen, and rolled clean away. His wife would have remembered. Perhaps there was a piece of paper somewhere, an original contract drawn up between landlord and tenant, but if such a thing existed, Molotch was unaware. Every month he pushed the envelope with his crumpled rent money through the slot of the super’s mailbox, and that was that. Sometimes the thought even crossed Molotch’s mind that he’d been there always.

Molotch’s dreams: rusted tankers, smoked whitefish, the perfect counterexample. Often he dreamed he was a dog. (“Out of habit,” says Molotch pointing at the sentence with a stubby finger. “What?” the Narrator asks. “Change it to ‘Out of habit he dreamed that he was a dog,’” Molotch insists, and the Narrator, not wanting to argue, erases the sentence, begins again.) Out of habit he dreamed that he was a dog. He traveled on all fours through the night. When he woke, his relative hairlessness

surprised him. He watched the light break over the bridge, the black water lapping at its steel girders.

His line of work was harder to describe. Officially, he was unemployed. (“Retired,” Molotch corrects, with a tone of voice that suggests the Narrator might be a real numbskull). In other words, no one ever had hired him for the job he filled in such a dutiful manner, waking every day at dawn, eating a small breakfast of black bread and cheese, and setting out for the walkway that ran the length of the bridge’s Upper Level. In his hand he carried a briefcase. On the clasp was a combination lock, and above it, embossed in faded gold, a set of initials. The initials did not belong to Molotch. But this had never troubled him. (“Why doesn’t it trouble you?” asks the Narrator, who happens to be the apple of his eye, i.e. his granddaughter, and so can ask such questions. “Why should it trouble me?” asks Molotch, blowing his nose and balling up the tissue.) He knew the combination, and that was enough. Every morning, he set out for the bridge with the briefcase in his hand, even though in all his years of service he’d never had reason to open it.

Weeks or months would pass without event. During such times, Molotch simply strolled back and forth along the bridge’s walkway, listening to the rush of cars and the sound of the bridge’s steel expanding or contracting in the heat or cold, or shifting

Molotch was a small man by any standard, even frail, and it was only adrenaline and a powerful hope that allowed him to wrestle men twice his size to the ground.

almost imperceptibly in the wind. One year a pair of falcons arrived and built a precarious nest in one of the crowns, and since then Molotch had observed them raise six fledglings. When they took to the air for the first time, they screamed. He watched the red cable car swing back and forth between Manhattan and Roosevelt Island. At noon sharp he put the briefcase on the ground between his legs and removed from his breast pocket a hard-boiled egg, peeled off the shell, and watched the broken pieces plummet toward the river, enjoying the thrill of vertigo. He took a small silver salt shaker out of his pants pocket and shook it over the egg. By his own calculations, the cumulative number of stray salt grains that fell from Molotch’s shaker and missed the egg had increased the salinity of the East River by an “ever-so-miniscule” fraction. He

closed his eyes as he ate, chewing slowly. Sometimes a bicyclist would shout at him to get out of the way. But Molotch paid no attention.

It was always when he least expected it that Molotch was called to duty. Any vigilance on his part – hurrying to the rescue of this or that person gazing over the guard rail at the water below – usually amounted to nothing; just someone taking in the view, annoyed by the sudden disturbance of Molotch at their elbow, trying to ensnare him or her in conversation. Either they took him to be a crook or a bum, or both. And sometimes, if it was a Jew Molotch happened to interrupt, the person would announce apropos of nothing that he wasn’t Jewish, assuming Molotch wanted to work him into a corner and get him to put on tefillin. Some tried to ignore him, but Molotch, skilled at his job, always found a way to draw them out. If they were silent, he matched their silence with silence. But he never left their sides, not if he thought they were in any danger. Eventually, after enough silence, anyone will begin to talk. And then comes the moment of unforeseen complicity that sometimes arises between two strangers. Sometimes, under the spell of his own longings, Molotch would carry the operation too far, keeping the person talking long after he’d already realized, no, false alarm, it had never even occurred to this peaceful soul to jump, and then inevitably the moment

would be ruined, the person’s expression would harden again, an excuse would be made, and Molotch would be left to watch their backs as they hurried away. What made him good at his job was also what made him imperfect.

(Molotch, hovering over the Narrator’s shoulder, sighs. He takes off his glasses, fogs each lens with his breath, and goes about polishing off the smudges in such a way that registers his discontent. “What now?” asks the Narrator, who only an hour ago had been sitting at her desk drinking a cup of tea, content to watch the rain, when the doorbell rang and there was Molotch, damp and sheepish, holding in one hand a collapsible umbrella.)

And then, out of the blue, taking him by complete surprise, Molotch would be needed for real. Out of the corner of his eye

he would see someone trying to get a leg up on the guardrail. At this call to action, Molotch would take off, running as fast as his legs would carry him. He would arrive just in time to tug the person off, landing them both in a squirming pile. Molotch was a small man by any standard, even frail, and it was only adrenaline and a powerful hope that allowed him to wrestle men twice his size to the ground. But somehow he managed. The shocked would-be jumper would stare at Molotch, gasping for air, and that was all the time he needed to launch into his argument.

He knew the would-be jumper was ready to talk for real when they announced their first complaint about life. Then he would offer a counterexample.

If he arrived a fraction late and the person was already poised to leap, it was a different story. One wrong move and... Softly, Molotch would begin to talk. Maybe only about the weather. At first the person would shout like crazy, making all manner of threats, but Molotch, keeping his cool, would listen and then continue to talk in a soothing manner, "Look over there, what do you know, the cherry trees are starting to bloom early, that's a nice suit you're wearing, I once had a suit like that myself, years ago, funny how styles come back, should have kept it I guess, they're beautiful those trees, the blossoms on that one are pure white," and so on.

Molotch knew the would-be jumper was ready to talk for real when they announced their first complaint about life. He listened with compassion. The way he nodded – you could tell he understood. Then, with the delicacy of a surgeon and the control of a lion tamer, Molotch would offer a counterexample. In this department, his skill was unmatched. No matter how serious the complaint, he was always able to find something of worth that, even if it didn't quite cancel the difficult or sad thing, at least lessened its blow. Maybe it was all those years of yeshiva in Munkács which he'd written off as useless, years during which he sat opposite a brilliant boy whose glasses magnified small eyes so full of sadness that Molotch knew in his heart that they were arguing about something even more important than the Talmud, and so he argued as if his life depended on it. And now, all these years later, he was still arguing.

(For once Molotch says nothing, only bites his nails, leaving half-moons on the

chaise that the Narrator bought cheaply at an antique shop and had reupholstered. At this moment, the Narrator notices for the first time how old Molotch has gotten, and this fills her with sadness. She has never not known Molotch, having lived since a few days after her birth in the same building as he, until her family moved away, across the bridge to the suburbs. As a child, she had lived down the hall from him, and, from her crib first and then her bed, she'd shared with him the same view of the bridge. It was the first thing she saw in the morning when she woke, and the last thing she saw before

she got lost in her dreams at night. Until she was six, she thought it was called the Queensborough because of its crowns. Later, after she'd finished college and moved back to the city, she took an apartment a block or two away from the one where she was born, with almost the same view. When she met the man she would one day marry, he happened to be living in Queens. On a lucid, sunny day a few weeks after their first date, they walked hand in hand together across the bridge, and the Narrator felt she had never been happier. And Molotch, full of tact, had pretended to be a casual walker, an observer of falcons, a perfect stranger, even though inside he was doing a little dance for joy, because the man was just the sort he had hoped she would find, with a gentle face and glasses as smudged as his.

"What?" Molotch says with a shrug, burying his nose in another tissue while his wet socks steam on the radiator. "Nothing," says the Narrator, turning back to the computer screen.)

Only once had Molotch lost someone. (Molotch wishes to say for the record that this sentence shouldn't be taken in a literal way: he has lost many people, his parents, to begin with, and two brothers, a sister, three uncles, five aunts, cousins, friends, and then his wife, the Narrator's grandmother, who was hit by a car on a rainy autumn day in 1985. But, for the sake of the story, he has agreed to let it go.) Nothing could have prepared him for it. It was a woman. He thought he had gotten to her in time. She wore a red shirt. He took it for a sign of hope, because that was what Molotch was trained to do, sniff out hope among the rubble. She refused to look at him, but he convinced her

to talk. Only what she said left him speechless. A moment of silence passed, not the silence of complicity, but something else. Feeling desperate, he plunged around for an argument. But for the first time in all his years of service, his mind drew a blank. When at last she turned to him, he saw with a feeling of blackness that her eyes were the same eyes as the boy at the yeshiva in Munkács.

But that is a sad story, and this is not meant to be a sad story. ("What do you expect," Molotch says. "Everything you write is sad. Even the funny things are sad. Maybe try writing something happy for a change. Here's a story for you. Guy owns a shoe store. He's been in business thirty-five years and then one day someone comes along and offers him an incredible sum of money for the store. What do you know, they want to open up a Starbucks. The guy, let's call him Levick, Levick doesn't even have time to sell his remaining stock of shoes. He's a rich man now. Retired. So he starts to give the shoes away. On the street, like Santa Claus. Who knows, maybe he drives up to Harlem. He gives them all away and he feels like the king of the world. And then before he knows it there's only one pair is left. A little red pair for a girl, maybe eight or nine years. Mary Janes, the kind every little girl dreams about. And Levick starts going crazy trying to find the kid who will fit into the shoes, the little girl whose life he'll

She refused to look at him, but he convinced her to talk. Only what she said left him speechless. A moment of silence passed, not the silence of complicity, but something else.

change as he could never change his own. Only nobody seems to be able to make them fit. And if anyone knows a right fit from a wrong, it's Lev – "That's a terrible story," the Narrator says. "Suit yourself," Molotch says with a shrug, removing a hardboiled egg from his pocket, and the Narrator, forgetting for a moment how old they both are now, half-expects him to make it disappear up his sleeve only to produce it again from behind her ear.

And that's how it goes with Molotch and the Narrator. Later, when it gets dark out, they'll go and prepare some dinner ☞

together, listening to the radio. The Narrator will start on the fish, and Molotch will chop the vegetables, except the onion, which makes him cry. They'll sit down to eat, and Molotch will close his eyes as he chews, savoring each bite, and the Narrator will keep hers open, maybe because she's never known what it means not to have enough to eat. And when Molotch opens one eye and

Outside, the bridge's lights were already lit in the dusk. The Narrator had never managed to catch the exact moment the switch was flipped on, and this oversight bothered her.

sees the Narrator leaning back in her chair, he'll say, "Eat, eat. A bird eats more than you," even though she has eaten enough for at least a hundred birds, and in her head an image will appear of those hundred birds shifting direction in the sky.

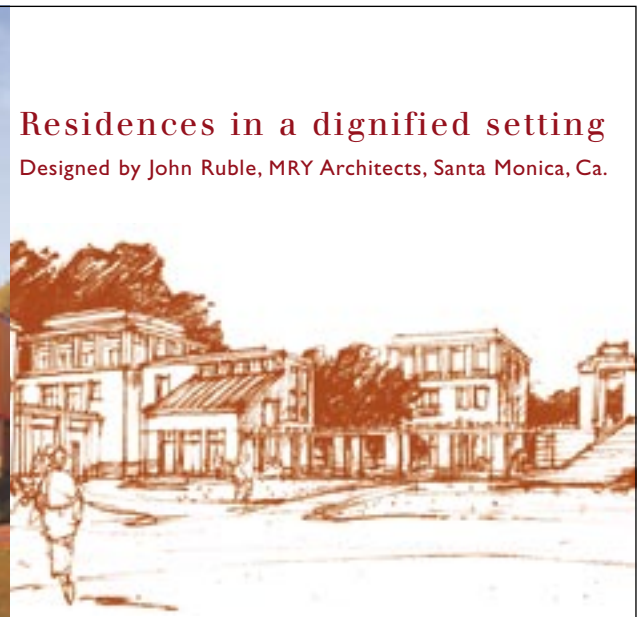
Once, when the Narrator was a child – eleven to be exact, since she knows for a

fact that it was a rainy autumn day in 1985 – she had been left alone with the babysitter. Something uncertain was unfolding around her, just beyond her reach, evidence being that in the confusion she had been left in Molotch's apartment rather than her own. When the telephone rang and the babysitter answered it, closing the swinging door to the kitchen, the Narrator had wandered away into Molotch's bedroom. Outside, the bridge's lights were already lit in the dusk. She had never managed to catch the exact moment the switch was flipped on, and this oversight bothered her. She watched the cue of glowing taillights making their way toward Long Island. Someone had used the word *hemorrhage*, and the Narrator could not decide if it was beautiful or ugly. Turning away from the window, her eye caught something familiar standing near the wall. It was Molotch's briefcase. She gave it a little nudge with her toe. It teetered. She bent down and ran her hands across the worn leather. With her index finger she rubbed the gold letters. Molotch had never kept any secrets from her. Anything she asked he told her, that was how it was with them, if there was something he hadn't said it was because she hadn't thought to ask.

She fiddled with the latch. The combination was easy: 059. The briefcase sprung open, spilling out a bloom of white. Late that night, when her parents finally came for her, they found her asleep in the silk folds of a giant parachute. So many difficult things happened after that, her grandmother was in a coma for months before she died, and then suddenly she was all grown up, and there had never been a chance –

Molotch will burp softly. The Narrator will get up and get him a glass of water. After a dessert of oranges they'll wash the dishes, and with one last exhaustive blow of his nose, Molotch will get up to go, pulling on his old coat and hat, and before the Narrator even has a chance to say goodbye, Molotch will be gone, leaving no sign of his existence aside from a trail of balled-up tissues, because Molotch doesn't like goodbyes.) ↵

Nicole Krauss will visit the Academy in October to read from her new novel *The History of Love*.



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