

BOOKS

A Fighter For Justice

In his new book *Justice Imperiled: The Anti-Nazi Lawyer Max Hirschberg in Weimar Germany* (The University of Michigan, 2005), Douglas G. Morris '76 studies the life of a great criminal defense lawyer during Hitler's rise to power.

A friend of mine recently said that there are two types of historians: those who write about themselves and those who don't. I suppose I can avoid that categorization altogether because I have spent most of my working life as a lawyer representing criminal defendants. But when I tried my hand at writing history, I turned to someone whom I admired, the greatest criminal defense lawyer in Germany on the eve of Nazi rule: Max Hirschberg.

Like many criminal defense lawyers, I have learned firsthand that innocent people are periodically convicted of crimes they did not commit. At the beginning of my career (at the law firm Paul, Weiss from 1983–1989), I represented a death-row inmate in Louisiana named Ronald Monroe, who was convicted of stabbing to death his next-door neighbor. But I soon discovered evidence of his innocence—that the victim's former husband later confessed to stabbing to death his next wife, adding that his first wife had died the same way—evidence that the State of Louisiana had suppressed. After six years litigating legal claims and several times skirting execution dates by days (once by only hours), Mr. Monroe survived because Louisiana's governor commuted his death sentence. I learned then that miscarriages of justice are real and chilling.

We criminal defense lawyers all have our war stories, but Mr. Monroe's case (and others) prompted me to wonder about the causes of miscarriages of jus-

tice and their history. So I was intrigued when I stumbled across a 1960 German publication on these very issues written by Max Hirschberg. His book (translated into Spanish and even Japanese but never English) is simply the finest, most comprehensive account of the issues that I had ever seen. But there was something more that caught my attention.

Hirschberg regularly referred back to his own cases from the Weimar Republic, the period during Germany's first and precarious democracy that lasted from 1919, just after the end of World War I, to 1933, when the Nazis came to power. These cases whetted my appetite to track down contemporaneous accounts, which

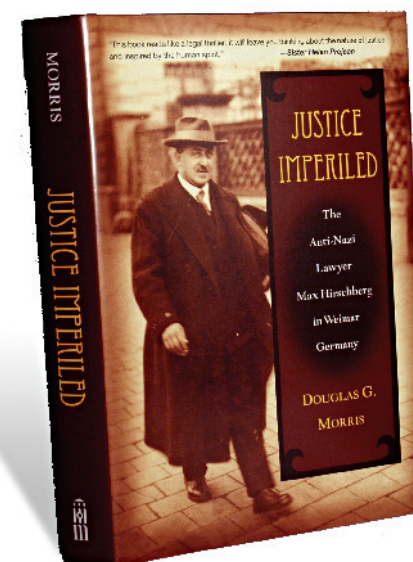
THE MAGNETIC POLE FOR THE RADICAL RIGHT WAS MUNICH, THE BIRTHPLACE OF THE NAZI MOVEMENT. HIRSCHBERG REGULARLY TOOK ON MONARCHISTS, RIGHTISTS, AND NAZIS. HIS CASES POSED ISSUES—OF HISTORY, JURISPRUDENCE, AND LAW—THAT WERE BIGGER THAN ANY ONE PERSON.

told colorful stories: of a mysterious murder committed in stealth at dusk in the countryside, of a married man facing murder charges after his lover died of a botched abortion, of a frightened girl accusing a clueless mentally retarded teenage neighbor of sexual abuse. In these and other cases, Hirschberg argued in

court, often for years, until he exonerated his clients. The sources made clear that, throughout the Weimar Republic, Hirschberg was Munich's leading criminal defense lawyer. That alone made him important.

But there was more. Hirschberg had a whole other side. He also was the leading political lawyer in Munich. This was no little matter, for political justice preoccupied the Weimar Republic, when public figures fought pitched political disputes in the courts. Humiliated by Germany's defeat in World War I, the burgeoning radical right found a sympathetic ear from conservative judges, holdovers from the monarchy. Those judges were consistently harsh against moderate democrats, not to mention leftists, and lenient against rightists, including violent reactionaries. The magnetic pole for the radical right was Munich, the birthplace of the Nazi movement. One lawyer regularly took on monarchists, rightists, and Nazis: Max Hirschberg. In the earlier years, he defended leftists against a number of treason accusations, and later he squared off in court against such Nazis as the Storm Trooper head Ernst Roehm and Adolf Hitler himself.

Hirschberg's courage kept me fascinated. But even more, his cases posed issues—of history, jurisprudence, and law—that were bigger than any one person. One dilemma was this: while in political cases Hirschberg continuously faced bias, intransigence, and unfairness, in bread-and-butter criminal cases, he often got wrongful convictions of innocents reversed. Yet both types of cases took place before the very same judges. How could these judges reach such different results in cases of political as opposed to nonpolitical justice? I gradually saw that Hirschberg had unexpected successes in his nonpolitical criminal cases because the judges believed in the rule of law—a



variant peculiar to Germany, one steeped in authoritarian prejudices, but a type of rule of law nonetheless. But then: How could judges with a commitment to the rule of law so utterly cast aside all notions of fair play in political cases? I deal with that question in my book.

Ultimately the German judges during the Weimar Republic actively subverted Germany's fledgling democracy. But Hirschberg challenged them time and again; he confronted them with the rule of law in a purer form, and he dared them to act on fundamental principles of justice as he fought for open rather than secret courts, for equal treatment of the poor and downtrodden, and for neutral standards in judicial decision-making. He carried on his fights against tremendous odds, even in the face of threats to his own life. Max Hirschberg's life and career teach that preserving justice and the rule of law is always an uphill battle—and one worth fighting. **W**

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BOOKS

Just Published

Our seasonal selection of noteworthy books by Wesleyan alumni, faculty members, and parents.

PETER BLAUNER '82***Slipping Into Darkness***

(Little, Brown and Company, 2006)



In this absorbing new suspense novel, Detective Francis X. Loughlin assists in sending up 17-year-old Julian Vega for the brutal murder of a young woman doctor. Twenty years later, Vega is released from prison, claiming he is innocent. Then another woman doctor is found murdered in a similar fashion, and doubts arise about whether Vega was unjustly convicted. Blauner succeeds in creating two strong and sympathetic antagonists in Loughlin and Vega, and his sharp storytelling keeps the reader guessing until the satisfying denouement.

JORDAN GOLDMAN '04 AND COLLEEN BUYERS '04, EDITORS***Students' Guide to Colleges: The Definitive Guide to America's Top 100 Schools***

(Penguin, 2005)



This helpful guidebook to 100 of the best U.S. colleges was created, written, and edited entirely by current college students. For each college, the book provides vital statistics, requirements, contact information, insights into the school's academic reputation and social scene, and three candid reviews from undergraduates attending the school.

SUZANNE GORDON P'07***Nursing Against the Odds***

(Cornell University Press, 2005)



Award-winning journalist Gordon addresses the current shortage of nurses throughout the world and investigates how health care cost cutting and hospital restructuring prevent nurses from doing their work competently. This compelling book combines in-depth interviews, research studies, and firsthand reporting to inform readers about the causes of and possible solutions to the current nursing crisis.

JONATHAN LIPKIN '91***Photography Reborn***

(Abrams Studio, 2005)



Photographer, writer, and educator Ripkin offers the first comprehensive survey of digital photography, a medium he has studied for 15 years. This informative book considers such major subjects of the field as the human body, portraiture, identity, and landscape, and chronicles the medium's history. Ripkin provides an excellent range of digital images from MRI scans to fine art and highlights the work of leading contemporary artists.

MARY ROACH '81***Spook: Science Tackles the Afterlife***

(Norton, 2005)



Best-selling author Roach (*Stiff: The Curious Lives of Human Cadavers*) combines lively, detailed research with witty insights into human behavior as she explores what scientists and other soul-searchers have to say about life after death. Her journey takes us back and forth through time and around the planet, introducing us to a number of fascinating characters. Roach travels with a reincarnation researcher in India, interviews a professor who studies mediums and another interested in weighing the consciousness of a leech, and visits a University of Virginia operating room where cardiologists have computers to monitor out-of-body near-death experiences.

NICHOLAS SAMMOND '83***Babes in Tomorrowland: Walt Disney and the Making of the American Child, 1930–1960***

(Duke University Press, 2005)



Educator Sammond examines in vivid detail the roots of the Walt Disney Company and how it became integral to mainstream child development. He addresses the interplay between popular media and developmental science which contributed to the creation of the ideal, “normal” American child—a vision that became essential to the products produced by the Disney empire. Sammond's extensive research draws upon films, TV programs, PR materials, child rearing manuals, periodicals, advertisements, and more.

PASQUALE ANTHONY LEONARDO, ADAM ZAGORIA '91***Ultimate: The First Four Decades***

(Ultimate History, Inc., 2005)



This history of Ultimate—a sport currently played by more than 100,000 people in North America and many more around the world—captures all the excitement of the game through enthusiastic commentary and a generous selection of photographs. The book covers all the passionate players and important games and includes a fact-filled appendix and a DVD on the sport.

OF NOTE:

Andrew Szegedy-Maszak, professor of classical studies, is co-author, along with Claire L. Lyons, John K. Papadopoulos, and Lindsey S. Stewart, of *Antiquity and Photography: Early Views of Ancient Mediterranean Sites* (J. Paul Getty Museum, 2005) which was awarded a 2005 Award for Excellence in Professional and Scholarly Publishing in the field of Arts and Art History from the Association of American Publishers. It explores the relationship between antiquity and photography in the period 1840–1880 and draws on the extensive collections of the Getty Museum and the Getty Research Institute.

CHILDREN'S BOOKS

In *A Room with a Zoo* (Hyperion Books for Children, 2005) by Jules Feiffer P'07, a young girl fills her bedroom with animals. A young boy plays his first game of baseball in *Pecorino Plays Ball* (Simon and Schuster, 2006) by Alan Madison '81. Heidi Mordhorst '85, along with Jesse Torrey (photography), evokes the world of the child in *Squeeze: Poems from a Juicy Universe* (Boyd's Mills Press, 2005).



—David Low '76

NONFICTION**Arthur W. Chickering '50, Jon C. Dalton, Liesa Stamm*****Encouraging Authenticity and Spirituality in Higher Education***

(Jossey-Bass, 2005)

**John W. Coakley '71*****Women, Men, and Spiritual Power***

(Columbia University Press, 2006)

Betsy Klimasmith '91***At Home in the City: Urban Domesticity in American Literature and Culture, 1850–1930***

(University of New Hampshire Press, 2005)

Ariel Levy '96***Female Chauvinist Pigs: Women and the Rise of Raunch Culture***

(Free Press, 2005)

Robert H. Schaffer, Ronald N. Ashkenas '72, And Associates***Rapid Results! How 100-Day Projects Build the Capacity for Large-Scale Change***

(Jossey-Bass, 2005)

**Magda Teter, Assistant Professor Of History*****Jews and Heretics in Catholic Poland***

(Cambridge University Press, 2005)

Charles S. Tidball '50, Robert Powell***Jesus, Lazarus, and the Messiah***

(Steiner Books, 2005)

**T. Ramsey Thorp '58*****The Laying on of Hands***

(Hamilton Books, 2005)

Stephanie Kuduk Weiner, assistant professor of English***Republican Politics and English Poetry, 1789–1874***

(Palgrave Macmillan, 2005)

**Lily Whiteman '81*****Get Hired! How to Land the Ideal Federal Job and Negotiate a Top Salary***

(FPMI Solutions, 2005)

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