

■ Book Reviews (cont. from page 55)

Constructors v. Pena,⁸ subjecting minority set-asides in government contracts to the strictest constitutional scrutiny, and condemning racial classifications in federal and state programs; and *Missouri v. Jenkins*,⁹ declaring unconstitutional Kansas City's school desegregation plan for improperly including a racial balancing scheme, when its goal should have been only to "restor[e] the victims of discriminatory conduct to the position they would have occupied in the absence of that conduct" (pp. 57-58). These decisions offer what Wilkinson considers to be a racially neutral course for the future, one that will counteract the drift toward separatism.

Almost daily, the news offers proof that America is not color-blind and that there is little about it that is race neutral. Self-segregation by race or ethnicity has a strong appeal, perhaps greater for many than the integrative ideal Wilkinson espouses. *One Nation Indivisible* may be troubling to some who see the promise of a country free from the vestiges of racial discrimination as unfulfilled. They will not, however, leave the book feeling as confident as when they started it as to the best means to fulfill this promise. ■

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Endnotes

¹*Brown I*, 347 U.S. 483 (1954); *Brown II*, 349 U.S. 294 (1955).

²512 U.S. 997 (1994).

³515 U.S. 900 (1995).

⁴163 U.S. 537 (1896).

⁵*Hopwood v. Texas*, 78 F.3d 932 (5th Cir. 1996), cert. denied, 518 U.S. 1033 (1996).

⁶*Yniguez v. Arizonians for Official*

English, 69 F.3d 920 (9th Cir. 1995), vacated and remanded, 520 U.S. 43 (1997) (lack of standing and mootness).

⁷Note 3, *supra*.

⁸515 U.S. 200 (1995).

⁹515 U.S. 70 (1995).

■ *The Reader*, by Bernhard Schlink; Pantheon Books, New York, NY, 1997 (hardback, \$21.00); Vintage International, New York, NY, 1998 (paperback, \$11.00). 218 pages.

Reviewed by Richard L. Sippel

This small, highly charged novel gives greater insight for me than any I have read on present day Germans and the Holocaust. It is a beautifully written book, well translated from the German. It tells the gripping story of Hanna Schmitz, a woman of the war generation who participated in a war crime, and Michael Berg, her lover and the "reader" of the title. Could Michael, a young man of the post-war generation, love Hanna after he learns of her terrible crime? Could anyone of the postwar generation love someone who had lived through the war? Would it make a difference whether the person had participated in war crimes, served in the SS, or merely been there as an adult when crimes happened? Michael, no doubt speaking for the author, recalls: "We all condemned our parents to shame, even if the only charge we could bring was that after 1945 they had tolerated the perpetrators in their midst."

That observation takes on meaning for me as I am reading in the newspapers of a decision by the German government to prosecute a member of the EU government for violating German law by stating in public that the Holocaust was just a footnote in history. German law has criminalized a shameful act that would not be criminalized under Anglo-American legal principles. But it illustrates to American lawyers just how seriously Germany takes the subject today. On a personal level, I have a son-in-law who is a German citizen. He and my

daughter, now living in Germany, will soon be reading *The Reader*.

The story begins with Michael Berg, a young man of 15, becoming sick on the street. (Michael is looking back, narrating the story as an adult.) Hanna, a woman in her 30s, comes to his aid. She takes him back to her flat, where she initiates a passionate liaison. The affair continues for over a year. Michael's account of the affair is erotic but not pornographic. Portraying the intensity of their physical love relationship is, I think, an effective technique to explore the book's main question: How can there be a relationship of unquestioned love between the generations in Germany? The age difference between Hanna and Michael, while difficult to deal with, provides a credible allegory that demonstrates natural feelings of attraction that may exist between wartime and postwar Germans. Schlink carefully explores the way his love changes as Michael learns of Hanna's past. (For my part, I think the allegory would have worked with an 18-year-old Michael.)

Before Michael learns of her past, however, Hanna ends the affair by leaving the scene and Michael enters law school. Michael signs up for a seminar on Nazi war crimes. He observes a trial and finds that Hanna is in the dock along with several other women. She and the others had been guarding prisoners who were locked in a church. When an aerial bombing raid set the church on fire, Hanna did not unlock the church, and the prisoners died. While Hanna has no legal defense, there were extenuating circumstances, but she never tries to put her situation in the true and proper light, as she is not a calculating person. Further, she receives virtually no defense from her counsel, nor an informed hearing from the judge, who does not pick up evident clues that Hanna is not understanding the process. The defendants, as Michael saw them, had "no sense of the context, of the rules of the game." The prosecution and defense were "oversimplifications" and the adjudication by the