



Courage and Convictions Practicing Judgment

International Conference
Thursday, June 26 – Saturday, June 28, 2025

EINSTEIN
FORUM

Conception:

Susan Neiman (Potsdam) and Lorraine Daston (Berlin)

Einstein Forum
Am Neuen Markt 7
14467 Potsdam
Tel.: 0331 271 78 0
<https://www.einsteinforum.de>
einsteinforum@einsteinforum.de

What is good judgment, and how is it distinct from intelligence? What distinguishes it from opinions, gut feelings, and personal truths? Since judgment is necessarily particular, the question must be considered in different spheres. How does a judge decide a case? How do literary and art and theatre critics make their judgments? How, for that matter, does an artist, a writer, or a director make judgments in creating the work itself? How does a doctor or a psychiatrist decide on a treatment? How does an umpire determine a foul? In the political realm the question of what (mis)judgments went into the most recent political disasters is impossible to ignore. What role does courage play in making a judgment? And what happens to our character when we are no longer called upon to exercise judgment? An international lineup of speakers who make their livings making judgments will explore these questions and more.

Speakers and Themes

Ulrich Baer (New York)

Great Books Banned: Aesthetic and Legal Judgments

Recently government agencies in the United States are removing and/or banning books from public schools and libraries. Progressive critics have also called for some books to be culled from reading lists. Given the special status and legal protection of free speech in the United States, how do we make sense of these restrictions from the right and the left? Is this a continuation of the culture and canon wars from the 1990s, when conservatives censored works they called obscene, and progressives replaced mainstream authors with marginalized voices? This talk proposes that what is being adjudicated and suppressed in these cases is literature itself, rather than specific authors or works.

Ulrich Baer is University Professor at New York University where he teaches literature and photography, and serves as Director of NYU's Center for the Humanities. A recipient of Getty, Humboldt, and Guggenheim fellowships, he has twice been honored with NYU's student-nominated Golden Dozen Teaching Award. He serves on the board of the New York Institute for the Humanities, where he has also been a fellow since 2002. Baer's published oeuvre includes books on a range of topics, including poetry, photography, free speech, September 11, Holocaust testimonies, as well as a dystopian novel (*We Are But a Moment*, 2017), and a collection of stories (*Beggar's Chicken: Stories from Shanghai*, 2012). His analysis of free speech in the 21st century university, *What Snowflakes Get Right: Free Speech, Truth, and Equality on Campus* (2019), deepens his widely debated defense of the university's obligation to use free speech as a tool to create knowledge by the greatest number of participants.

Avrum Burg (Jerusalem), **Konstanty Gebert** (Warsaw),
and **Nahed Samour** (Nijmegen)

Judging Israel: Why It Matters

No single question has rocked international communities like the question of how to judge Israel, particularly since October 7, 2023. The very criteria by which we judge the actions of a nation are uncertain. What should be the role of international law, and what the role of history? How can we determine whether words like “genocide” or “apartheid” are polemical and when they are justified? What should be the consequences of those judgments? The Einstein Forum has taken strong positions on these and related questions while preserving room for civil and reasonable disagreement, as we will continue to do in this discussion.

Avrum Burg is an Israeli author and politician. He was advisor to prime minister Shimon Peres, a member of the Knesset and Speaker of the Knesset from 1999 to 2003, Chairman of the Jewish Agency and the World Zionist Organization. Since retiring from politics he has become an international best-selling author. In 2007, Burg published a book entitled *The Holocaust is Over: We Must Rise From Its Ashes* in which he argued that Israeli society has become violent as a consequence of the continuing trauma over the Holocaust. In 2021, Burg appealed to the Israeli Supreme Court to have the Interior Ministry erase from its records that his nationality is Jewish, in response to the 2018 Jewish Nation State Law which, in his view, codified “built in discrimination”.

Konstanty Gebert is an international reporter and columnist with the leading Polish daily, *Gazeta Wyborcza*. Born in Poland, he received his degree in psychology from Warsaw University in 1976. He has taught at Hebrew University, the University of California at Berkeley, Grinnell College, and Warsaw University’s Collegium Civitas. He has served as a war correspondent covering conflicts in Turkey, India and Kashmir, Myanmar, Israel-Palestine, Rwanda, and Bosnia. Gebert has also advocated for a revival of Jewish life in Poland as a co-founder of the underground Jewish Flying University and the Polish Jewish intellectual monthly *Midrash*. He has served as a board member for the Einstein Forum in Potsdam, Paideia Institute for Jewish Studies in Sweden, and the Dutch Jewish Humanitarian Fund in The Hague. In 2018 he received the American Jewish Press Association Rockower Award.

Nahed Samour, Research Associate at Radboud University, has studied law and Islamic studies at the universities of Bonn, Birzeit/Ramallah, London (SOAS), Berlin (HU), Harvard and Damascus. She was a doctoral fellow at the Max Planck Institute for European Legal History in Frankfurt/Main. She clerked at the Court of Appeals in Berlin, and held a Post Doc position at the Eric Castrén Institute of International Law and Human Rights, Helsinki University, Finland and was Early Career Fellow at the Lichtenberg-Kolleg, Göttingen Institute for Advanced Study. She has taught as Junior Faculty at Harvard Law School Institute for Global Law and Policy from 2014 to 2018. From 2019 to 2022, she was Core Emerging Investigator at the Integrative Research Institute Law & Society. Together with Hanan Badr she co-edited the volume *Arab Berlin. Dynamics of Transformation* (2023).

Peter Galison (Cambridge, Mass.)

AI Has No Judgment

In the age of AI, judgment, like so many of our concepts, is redefined bit by bit, voided of scope, ethics, and affect. What is judgment, what do we want from it in law, war, and medicine; how does the repetitive encounter with AI diminish what we want of our own faculty of assessment and distinction? Through examples from bail setting, collateral damage estimation, and MRI diagnostics, my aim is to understand not just how we train artificial intelligence to make judgments but how it is retraining us to desiccate our own grasp of what judgment is.

Peter Galison is the Joseph Pellegrino University Professor at Harvard University and a renowned historian of science; he also serves as a board member for the Einstein Forum in Potsdam. Galison currently directs the Black Hole Initiative at Harvard, a leading center for interdisciplinary research on black holes. He has examined links between the history of science and neighboring fields—how, for example, historians of science and historians of art share methods and strategies. He is now turning to a history of postwar quantum field theory. His books include *How Experiments End* (1987); *Image and Logic: A Material Culture of Microphysics* (1997); *Einstein's Clocks, Poincaré's Maps* (2003); and, with Lorraine Daston, *Objectivity* (2007). His latest feature film is *Black Holes / The Edge of All We Know* (2020).

Jennifer Homans (New York)

Judging Ghosts: Reflections on Dance Criticism

A dance exists in the present moment; it dies the moment it is performed and lives only in memory. This simple fact has led me to see dance criticism as a strange practice of judging ghosts. Using George Balanchine's seminal 1957 dance *Agon*, I will reflect on the problem of judgment in this most elusive and ephemeral of arts.

Jennifer Homans is the Dance Critic for *The New Yorker*. She is the author of *Mr. B: George Balanchine's 20th Century* (2022), finalist for the Pulitzer Prize and the National Book Critics Circle Award; and *Apollo's Angels: A History of Ballet* (2010). Jennifer Homans was a professional dancer before completing a PhD in Modern European History at New York University, where she is now a Global Distinguished Professor and the Founding Director of the Center for Ballet and the Arts.

Peter Kramer (Providence)

What Else We Know

The Role of Judgment in the Conduct of Psychotherapy

Because therapists have often exercised judgment poorly, practitioners have tried to develop therapies that rely exclusively on capacities like empathy. But therapists' judgment, their awareness of social norms and likelihoods, often finds its way back into the treatment. Drawing in part on my own clinical experience, I will try to rethink the proper role of substantive judgment in psychotherapy. Can we use what we know?

Peter Kramer received his MD from Harvard University. A Clinical Professor Emeritus of Psychiatry and Human Behavior at Brown University, he has a private practice in Providence, Rhode Island. His writings have appeared in *The New York Times*, *The Washington Post*, and other national publications. He has written several highly acclaimed books, including *Moments of Engagement: Intimate Psychotherapy in a Technological Age* (1994), *Should You Leave?* (1997), *Listening to Prozac* (1993) and *Spectacular Happiness* (2001).

Albie Sachs (Cape Town)

Preparing for Judgment Day

When Justice Albie Sachs declared that every judgment he writes tells a lie against itself, his judicial colleagues were understandably startled. He will explain why he said that, and discuss why it helped him understand the nature of judging and its difference from reasoning.

Albie Sachs is a South African lawyer, activist, and writer. He was appointed a judge in the first Constitutional Court of South Africa, and became an internationally recognized common law judge. After several detentions in the late 1960s on account of his activist work against Apartheid, Sachs was forced to leave South Africa. He continued his ANC work abroad, including first England and then Mozambique, where he survived an assassination attempt in 1988. Sachs was able to return to South Africa in 1990, where he was subsequently closely involved in the creation of the post-apartheid 1996 constitution. Sachs has written several books on justice in South Africa and his experiences as an activist judge—e.g., *Soft Vengeance of a Freedom Fighter* (2009); *Strange Alchemy of Life and Law* (1990)—and has won many awards both for the books and for his contributions to peace and justice, including the Reconciliation Award (Institute for Justice and Reconciliation); the Legion of Honour (France); the Order of the Southern Cross (Brazil).

Judith Simon (Hamburg)

Knowing, Thinking, and Being with Artificial Intelligence

Artificial intelligence in its various forms increasingly permeates our daily lives. Individually and collectively, it affects our ways of knowing, thinking and being; our forming of beliefs and convictions, our practicing of judgment. In my talk, I will first sketch my understanding of AI as both a concept and a discipline, focusing three aspects: the relevance of statistical reasoning, the role of imitation and deception, and the triple goals of efficiency, quality and convenience. I will then delineate some epistemic, ethical and political challenges resulting from this development, hoping to provide the ground for a fruitful discussion on how to retain or regain courage, hope and justice in the age of artificial intelligence.

Judith Simon is Professor of Ethics in Information Technology at the University of Hamburg. Her research focuses on the intertwinings of ethical, epistemological and political issues in the context of artificial intelligence and digitalization. She is deputy chair of the German Ethics Council, where she was spokesperson for the working group “Man and Machine—Challenges posed by Artificial Intelligence”. She is active in various other scientific policy advisory bodies and was a member of the Federal Government’s Data Ethics Commission (2018–2019). Judith Simon is editor of the *Routledge Handbook of Trust and Philosophy* (2020) and a member of the editorial and advisory boards of the journals *Philosophy and Technology*, *Big Data & Society* and *Digital Society*. Together with Mattis Jacobs, she recently published an article on “Reexamining Computer Ethics in Light of AI Systems and AI Regulation” in *AI and Ethics* (2022).

Bettina Stangneth (Hamburg)

Judgment: The Willful Step in Heraclitus' River
Thinking and Time—Movement 1

The moment the word time is mentioned, we tend to think of ourselves. As heirs of the 19th century, we are trained to equate time with history. We learned to understand ourselves—as individuals, as a culture, as a species—in and from context. As children of the 20th century, we came to know that locating oneself within world-historical dimensions is not only an interesting perspective, but a temptation—one that fatally misleads precisely that human capacity which cannot afford confusion: the faculty of judgment. To live in the context of world history is to move across glittering—and, above all, thin—ice. As adults in the 21st century, we learn each day what it means to stand upon the unstable ground of the past—without breaking through. It is not surprising that many still consider paralysis to be the safest possible stance. If the 20th century seemed marked by a failure of the will, today it is judgment itself that we have come to mistrust. But human beings do not judge because they will to judge. We judge because we must—and do so inevitably,

whether we will it or not. Strikingly, it is precisely that intelligence we call artificial that now reminds us: time is not only lifetime. So let us use at least thirty minutes to formulate a new question: What are thinking times? And do we need a different conception of human thinking?

Bettina Stangneth is an independent philosopher by conviction. She studied philosophy in Hamburg, wrote her doctoral thesis on Immanuel Kant, researched hostility towards Jews from the Enlightenment to National Socialism, published forgotten philosophical works and has since devoted herself to dialogical thinking with all its risks and side effects. Her book *Sexkultur* was published in 2020, *Überforderung. Putin und die Deutschen* appeared in 2023, and her most recent book, *Club der Dilettanten. Warum niemand Bücher wirklich versteht, aber trotzdem jeder beim Lesen lernt*, in 2025. Her books have been translated into many languages and won several awards, most recently the International Friedrich Nietzsche Prize, in August 2022.

Sean Wilentz (Princeton)

Historic Historical Misjudgments

Over the past fifty years, historical misjudgment has become the semi-official doctrine of legal interpretation in the United States, with profound effects on American politics. Although it goes by many names, most often “originalism,” this scriptural, anti-historical doctrine has successfully claimed supreme authority as a form of historical reasoning, perfectly objective and dispassionate. Yet while originalists claim the mantle of the nation’s founders, originalism is a very recent invention, rooted in the massive racist resistance to the civil rights breakthroughs of the 1950’s, especially the Supreme Court ruling in *Brown v. Board of Education* in 1954. How has this happened?

Sean Wilentz is George Henry Davis 1886 Professor of American History at Princeton University and studies U.S. political and social history. His book *Chants Democratic: New York City and the Rise of the American Working Class, 1788–1850* (1984) won several national prizes, including the Albert J. Beveridge Award of the American Historical Association. His study *The Rise of American Democracy: Jefferson to Lincoln* (2005), was awarded the Bancroft Prize and was a finalist for the Pulitzer Prize. In 2020, the Library of America published the first of three projected volumes of his authoritative edition of the writings of the historian Richard Hofstadter. Wilentz has received numerous fellowships from the John Simon Guggenheim Foundation, the American Council of Learned Societies, and the American Academy in Berlin. Formerly a contributing editor to *The New Republic*, and currently a member of the editorial board of *Dissent and Democracy*, he lectures frequently and has contributed some four hundred articles to publications such as *The New York Review of Books*, *The New York Times* and *The Washington Post*. He has also given congressional testimony, notably before the House Judiciary Committee in 1998.

Thomas Chatterton Williams (Paris)
in conversation with Susan Neiman (Potsdam)
Is It Racist?

In the past few years there has been increasing consensus that systemic racism is a feature of most of our societies, but far less agreement about when a particular statement or practice is racist. Who has a right to decide this? What is the role of intention if the racism is systemic? Might we make judgments based on racist assumptions we have not recognized? Can we sketch a framework for judging racist language and praxis that would achieve a workable consensus? Thomas Chatterton Williams, whose forthcoming book *Summer of Our Discontent* examines the impact of the antiracist demonstrations following the murder of George Floyd, will reflect on these questions.

Thomas Chatterton Williams is a staff writer at *The Atlantic* and the author of *Losing My Cool* (2010) and *Self-Portrait in Black and White: Unlearning Race* (2019). His next book, *Summer of Our Discontent: The Age of Certainty and the Demise of Discourse*, will appear in August 2025. Williams is a Visiting professor of humanities and senior fellow at the Hannah Arendt Center at Bard College, a 2022 Guggenheim fellow, and a visiting fellow at American Enterprise Institute. He was previously a contributing writer at *The New York Times Magazine* and a Columnist at *Harper's*. His work has appeared in *The New Yorker*, the *London Review of Books*, *Le Monde* and many other places, and has been collected in *The Best American Essays* and *The Best American Travel Writing*. He has received support from New America, Yaddo, MacDowell, and The American Academy in Berlin, where he is a member of the Board of Trustees. He also serves as a board member for the Einstein Forum in Potsdam.

James Wood (Cambridge, Mass.)

Reflections on the Practice of Literary Criticism

I shall consider two types of judgment, in relation to my work as a critic and book reviewer. The first type of judgment is what we might think of as the arsenal of any decent project of good reading—searching for meaning; accruing and then learning how to use a kind of hermeneutic wisdom; looking for patterns; learning what to look for in a work of art. We might call this first type secular judgment. The second type of judgment is closer to religious judgment: judging, choosing, selecting, casting in and casting out, a process strongly associated, of course, with that terrifying apparition, the critic. I will examine the relations between these two types, and the ways in which, in literary studies, the first kind of judgment has steadily come to eclipse the second.

James Wood has been a staff writer and book critic at *The New Yorker* since 2007 and is Professor of the Practice of Literary Criticism at Harvard University. He was the chief literary critic at *The Guardian*, in London, from 1992 to 1995, and a senior editor at *The New Republic* from 1995 to 2007. His critical essays have been collected in three volumes, *The Broken Estate: Essays on Literature and Belief* (1999), *The Irresponsible Self: On Laughter and the Novel* (2004), which was a finalist for the National Book Critics Circle Award, and *The Fun Stuff, and Other Essays* (2012). He has written a study of technique in the novel, *How Fiction Works* (2008), and two novels, *The Book Against God* (2003), and *Upstate* (2018). Wood also serves as a board member of the Einstein Forum.

Program

Thursday, June 26

6:00 p.m.

Susan Neiman (Potsdam)
Introduction

6:15 p.m.

Albie Sachs (Cape Town)
Preparing for Judgment Day

Friday, June 27

10:30 a.m.

James Wood (Cambridge, Mass.)
*Reflections on the Practice of
Literary Criticism*

11:45 a.m.

Jennifer Homans (New York)
Judging Ghosts
Reflections on Dance Criticism

2:30 p.m.

Thomas Chatterton Williams (Paris)
in conversation with
Susan Neiman (Potsdam)
Is It Racist?

4:15 p.m.

Ulrich Baer (New York)
Great Books Banned
Aesthetic and Legal Judgments

5:30 p.m.

Peter Kramer (Providence):
*What Else We Know: The Role of Judgment
in the Conduct of Psychotherapy*

Saturday, June 28

10:00 a.m.

Bettina Stangneth (Hamburg)
Judgment
The Willful Step in Heraclitus' River
Thinking and Time—Movement 1

11:15 a.m.

Judith Simon (Hamburg)
*Knowing, Thinking, and Being with
Artificial Intelligence*

12:30 p.m.

Peter Galison (Cambridge, Mass.)
AI Has No Judgment

3:30 p.m.

Avrum Burg (Jerusalem),
Konstanty Gebert (Warsaw),
Nahed Samour (Nijmegen)
Judging Israel
Why It Matters

5:15 p.m.

Sean Wilentz (Princeton)
Historic Historical Misjudgments