

**MATTHEW H. BIRKHOLO**

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Ohio State University  
Columbus, OH 43210  
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**ACADEMIC POSITIONS**

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**Ohio State University**, Columbus, OH  
Assistant Professor of German, 2016-present  
Assistant Professor of Law, by courtesy, 2016-present

**LEGAL POSITIONS**

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**U.S. Department of State**, Washington, D.C.  
Attorney-Adviser, 2015-2016

**Permanent Mission of Liechtenstein to the United Nations**, New York, NY  
Adviser, 2015

**EDUCATION**

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**Princeton University**, Princeton, NJ  
2009-2016, Ph.D. German

**Columbia Law School**, New York, NY  
2008-2015, J.D.

**Humboldt-Universität zu Berlin**, Berlin, Germany  
2013-2014, visiting Fulbright student, coursework in German literature and law

**Columbia University**, New York, NY  
2004-2008, B.A. German Literature and Intellectual History

**Freie Universität zu Berlin**, Berlin, Germany  
2006-2007, coursework in German literature and art history

**PUBLICATIONS**

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Monograph

*Characters before Copyright: The Rise and Regulation of Fan Fiction in Eighteenth-Century Germany*,  
Oxford University Press (May 2019).

Articles

“Measuring Ice: How Swiss Peasants Discovered the Ice Age,” *The Germanic Review*, vol. 94, iss. 3  
(forthcoming 2019)

“Classifying Ice Flowers: Living and Unliving *Eisblumen* in Johann Jakob Scheuchzer’s *Physica Sacra*,”  
*Environmental History*, vol. 23:4 (2018), p. 848-62.

“Goethe and the Uncontrollable Business of Stage Sequels,” *Goethe Yearbook*, vol. 25 (2018), p. 109-31.

“Who Owns Literary Characters? Sebaldus Nothanker and His Brothers,” in: *Zitat – Imitat – Plagiat:  
Original in der Literatur und Kultur der Frühen Neuzeit*. Peter Lang, Frankfurt a.M. (2016), p. 207-226.

“Unclassified Fictions: The CIA, Secrecy Law, and the Dangerous Rhetoric of Authenticity,” *Berkeley Journal of Entertainment and Sports Law* 3:1 (2014), p. 17-71.

“Freud on the Court: Reinterpreting Sexting and Child Pornography Law,” *Fordham Intellectual Property, Media & Entertainment Law Journal* 23:3 (2013), p. 897-941.

“The Trial of the Marquise von O...: A Case for Enlightened Jurisprudence?” *Germanic Review* 87:1 (2012), p. 1-18.

“Tipping NAGPRA’s Balancing Act: The Inequitable Disposition of ‘Culturally Unidentified’ Remains under NAGPRA’s New Provision.” *William Mitchell Law Review* 37:4 (2011), p. 2046-2096.

### Shorter Works

“The Myth of Blubber Town, an Arctic Metropolis,” *The Public Domain Review* (forthcoming June 2019)

“Recovering Germany’s Lost Trans Voices,” *The Paris Review, The Daily*, January 2019.

“Jane Austen in Court,” *Electric Literature*, April 2018.

“Preface,” in: *Schreker: Der Schmied von Gent*, Munich: Musikproduktion Jürgen Höflich (2017).

“Judging ‘Indian Character’” in: *Wisconsin Law Review* 21:1 (2016), p. 20-27.

“Preface,” in: *Romberg: Lied von der Glocke*,” Munich: Musikproduktion Jürgen Höflich (2016).

“The Trouble with Generosity: Cultural Property at Auction,” in: *Yale International Law Journal* 39:1 (2014), p. 87-97.

“Preface,” in: *Szymanowski’s Penthesilea*, Munich: Musikproduktion Jürgen Höflich (2014).

### Translations

“Thomas” (English translation from the German), opera by Georg Friedrich Haas, libretto by Klaus Händl. For the world premiere performance, May 24, 2013 (Schwetzinger SWR Festspiele) (co-production of the Badischen Staatstheater Karlsruhe and the Tiroler Landestheater Innsbruck).

### Op-Eds

“It’s time to end National Coming Out Day,” in *The Washington Post*, Oct. 10, 2017.

“Stop Judging ‘Indian Character,’” in *Indian Country Today*, Dec. 19, 2015

“Annenberg’s Double-Edged Gift to the Hopi,” in *Bloomberg Views*, Dec. 26, 2013.

### Interviews

BBC, World News Service, May 1, 2018 (discussing legal citations to literary works).

Bloomberg BNA, January 2, 2016 (discussing the Supreme Court’s decision in *Parker v. Nebraska*).

## In Progress

“The Melting Sublime” [article manuscript]

“Kafka and the Judicial Literary Canon” [article manuscript]

“Thinking in Ice” [book manuscript]

“The Indigenous McClain Doctrine: A New Tool for Protecting Indigenous Cultural Sovereignty and Cultural Property,” *Washington University Law Review*, vol. 97 (forthcoming, August 2019).

## **COURSES TAUGHT**

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### Ohio State University

- “Literature and the Law of War” [graduate seminar]
- “Queer Literature” [graduate seminar]
- “Fan Fiction: A Literary History” [graduate seminar]
- “German Opera” [independent study]
- “Forests, Rivers, and Mountains in German Culture” [undergraduate seminar]
- “Ice, Snow, Cold: Winter in Germany” [undergraduate seminar]
- “Grimms’ Fairy Tales and Their Afterlives” [undergraduate lecture]
- “Fan Fiction from Homer to Harry Potter” [undergraduate lecture] (x3)

## **FELLOWSHIPS & AWARDS**

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2019, Academic Enrichment Grant, Office of International Affairs, Ohio State University – Greenland  
2018, Slovene Academy of Science and Art, Faculty Scholar  
2017, 2018 DAAD grant for “Graduate School Experience” [\$14,000 for German department]  
2017, Visiting Researcher Programme, Faculty of Law, University of Lucerne  
2015, Parker School Certificate for Achievement in International and Comparative Law  
2014-2015, Charlotte Elizabeth Procter Fellowship, Princeton University  
2014, Gloria Flaherty Scholarship, Goethe Society of North America  
2013, Fulbright Research Grant – Germany  
2013, Deutscher Akademischer Austauschdienst (DAAD) Graduate Study Scholarship (declined)  
2012, Women in German Prize for Best Article of 2012  
2011, National Native American Law Student Association Writing Prize, First Place  
2010, Princeton Institute for International and Regional Studies Summer Grant – Russia  
2009, Perkins Prize in the Humanities Council, Princeton University  
2008-2014, Holthusen-Schindler Fellowship, Columbia Law School  
2008, DAAD Study Scholarship (declined)  
2008, Phi Beta Kappa, Columbia University

## **INVITED TALKS & LECTURES**

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Invited Talk. “The Rules of Fan Fiction,” University of Siegen, November 7, 2018.

Invited Presentation. “Inventorying Glaciers in Nineteenth-Century Switzerland,” Media Inventories Workshop, Dartmouth University, Department of German, March 9, 2018.

Invited Talk. “The Rise of Fan Fiction in Eighteenth-Century Germany,” Humanities Institute, University of Tennessee, February 26, 2018.

Invited Presentation. “Commentary: Jousting at Windmills: Cervantes and the Quixotic Fight for Authorial Control,” International Society for the History and Theory of Intellectual Property, University of Toronto, Faculty of Law, July 13, 2017.

Invited Talk. “A New History of Moral Rights,” Institut für Juristische Grundlagen, University of Lucerne, May 23, 2017.

## **SELECTED CONFERENCE PRESENTATIONS**

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“Who Owns Icebergs?” Crafting the Long Tomorrow, University of Arizona, February 23, 2019.

“Measuring Ice in the Alps,” German Studies Association, Pittsburgh, September 29, 2018.

“Refocusing *Rinaldo Rinaldini*: New Perspectives on an Eighteenth-Century Bestseller,” Atkins Goethe Conference of the North American Goethe Society, Pennsylvania State University, November 3, 2017.

“Goethe, Tamino, and Werther: Beyond the Bounds of Acceptability?” ASECS, March 30, 2017.

“The Rules of Fan Fiction,” MLA Convention, Philadelphia, January 6, 2017.

“Rethinking Literary Characters in the Literary Commons,” Law and Humanities Junior Scholars Workshop, UCLA Law, June 13, 2016.

“Narrating the Limits of Fair Use: Fan Fiction and Copyright,” 18th Annual Conference, Association of the Study of Law, Culture and the Humanities, Georgetown University Law Center, March 6, 2015.

“The Book Market, the Good Reader, and the Rise of Fan Fiction,” International Goethe Atkins Conference, University of Pittsburgh, October 26, 2014.

“18th-Century Runaway Serials,” German Studies Association, Kansas City, September 20, 2014.

“Adaptation Rights around 1800,” 17th Annual Conference, Association of the Study of Law, Culture and the Humanities, University of Virginia School of Law, March 10, 2014.

“The Trial of the Marquise von O...: Redefining Sex Crimes in Prussia,” “Constructive and Destructive Functions of Violence in the Work of Heinrich von Kleist,” University of Exeter, July 19, 2011.

“Legal Fictions & Corporate Culpability in Kafka’s *Das Schloß*” at North East American Modern Language Association, Legal Fictions Panel, Rutgers University, April 10, 2011.

## **SERVICE**

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Reviewer, *Law and Literature*, 2017-present

Reviewer, *Oxford Handbooks – Law*, 2016-present

Reviewer, *Focus on German Studies*, 2016-present

Reviewer, National Native American Moot Court Competition, 2016-present

Member, Prize Committee, Coalition of Women in German, 2013-2016

Founder and Committee Chair, LGBTQ+ Faculty/Staff Association, Ohio State, 2018-present

Mentor, Second Year Transformational Experience, Ohio State, 2017-2018

Member, Graduate Studies Committee, Ohio State Department of German, 2017-present

Member, Undergraduate Curriculum Committee, Ohio State Department of German, 2016-2017

## **LANGUAGES**

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English (native), German (near-native), Russian (reading), Swedish (reading), French (reading).