What are political trials? According to one recent definition, these are trials in which the outcome "depends on an evaluation of the defendant's political attitudes and activities." Among other things, this seminar course will test that definition, and begins with the hypothesis that there can be other sorts of political trials, in which courtroom arguments speak to issues of political importance in different societies. Many different circumstances, it should be clear, can contribute to making trials political. To examine these propositions, we will look at European, North American and Israeli trials in the nineteenth and twentieth centuries. The approach will be interdisciplinary, and will draw upon legal, political, historical and social analyses of the various trials selected for the course.

This year's topics, together with the trials that highlight them, will be:

- Politics and Madness: Daniel McNaughtan and the Insanity Defense, 1843
- Treason: The Queen v. Louis Riel, 1885
- Homosexuality: The Trials of Oscar Wilde, 1895
- Terrorism: Dealing with the Assassinations of Simon Petlura, 1927 and King Alexander of Yugoslavia, 1934
- Show Trial: The Case of the Anti-Soviet Bloc of Rights and Trotskyites, 1938
- International Criminal Law: The Trial of the Major German War Criminals at Nuremberg, 1945-46
- Atrocity: My Lai and the Trial of Lieutenant William Calley, 1970
- Crimes against Humanity: Touvier-Barbie-Papon, 1964-99
- Holocaust Restitution: Art, 1995 – present

Students should purchase the case book for this course, available in the Faculty of Law Bookstore:

*Modern Political Trials: LAW 342H1S/HIS 1271 (Faculty of Law, 2008)*

Students may also wish to consult the remarkable Web site "Famous Trials," by Professor Douglas Linder of the University of Missouri-Kansas City School of Law, for a wealth of material on "famous trials":

http://www.law.umkc.edu/faculty/projects/ftrials/ftrials.htm
Office Hours:
Tuesdays and Fridays, 9:00 to 10:00 a.m., or by appointment. My office is in Massey College, II-3. I can be most easily reached via email: michael.marrus@utoronto.ca or by telephone at Massey (416-946-0648).

Email:
While I will respond quickly to all appropriate email messages, these should be limited, for the most part, to communications regarding office appointments, specific reading assignments, etc. Questions that could be of interest to all students should be raised in class.

Course Requirements and Grade Distribution:
**Essays:** One short essay (1500 words) comparing two of the trials discussed in the course, due on **February 26**, and worth 15 percent; and one longer essay (7500 words), entitled "Reflections on Political Trials," drawing upon themes discussed in the course, due at noon on **April 30**, and worth 70 percent. **Please note:** The deadline for the final submission of papers is fixed by the faculty and I cannot grant extensions beyond that point except in emergency situations and then through a university established process.

**Participation:** 15 percent, based on attendance and class participation.

Academic Misconduct:
Students should know and understand the University's *Code of Behavior on Academic Matters*, particularly its sections dealing with plagiarism. For further information, please see [http://www.utoronto.ca/govcncl/pap/policies/behaveac.html](http://www.utoronto.ca/govcncl/pap/policies/behaveac.html)

**SEMINAR**

**TOPIC AND ASSIGNED READING**

January 7
Introduction

January 14
Politics and Madness: Daniel McNaughtan and the Insanity Defense, 1843


**Supplementary:**


**January 21**

**Treason: The Trial of Louis Riel, 1885**


**Supplementary:**


**January 28**

**Homosexuality: The Trials of Oscar Wilde, 1895**


**Supplementary:**


**February 4**

**Terrorism: Dealing with the Assassinations of Simon Petlura, 1927 and King Alexander of Yugoslavia, 1934**


Film of the 1934 Assassination, Universal Studios, 3 min. 9 sec. http://www.youtube.com/watch?v=B0pyyt_G0U8
Alternative video, with musical sound track:
http://www.youtube.com/watch?v=SruCOZwxA


**Supplementary:**


**February 11**

**Show Trial: The Case of the Anti-Soviet Bloc of Rights and Trotskyites, 1938**


**Supplementary:**


**February 18**

**Reading Week**

**February 25**

**International Criminal Law: The Trial of the Major German War Criminals at Nuremberg, 1945-46**


**Supplementary:**


**March 4**

**Holocaust: The Attorney General of Israel v. Adolf Eichmann, 1962**


**Supplementary:**


**March 11**

**Atrocity: My Lai and the Court Martial of Lieutenant William Calley, 1970**


March 18  Crimes against Humanity: Touvier-Barbie-Papon, 1964-99


Supplementary:


Mr. Justice Charles Gray, Judgement, April 11, 2000, Sections XIII-XIV. http://www.nizkor.org/hweb/people/i/irving-david/judgment-00-00.html

April 1  Restitution: Art and the Holocaust, 1995 – present


August 5, 2009