

UNIVERSITY OF TORONTO
Department of History

HIS411H1-S
Great Trials in History
2010

Location: SS2120

Time: W: 10-12

This course explores several famous trials and their extended ramifications in close detail. Using materials from the modern period in Europe and North America, we will look at the historical setting in which these proceedings were embedded, the clash of ideas, the human drama, legal and sometimes constitutional issues, the legal reasoning used by prosecutors, defense lawyers and judges, and the impact of these trials both on their societies and our own.

This year's topics will be:

- the **Dreyfus** Affair, beginning in 1894 with the court martial in Paris of Captain Alfred Dreyfus, a Jewish officer of the French general staff, convicted of selling military secrets to the Germans, and extending to associated proceedings against others involved in the affair, and the final disposition – together with the national mobilization that divided the country
- Franz **Kafka**'s novel, **The Trial**, written in 1914 and first published in 1925, an eerie, fictional trial of **Joseph K.**, one of the most famous fictional representations of a legal proceeding, and one that has resonated with generations of legal and social theorists
- the celebrated 1914 French murder trial of Madame Henriette **Caillaux**, wife of a former French prime minister and leader of the Radical Party, charged with murdering her husband's mortal enemy, Gaston Calmette, the editor of a leading French daily, *Le Figaro*
- the trial and subsequent appeals of Nicola **Sacco** and Bartolomeo **Vanzetti**, Italian immigrants and anarchists, for robbery and murders committed in 1920 in South Braintree, Massachusetts
- the 1925 trial of a school teacher, John **Scopes**, in Dayton Tennessee in 1925 for violating a state law against the teaching of evolution, and featuring the confrontation between the famed attorneys William Jennings Bryan and Clarence Darrow
- the 1944 trial of the brilliant French intellectual and editor of the pro-German newspaper *Je Suis Partout*, Robert **Brasillach**, for collaboration with the Nazis during the German wartime occupation of France
- the 1945-46 trial in **Nuremberg** of twenty-two accused major German war criminals before the International Military Tribunal, set up by the Americans, British, French and Russians

- following his abduction by Israeli agents in Argentina, the 1961 trial in the Jerusalem District Court of Adolf **Eichmann**, accused under the 1950 Nazis and Collaborators Law of having committed crimes against the Jewish people, notably the persecution and murder of millions during the Holocaust

It is recommended that students purchase the following books:

Michael Burns, *France and the Dreyfus Affair: A Documentary History* (Bedford/St. Martin's)
Franz Kafka, *The Trial* (Schocken Books)
Edward Berenson, *The Trial of Madame Caillaux* (University of California)
Michael M. Topp, *The Sacco and Vanzetti Case: A Brief History with Documents* (Bedford/St. Martin's)
Jeffrey P. Moran, *The Scopes Trial: A Brief History with Documents* (Bedford/St. Martin's)
Alice Kaplan, *The Collaborator: The Trial and Execution of Robert Brasillach* (University of Chicago)
Michael R. Marrus, *The Nuremberg War Crimes Trial 1945-46: A Documentary History* (Bedford/St. Martin's)
Lawrence Douglas, *The Memory of Judgment: Making Law and History in the Trials of the Holocaust* (Yale)
Hannah Arendt, *Eichmann in Jerusalem* (Viking)

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 this topic:

<http://www.law.umkc.edu/faculty/projects/ftrials/ftrials.htm>

Office Hours:

Tuesday and Friday, 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 (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:

Essay: There will be a short essay, worth 20 percent of the grade in the course, which will be due at the end of Reading Week – March 1st at the very latest.

Participation: 20 percent.

Final Examination: There will be a final examination in this course, worth 60 percent of the final grade. This examination will take place in the Faculty's examination period.

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>

WEEK	TOPIC AND ASSIGNED READING
January 6	Introduction
January 13	Dreyfus Michael Burns, ed., <i>France and the Dreyfus Affair: A Documentary History</i>
January 20	Joseph K. Franz Kafka, <i>The Trial</i>
January 27	Madame Caillaux (I) Edward Berenson, <i>The Trial of Madame Caillaux</i> , Prologue and Chapters 1-3
February 3	Madame Caillaux (II) Edward Berenson, <i>The Trial of Madame Caillaux</i> , Chapters 4-6 and Epilogue
February 10	Sacco and Vanzetti Michael M. Topp, <i>The Sacco and Vanzetti Case: A Brief History with Documents</i> Optional: Students may wish to consult the following: Selected contemporary film clips available as "Sacco and Vanzetti's Funeral": http://www.weshow.com/uk/videos/post/show.action?postId=402881f414ca79560114ccbe64de009f Felix Frankfurter, "The Case of Sacco and Vanzetti," <i>The Atlantic Monthly</i> , March 1927 "Vanzetti's Last Statement: A Record by W.G. Thompson," <i>The Atlantic Monthly</i> , February 1928
February 17	READING WEEK
February 24	Scopes Jeffrey P. Moran, <i>The Scopes Trial: A Brief History with Documents</i>

Optional: Students wanting to taste something of the flavour of the trial should listen to the following audio presentations:

Vernon Dalhart, "The John T. Scopes Trial," (3:06):
<http://www.trueauthority.com/cvse/scopes.htm>

William Jennings Bryan, "The Cross of Gold" speech (1896), recorded in 1921 (9:21):
http://www.historicalvoices.org/earliest_voices/bryan.html#recordings

March 3

Brasillach (I)

Alice Kaplan, *The Collaborator: The Trial and Execution of Robert Brasillach*, Preface and Chapters 1-7

March 10

Brasillach (II)

Alice Kaplan, *The Collaborator: The Trial and Execution of Robert Brasillach*, Chapters 8-14

March 17

Nuremberg (I)

Michael R. Marrus, *The Nuremberg War Crimes Trial 1945-46: A Documentary History*, Chapters 1-5

Optional: for an audio recording of Robert Jackson's opening address to the IMT:
http://www.roberthjackson.org/video/jackson_opens_trial.mp3

March 24

Nuremberg (II)

Michael R. Marrus, *The Nuremberg War Crimes Trial 1945-46: A Documentary History*, Chapters 6-9

Lawrence Douglas, *The Memory of Judgment: Making Law and History in the Trials of the Holocaust*, Introduction and Part One

Optional: at the end of the above selection, Lawrence Douglas spends a few pages discussing the closing speech, at Nuremberg, of the British chief prosecutor, Hartley Shawcross (pp.91-4). You can hear an excerpt from this speech by logging on to the following:

http://news.bbc.co.uk/onthisday/low/dates/stories/november/20/newsid_4356000/4356166.stm

March 31

Eichmann (I)

Hannah Arendt, *Eichmann in Jerusalem: A Report on the Banality of Evil*, Chapters 1-8

April 7

Eichmann (II)

Hannah Arendt, *Eichmann in Jerusalem: A Report on the Banality of Evil*, Chapters 13-15, Epilogue and Postscript

Lawrence Douglas, *The Memory of Judgment: Making Law and History in the Trials of the Holocaust*, Part Two and Chapter 10

August 5, 2009