

HIST 1600
History of Law: Great Trials
Spring 2016

Lecture: TR 12:20-1:10 p.m., Klarman Auditorium - KG70 Klarman Hall

Section 1 (201): R 1:25-2:15 McGraw Hall 145 [Verhoeven]

Section 6 (206): R 1:25-2:15 Uris Hall 254 [Case]

Section 2 (202): R 2:30-3:20 McGraw Hall 145 [Giacomelli]

Section 7 (207): R 2:30-3:20 ~~McGraw Hall 366~~ McGraw Hall 145 []

Section 3 (203): F 11:15-12:05 McGraw Hall 215 [Jackson]

Section 8 (208): F 11:15-12:05 Rockefeller Hall 189 [Law]

Section 4 (204): F 12:20-1:10 Stimson Hall 119 [Vo]

Section 5 (205): F 12:20-1:10 Uris Hall G88 [Law]

Section 9 (209): F 12:20-1:10 ~~Uris Hall 498~~ McGraw Hall 366 [Jackson]

Section 10 (210): F 12:20-1:10 McGraw Hall 366 []

Instructor Information

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TAs

Aaron Law (anl23)
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Alex-Thai Vo (adv23)
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Office hours: Thurs. 2-4 (or by appt.)

Lauren Jackson (lej46)
B21 McGraw Hall

Office hours: Wed. 3-4 and Thurs. 2-3 (or by appt.)

Joseph Giacomelli (jng53)

B01 McGraw Hall

Office hours: Thurs. 8-10 (or by appt.)

Course Description

Through discussion of a variety of high-profile and lesser-known trials throughout history, this course will examine a range of issues in the history of law and criminality. We will study the nature of demonstrative justice, the relationship between ideology and law in different societies, the politics of trials, and the relationship of trials to terror(ism) and social marginalization. Cases to be covered include: Socrates, Jesus Christ, Gilles de Rais, the French Revolutionary Terror, the Russian revolutionary terrorists, the Dreyfus Affair, the Stalinist show trials, the war crimes trials at Nuremberg, Charles Manson, the Hague Tribunal, and Saddam Hussein.

Required Texts

Natalie Zemon-Davis, *The Return of Martin Guerre* [ISBN: 9780674766914]

Franz Kafka, *The Trial* [ISBN: 9780805209990]

Slavenka Drakulić, *They Would Never Hurt a Fly* [ISBN: 9780143035428]

NOTE: Readings on the syllabus marked with an asterisk () are available on the course Blackboard website under "Assignments."*

Required Films:

Rashomon (1950), 88 min.

Judgment at Nuremberg (1961), 186 min.

NOTE: The films are also available on reserve at Uris

Expectations:

- Attend lectures and discussion sections
- Complete the assigned reading for each section
- Bring hard copies of readings to discussion section
- Actively participate in class discussion and view the films on your own before section in the weeks they are to be discussed

Grading and Assignments:

30% Participation, Responses, and Attendance

20% Paper - Tuesday, March 1 by noon via Turnitin on Blackboard

25% First Prelim - Tuesday, March 22 in BKL (Baker Lab) 200, 7:30-10 p.m.

25% Second Prelim - In-class segment on Tuesday, May 10, and a take-home segment, due by 11 p.m. on Thursday, May 12 via Turnitin on Blackboard

Participation, Responses, and Attendance (30%)

You are expected to participate in an active and engaged fashion in weekly section meetings. You will also be asked to prepare a reflection (no more than one page) for 6 of the 12 meetings for which there are assigned readings/films, which should be submitted via Turnitin to your section leader by **8 p.m. on the night before your section. At least three of your responses should be completed before the first prelim on Mar. 22.** In these reflections, you should draw out some aspect or aspects of the readings that you found particularly interesting and expound upon it/them. Your section leader will respond with a “check” indicating that your reflection has been received and is completely satisfactory. In rare instances, your section leader will respond with a “check plus” for unusually thoughtful reflections or a “check minus” for a reflection that insufficiently developed. While your section leader will not comment or give you feedback on your reflections, your reflections will serve as a basis for weekly section discussions. Please note that attendance at both lectures and discussions is a basic requirement of this class and that repeated absences, whether in discussion or lecture, will adversely affect your grade.

Paper (20%)

The paper should be 5-6 pages (Times New Roman, 12 point font, double-spaced). It is **due Tuesday, March 1** by noon via Turnitin on Blackboard. A complete assignment description and citation guidelines are posted to the course Blackboard website under “Course Documents.” Late papers will lose a third of a grade per day (i.e. from an A- to a B+).

First Prelim (25%)

The first prelim will be held at 7:30 pm on **Tuesday, March 22** in BKL (Baker Lab) 200 and will cover all of the material—including readings, lectures, and required films—up to and including week 8. The exam will consist of two triads and one long essay question. For both categories, there will be a choice. A study guide with terms and essay questions will be distributed one week in advance of the exam. The best things you can do to prepare in advance is take good notes in lecture and on the readings.

Second Prelim (25%)

The second prelim will be cumulative. It will be part in-class, part take-home. The exam will consist of an in-class segment on **Tuesday, May 10**, and a **take-home segment, due by 11 p.m. on Thursday, May 12 via Turnitin on Blackboard.** A study guide with terms will be distributed one week in advance of the exam. A study session for the second prelim will be held on Thursday, May 5 in class.

Statement Regarding Academic Integrity:

Each student in this course is expected to abide by the Cornell University Code of Academic Integrity. Any work submitted by a student in this course for academic credit must be the student’s own work. The complete Cornell Code of Academic Integrity can be found at: <http://cuinfo.cornell.edu/aic.cfm>

The instructors reserve the right to make changes to the syllabus throughout the semester.

Class Schedule

Week 1

1. Thurs. Jan 28: Introduction and Overview (Case & Verhoeven)

NO READINGS FOR THIS WEEK – INTRODUCTIONS IN SECTION

Week 2

2. Tues. Feb. 2: Socrates (Case)
3. Thurs., Feb. 4: Jesus (Verhoeven)

Readings:

- * The gospels of Mark 14-15, Matthew 26-27, Luke 22-23, and John 7, 11, and 13.
- * Lev Tolstoy, *Divine and Human* (1906), pp. 33-56.
- * Friedrich Nietzsche, chs. 27, 40-1, *The Anti-Christ* (1895), pp. 24-5, 36-8.
- * John P. Meier, "Criteria: How Do We Decide What Comes From Jesus?" *A Marginal Jew. Rethinking the Historical Jesus* (1991), pp. 167-177.

Week 3

4. Tues., Feb. 9: Joan of Arc and Gilles De Rais (Verhoeven)
5. Thurs., Feb. 11: Jan Hus and Dracula (Case)

Readings:

- * Charles Perrault, *Bluebeard* (1697), pp. 1-4.
- * Joris-Karl Huysman, *The Damned* (1891), pp. 16-9, 37-47, 140-8, 210-215.
- * Georges Bataille, *The Trial of Gilles de Rais* (1965), pp. 156-7, 171-180, 194-204, 207-216, 223-232, 254-5, 258-9.

Week 4

6. Tues., Feb. 16: **FEBRUARY BREAK**
7. Thurs., Feb. 18: Which Witches? (Case & Verhoeven)

Readings:

Natalie Zemon-Davis, *The Return of Martin Guerre* (1984), pp. 1-125.

Week 5

8. Tues., Feb. 23: Spectacular Punishment (Case & Verhoeven)
9. Thurs., Feb. 25: French Revolution and the Terror (Verhoeven)

Readings:

Michel Foucault, *Discipline and Punish. The Birth of the Prison*, trans. Alan Sheridan (New York: Vintage, 1977), pp. 3-7.

Additional readings TBA

Week 6

Papers are due Tuesday, March 1 by noon via Turnitin on Blackboard.

10. Tues., Mar. 1: Daniel M'Naughten and the Insanity Defense (Case)
11. Thurs., Mar. 3: Russian Terrorists (Verhoeven)

Readings:

- * Thomas Szasz, "Criminal Responsibility," *Law, Liberty, and Psychiatry* (1963), pp. 123-137.
- * Richard Pipes, *The Trial of Vera Z.* (2010), pp. 5-82.

Week 7

- 12. Tues., Mar. 8: Forensics (Case & Verhoeven)
- 13. Thurs., Mar. 10: Dreyfus (Case)

Readings:

- * *The Trial of Emile Zola* (1898), pp. 1-16, 253-264, 354-355.
- * Sir Arthur Conan Doyle, *The Adventure of the Blue Carbuncle* (1892), pp. 1-16.
- * Carlo Ginzburg, "Clues: Roots of an Evidential Paradigm," *Clues, Myths, and the Historical Method* (1992), pp. 96-125.

Week 8

- 14. Tues., Mar. 15: Rashomon (Case & Verhoeven)
- 15. Thurs., Mar. 17: Trial by Bureaucracy (Case)

Readings:

- * Ryunosuke Akutagawa, *In a Grove* (1922), pp. 15-28.
- Franz Kafka, *The Trial* (1925), pp. 3-231.
- FILM: *Rashomon* (1950), dir. Akira Kurosawa.

Week 9

- 16. Tues., Mar. 22: Leopold & Loeb: The "Superman" on Trial (Case & Verhoeven)

Prelim at 7:30-10 pm on Tuesday, March 22 in BKL (Baker Lab) 200

- 17. Thurs., Mar. 24: Sacco & Vanzetti (Verhoeven)

Readings:

- * Friedrich Nietzsche, *Thus Spoke Zarathustra* (1883-85), pp. 124-128.
- * Clarence Darrow, *Closing Argument: The State of Illinois v. Nathan Leopold & Richard Loeb* (1924), pp. 1-30.

Week 10 [SPRING BREAK] [No class March 29 and 31]

Week 11

- 18. Tues., April 5: Show Trials (Verhoeven)
- 19. Thurs., April 7: Reichstag (Case)

Readings:

- * Georgi Dimitrov, *Letters, Writings and Courtroom Hearings* (1933), pp. 1-25.
- * Nikolay Bukharin, *Last Plea before the Supreme Court of the U.S.S.R.* (1938), pp. 1-10.
- * Hannah Arendt, "Ideology and Terror: A Novel Form of Government," *Origins of Totalitarianism* (1951), pp. 158-177.

Week 12

- 18. Tues., Apr. 12: Thurs., Apr. 14: Nuremberg (Case)
- 19. TA Lecture: Show Trial in Vietnam (Alex-Thai Vo)

Readings:

- * *Donovan Nuremberg Trial Collection*, "The Persecution and Murder of Jews" (1945), pp. 1-4.
 - * Joseph E. Persico, "Epilogue: The Verdict of Time," *Nuremberg: Infamy on Trial* (1994), pp. 437-443.
 - * Francine Hirsch, "The Soviets at Nuremberg: International Law, Propaganda, and the Making of the Postwar Order," *American Historical Review* (2008), pp. 701-730.
- FILM: *Judgment at Nuremberg* (1961), dir. Stanley Kramer

Week 13

- 20. Tues., Apr. 19: Guest Lecture: Hannah Arendt and the Eichmann Trial (Corey Robin, Political Science, Brooklyn College)

- 21. Thurs., Apr. 21: Charles Manson (Verhoeven)

Readings:

- * Hannah Arendt, *Eichmann in Jerusalem* (1963), pp. 48-55, 135-150, 267-298.
- * Manson readings TBA.

Week 14

- 22. Tues., Apr. 26: Radicalism on Trial (Verhoeven)

- 23. Thurs., Apr. 28: Dictators on Trial: The Hague Tribunal and the Trial of Saddam Hussein (Case)

Readings:

- Slavenka Drakulić, *They Would Never Hurt a Fly: War Criminals on Trial in The Hague* (2004), pp. 1-207.

Week 15

- 24. Tues., May 3: Trials of our Time (Case & Verhoeven)

- 25. Thurs., May 5: [Study Session in Class]

NO SECTIONS - PREPARE FOR EXAM

Week 16

- 26. Tues., May 10: **Part I of Second Prelim in class**