

The University of Florida
European History 3931/Jewish Studies 3930
The Holocaust in the Courtroom
Fall 2020

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Office Hours:
 M, W: 1-2 Via Zoom

This class will examine major criminal trials of Holocaust perpetrators under international, Soviet, Israeli, German, French and US authorities. Holocaust proceedings are not normal criminal trials. Owing to the scope and nature of the crime, they reflect a conflict between justice, politics, national identity, and understandings of history. Holocaust trials were only a partial success. The course offers guides to understanding the legal problems and the representational problems of Holocaust trials, and thus the problems of international justice more generally.

Students will become conversant in the following themes.

- The emergence of international laws of war and the effort to apply these laws to Nazi Germany and its allies.
- An overview of Nazi criminality in World War II from war crimes to crimes against humanity.
- The Nuremberg trials and the treatment of war crimes and the Holocaust in these trials.
- National trials of the postwar period in Israel, Germany, and France, and the effort to establish a historical narrative through the political milieu in each of these countries.
- The movement from Cold War to post-Cold War in the trial(s) of Ivan Demjanjuk in the US, Israel, and Germany.

Your grade will be determined by the following:

Discussion Participation.....	14%
Brief summary papers.....	20% (in aggregate)
Midterm Examination.....	33%
Final Examination.....	33%

The brief papers are three pages each and ask you to summarize the main issues of a given trial. Discussions ask you to address a key question concerning the case in question and the readings for that day. The midterm and final examinations are ten pages and based on broad questions concerning the material covered up to that exam. They are open book, open notes, and you have a week to complete them.

The Numerical Grading Scale is as follows:

A	93-100	A-	90-92		
B+	87-89	B	83-86	B-	80-82
C+	77-79	C	73-76	C-	70-72
D+	68-69	D	63-67	D-	60-62
E	<60				

Grading Criteria is as follows:

- A-range – 90s -- Excels – Full command and facility with material with the ability to place it within larger historical/literary context and to make arguments based upon it.
- B-range – 80s – Good – Solid understanding of material but without complete facility or ability to make arguments based on it.
- C-range – 70s -- Fair – Some understanding of major themes, lack of command with detail, or some understanding of detail but lack of contextual understanding.
- D-range – 60s -- Poor – Enough factual understanding to pass, but little to no contextual clarity.
- F-range – Fails – Lack of university level quality.

For the grading policies of the University of Florida in general, follow this link:

<https://catalog.ufl.edu/UGRD/academic-regulations/grades-grading-policies/>

Class Policies

Zoom:

This class is to be taught through Zoom, and as such it will demand a little patience and etiquette from all of us. I will have everyone muted to cut down on background noise. I will not require that everyone have a live face, but it would be nice for everyone to see everyone and not a photo or a name only. On lecture days I will stop for questions periodically and at that point please use the ‘raise hand’ function on Zoom. I will try and get to all questions.

Attendance:

I do not take attendance but if you miss class, believe me, it will show in your written work, and you *are* expected to participate on days during which we have discussion (see discussion grading above). Be in class on time.

Late Papers and Tests:

Tests and papers will not be accepted late without medical documentation.

Academic Honesty:

The University of Florida Student Honor Code is located at this link:

<http://www.dso.ufl.edu/sccr/honorcodes/honorcode.php>.

UF students are bound by The Honor Pledge which states, “We, the members of the University of Florida community, pledge to hold ourselves and our peers to the highest standards of honor and integrity by abiding by the Honor Code. On all work submitted for credit by students at the University of Florida, the following pledge is either required or implied: “On my honor, I have neither given nor received unauthorized aid in doing this assignment.” The Honor Code (<http://www.dso.ufl.edu/sccr/process/student-conduct-honorcode/>) specifies a number of behaviors that are in violation of this code and the possible sanctions. Furthermore, you are obligated to report any condition that facilitates academic misconduct to appropriate personnel. If you have any questions or concerns, please consult with the instructor or TAs in this class.

Students with Disabilities:

Students with disabilities requesting accommodations should first register with the Disability Resource Center (352-392-8565, www.dso.ufl.edu/drc/) by providing appropriate documentation. Once registered, students will receive an accommodation letter which must be presented to the instructor when requesting accommodation. Students with disabilities should follow this procedure as early as possible in the semester.

Course Evaluations:

Students in this class are participating in the pilot evaluation of the new course evaluation system called GatorEvals. The new evaluation system is designed to be more informative to instructors so that teaching effectiveness is enhanced and to be more seamlessly linked to UF’s CANVAS learning management system. Students can complete their evaluations through the email they receive from GatorEvals, in their Canvas course menu under GatorEvals.

Recordings:

Our class sessions may be audio-visually recorded for students in the class to refer back and for enrolled students who are unable to attend live. Students who participate with their camera engaged or utilize a profile image are agreeing to have their video or image recorded. If you are unwilling to consent to have your profile or video image recorded, be sure to keep your camera off and do not use a profile image. Likewise, students who un-mute during class and participate verbally are agreeing to have their voices recorded.

If you are not willing to consent to have your voice recorded during class, you will need to keep your mute button activated and communicate exclusively using the "chat" feature, which allows students to type questions and comments live. The chat will not be recorded or shared.

As in all courses, unauthorized recording and unauthorized sharing of recorded materials is prohibited.

Academic Resources:

E-learning technical support, 352-392-4357 (select option 2) or e-mail to Learningsupport@ufl.edu. <https://lss.at.ufl.edu/help.shtml>.

Teaching Center, Broward Hall, 392-2010 or 392-6420. General study skills and tutoring. <http://teachingcenter.ufl.edu/>

Writing Studio, 302 Tigert Hall, 846-1138. Help brainstorming, formatting, and writing papers.
<http://writing.ufl.edu/writing-studio/>

Books to Purchase

Doris Bergen. *War and Genocide: A Concise History of the Holocaust*, 2nd ed. New York, 2009.
 [any edition is fine, and I would actually recommend the 1st or 2nd, which are shorter and cheaper.]

Lawrence Douglas. *The Right Wrong Man: John Demjanjuk and the Last Great Nazi War Crimes Trial*. Princeton, NJ, 2016.

Deborah E. Lipstadt. *The Eichmann Trial*. New York, 2011.

Rebecca Wittman. *Beyond Justice: The Auschwitz Trial*. Cambridge, MA, 2005.

There will also be posted readings, documents, and films to be watched in class and at home.

Lecture and Discussion Schedule

Part I: Defining and Adjudicating War Crimes before World War II

8/31: Lecture: Introduction: War, Law, and Politics

9/2: Lecture: Toward a Legal Standard: The Hague and Geneva Conventions
Reading for 9/2: Hague Conventions IV of 1907 and Geneva Conventions of 1929 (On Canvas)

9/4: Lecture: Criminality in World War I

9/9: Discussion: The Leipzig Trials
Reading by 9/9: From James Willis, *Prologue to Nuremberg: The Politics and Diplomacy of Punishing Criminals of the First World War* (Westport, CT, 1982). Chapters 3-4 (Canvas).
Leipzig Trials: 3-Page Paper Due 9/14, 9:00 am: The Law, The Trial, the Impact

Part II: Nazi Criminality

9/11: Lecture: Nazi Criminality I: Aggressive War

9/14: Lecture: Nazi Criminality II: War Crimes

9/16: Lecture: Nazi Criminality III: Crimes against Humanity

Reading by 9/16: Doris Bergen, *War and Genocide: A Concise History of the Holocaust*, 1st or 2nd ed. (2009).

**Part III:
Nuremberg and Its Successors**

9/18: Discussion: Rough Justice

Reading for 9/18: Mary Fulbrook, *Reckonings: Legacies of Nazi Persecution and the Quest for Justice* (New York, 2018), 205-212; Alexander Prusin, "Fascist Criminals to the Gallows: The Holocaust and Soviet War Crimes Trials, December 1945-February 1946." *Holocaust and Genocide Studies*, v.17, n. 1 (2003): 1-30. (Canvas)

9/21: Lecture: The Allied Road to Nuremberg

Reading for 9/21: International Military Tribunal, *Trial of the Major War Criminals* (Nuremberg, 1947), v. 1, 8-18 (Nuremberg Charter), 27-93 (Indictment – skim to get sense of the four counts); Kim Christian Priemel, *The Betrayal: The Nuremberg Trials and German Divergence* (New York, 2016), 60-84.

9/23: Lecture: The International Military Tribunal November 1945-October 1946

9/25: Lecture: The International Military Tribunal November 1945-October 1946

9/28: Discussion: Justice at Nuremberg: The Trial and its Problems

Reading by 9/28: Kim Christian Priemel, *The Betrayal: The Nuremberg Trials and German Divergence* (New York, 2016), 100-150.

9/28: NO CLASS: YOM KIPPUR

9/30: Discussion: Justice at Nuremberg: The Trial as Representation

Reading by 9/30: Lawrence Douglas, *The Memory of Judgment: Making Law and History in the Trials of the Holocaust* (New Haven, 2001), 11-94. Watch Video of Day 8, Concentration Camp Film (Canvas)

10/5: Lecture: The Subsequent US Trials: Nuremberg and Dachau

10/7: Discussion: The Subsequent Trials at Nuremberg and Dachau

Reading by 10/7: Michael J Bazyler and Frank M. Tuerkheimer, “The Einsatzgruppen Trial at Nuremberg: Did Anyone Have to Follow Orders to Kill?,” in Bazyler and Tuerkheimer, *Forgotten Trials of the Holocaust* (New York, 2014)159-193; idem., “The Dachau Trial under US Army Jurisdiction,” 75-99; Tomasz Jardim, “Rough Justice and the US Approach to War Crimes Prosecution: Dachau, Guantanamo Bay, and the Nuremberg Exception,” in Norman JW Goda, *Rethinking Holocaust Justice* (New York, 2018), 311-323.

10/9: Discussion: The End of Allied Justice in West Germany

Reading by 10/9: Thomas Alan Schwarz, “John McCloy and the Landsberg Cases,” in *American Policy and the Reconstruction of West Germany, 1945-1955*, eds. Jeffrey M. Diefendorf, et al. (New York, 1993), pp. 433-54.

Nuremberg Trial 3-Page Paper Due 10/9, 9:00 am: The Law, The Trial, the Impact

Part IV:**Justice and National Memory:
Israel and the Eichmann Trial****10/12: Lecture: Problem of Israeli Justice**

Reading for 10/12: Dan Porat, *Bitter Reckoning: Israel Tries Holocaust Survivors as Nazi Collaborators* (Cambridge, MA, 2019), 67-80.

10/14: Discussion: The Kasztner Trial

Reading by 10/14: Tom Segev: *The Seventh Million: The Israelis and the Holocaust* (New York: Picador, 2000), 255-320; Leora Bilsky, “Judging Evil in the Trial of Kasztner,” *Law and History Review*, v. 19, n. 1, 117-60 (Bilsky optional) (Canvas).

10/16: Lecture: The Eichmann Trial

Watch Film: The Trial of Adolf Eichmann (Canvas).

Midterm examination for material from 8/31 through 10/9 due 9am on 10/17, 9:00 am.

10/19: Lecture: The Eichmann Trial

Reading for 10/19: Hannah Arendt, *Eichmann in Jerusalem: A Report on the Banality of Evil*, Epilogue (Canvas)

10/21: Discussion: The Eichmann Trial

Reading by 10/21: Deborah Lipstadt, *The Eichmann Trial* (New York, 2011), 3-105.

10/23: Discussion: The Eichmann Trial

Reading by 10/23: Deborah Lipstadt, *The Eichmann Trial* (New York, 2011), 105-203.
Eichmann Trial 3-Page Paper Due 10/26, 9:00 am: The Law, The Trial, the Impact

***Part V: Justice and National Memory:
 West Germany and the Auschwitz Trial***

10/26: Lecture: How Germans Saw World War II

Reading for 10/26: Mary Fulbrook, *Reckonings: Legacies of Nazi Persecution and the Quest for Justice* (New York, 2018), 404-56.

10/28: Lecture: The Frankfurt Auschwitz Trial, 1963-1965

10/30: Lecture: The Frankfurt Auschwitz Trial, 1963-1965

11/2: Discussion: The Frankfurt Auschwitz Trial

Reading by 11/2: Rebecca Wittmann, *Beyond Justice: The Auschwitz Trial* (Cambridge, MA, 2012), 1-143.

11/4: Discussion: The Frankfurt Auschwitz Trial

Reading by 11/4: Rebecca Wittmann, *Beyond Justice: The Auschwitz Trial* (Cambridge, MA, 2012), 143-277.

Auschwitz Trial 3-Page Paper Due 11/9, 9:00 am: The Law, The Trial, the Impact

***Part VI: Justice and National Memory:
 France and the Klaus Barbie Trial***

11/6: Lecture: France, the War, and the Jews

Reading for 11/6: Goda, "The Problem of Holocaust Justice in France" (Canvas)

11/9: Lecture: The Trial of Klaus Barbie: Jews and Resisters

11/13: Lecture: The Trial of Klaus Barbie

11/18: Discussion: The Trial of Klaus Barbie

Reading by 11/18: Goda, "La Chaise Vide." (Canvas).

11/20: Discussion: *The Trial of Klaus Barbie: The Post-Colonial Argument*

Read by 11/20: Goda, "Nazis and Other Westerners"; Watch by 11/20: *Hotel Terminus* (YouTube) (final hour from 3:32:48)

Barbie: 3-Page Paper Due 11/24, 9:00 am: The Law, The Trial, the Impact

***Part VII: A Synthesis:
The Case of Ivan the Terrible***

11/23: Lecture: The US and the Office of Special Investigations

11/30: Lecture: Ivan the Terrible

12/2: Discussion: *The Demjanjuk Case*

Reading by 12/2: Lawrence Douglas, *The Right Wrong Man: John Demjanjuk and the Last Great Nazi War Crimes Trial* (New York: 2016), 1-137

12/4: Discussion: *The Demjanjuk Case*

Reading by 12/4: Lawrence Douglas, *The Right Wrong Man: John Demjanjuk and the Last Great Nazi War Crimes Trial* (New York: 2016), 137-260

12/7: Discussion: *Final Arguments*

12/9: Review

Final examination covering material from 10/12 through 12/7 due the day of the final, 12/17, at 2:30 pm