

The University of Florida
European History 3931/Jewish Studies 3930

The Holocaust in the Courtroom

Spring 2022

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Office Hours:

M, Th: 1-2

This class will examine major criminal trials of Holocaust perpetrators under international, Soviet, Israeli, German, French and US authorities. Holocaust proceedings, like all trials of mass international atrocities, 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 criminal acts committed in wartime.
- 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%
5 brief trial summary papers.....	20% (in aggregate)
Midterm Examination.....	33%
Final Examination.....	33%

The brief papers are three pages each and ask you to think about and 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/> (Links to an external site.)

Class Policies

Attendance:

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

Class Etiquette:

Phones will be turned off before class begins. I will allow you to take notes on a computer but you are not to look at all manner of websites during class. It is rude and a distraction to those around you.

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> (Links to an external site.).

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:

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/> ([Links to an external site.](#))

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 Wittmann. *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

1/5: Lecture: Introduction: War, Law, and Politics

1/7: Lecture: Toward a Legal Standard: The Hague and Geneva Conventions

Reading for 1/7: Hague Conventions IV of 1907 and Geneva Conventions of 1929 (On Canvas)

1/10: Lecture: German Criminality in World War I

1/12: Discussion: The Leipzig Trials

Reading by 1/12: From James Willis, *Prologue to Nuremberg: The Politics and Diplomacy of Punishing Criminals of the First World War* (Westport, CT, 1982). Chapters 3-4 (On Canvas).

1/14: Lecture: The Armenian Genocide and the Pogroms

Reading by 1/14: Norman JW Goda, *The Holocaust: Europe, the World and the Jews 1918-1945*, 2nd ed., (London, 2022), Section 2.3. (On Canvas)

1/19: Discussion: Vigilante Justice: The Tehlirian and Schwartzbard Trials

Reading by 1/19: Carolyn J. Dean, *The Moral Witness: Trials and Testimony After Genocide* (Ithaca, NY, 2019), 26-61. (Canvas)

Leipzig Trials: 3-Page Paper Due 1/21, 9:00 am: The Law, The Trial, the Impact

Part II:

Nazi Criminality and Nuremberg

1/21: Lecture: Nazi Criminality I: Aggressive War

1/24: Lecture: Nazi Criminality II: War Crimes

1/26: Lecture: Nazi Criminality III: Crimes against Humanity

Reading by 1/26: Doris Bergen, *War and Genocide: A Concise History of the Holocaust*, 1st or 2nd ed. (2009).

1/28: Discussion: Rough Justice

Reading for 1/28: 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. (On Canvas)

1/31: Lecture: The Allied Road to Nuremberg

Reading for 1/31: 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 criminal counts); Kim Christian Priemel, *The Betrayal: The Nuremberg Trials and German Divergence* (New York, 2016), 60-84. (On Canvas)

2/2: Lecture: New Laws: Genocide and Crimes Against Humanity

2/4: Lecture: The International Military Tribunal November 1945-October 1946

2/7: Lecture: The International Military Tribunal November 1945-October 1946

2/9: Discussion: Justice at Nuremberg: The Trial and its Problems

Reading by 2/9: Kim Christian Priemel, *The Betrayal: The Nuremberg Trials and German Divergence* (New York, 2016), 100-150.

2/11: Discussion: Justice at Nuremberg: The Trial as Representation

Reading by 2/11: 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 (On Canvas)

2/14: Discussion: The Subsequent US Trials at Nuremberg

Reading by 2/14: Kim Christian Priemel, *The Betrayal: The Nuremberg Trials and German Divergence* (New York, 2016), Chapter 5 (On Canvas).

2/16: Discussion: The End of Allied Justice in West Germany

Reading by 2/16: 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. (On Canvas); Listen to CUNY Podcast in Steven P. Remy, *The Malmédy Massacre: The War Crimes Trial Controversy* (2017). <http://www1.cuny.edu/mu/podcasts/2017/07/19/the-malmedy-trial-a-case-of-truth-justice-and-false-history/> (Links to an external site.)

Nuremberg Trial 3-Page Paper Due 2/21, 9:00 am: The Law, The Trial, the Impact

Part III:

Justice and National Memory:

Israel and the Eichmann Trial

2/18: Lecture: Problem of Jewish Justice

Reading for 10/9: Laura Jokusch and Gabriel N. Finder, "Revenge, Retribution, and Reconciliation in the Postwar Jewish World," and David Engel, "Why Punish Jewish Collaborators?" in *Jewish Honor Courts: Revenge, Retribution, and Reconciliation after the Holocaust*, ed. Laura Jokusch and Gabriel N. Finder (Detroit, 2015), 1-49.

2/21: Discussion: Honor Courts, Kapo Trials

Reading by 2/21: Dan Porat, *Bitter Reckoning: Israel Tries Holocaust Survivors as Nazi Collaborators* (Cambridge, MA, 2019), 67-80; Dan Porat, "Changing Legal Perceptions of 'Nazi Collaborators' in Israel, 1950-1972," in *Jewish Honor Courts: Revenge, Retribution, and Reconciliation after the Holocaust*, ed. Laura Jokusch and Gabriel N. Finder (Detroit, 2015), 279-303 (On Canvas).

2/23: Discussion: The Kasztner Trial

Reading by 10/12: Tom Segev: *The Seventh Million: The Israelis and the Holocaust* (New York: Picador, 2000), 255-320.

2/25: Lecture: The Eichmann Trial

Reading by 2/25: Watch Film: The Trial of Adolf Eichmann (Canvas).

Midterm examination for material from through 2/16 due 9am on 2/25, noon.

2/28: Lecture: The Eichmann Trial

3/2: Discussion: The Eichmann Trial

Reading by 3/2: Deborah Lipstadt, *The Eichmann Trial* (New York, 2011), 3-105.

3/4: Discussion: The Eichmann Trial

Reading by 10/21: Deborah Lipstadt, *The Eichmann Trial* (New York, 2011), 105-203.

Eichmann Trial 3-Page Paper Due 3/14, 9:00 am: The Law, The Trial, the Impact

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

3/14: Lecture: How Germans Saw World War II

Reading for 3/14: Katherina von Kellenbach, "Vanishing Acts: Perpetrators in Postwar Germany," *Holocaust and Genocide Studies* v. 17, n. 2 (2003), 305-29; Mary Fulbrook, *Reckonings: Legacies of Nazi Persecution and the Quest for Justice* (New York, 2018), 231-265.

3/16: Discussion: German Forays into Holocaust Justice

Reading for 3/16: Henry Friedlander, "The Deportation of the German Jews: Postwar German Trials of Nazi Criminals," *Leo Baeck Institute Yearbook 1984*, 201-25 (On Canvas).

3/18: Lecture: The Frankfurt Auschwitz Trial, 1963-1965

3/21: Lecture: The Frankfurt Auschwitz Trial, 1963-1965

3/23: Film: Verdict on Auschwitz

3/25: Discussion: The Frankfurt Auschwitz Trial

Reading by 3/25: Rebecca Wittmann, *Beyond Justice: The Auschwitz Trial* (Cambridge, MA, 2012), 1-143.

3/28: Discussion: The Frankfurt Auschwitz Trial

Reading by 3/28: Rebecca Wittmann, *Beyond Justice: The Auschwitz Trial* (Cambridge, MA, 2012), 143-277.

Auschwitz Trial 3-Page Paper Due 4/1, 9:00 am: The Law, The Trial, the Impact

Part V: Justice and National Memory:

France and the Klaus Barbie Trial

3/30: Lecture: France, the War, and the Jews

Reading for 3/30: Philip Nord, *After the Deportation: Memory Battles in Postwar France* (New York, 2020), 15-53.

4/1: Lecture: The Trial of Klaus Barbie

Reading for 4/1: Joan B. Wolf, *Harnessing the Holocaust: The Politics of Memory in France* (Stanford, CA, 2004), 51-78.

4/4: Lecture: The Trial of Klaus Barbie

Reading for 4/4: Joan B. Wolf, *Harnessing the Holocaust: The Politics of Memory in France* (Stanford, CA, 2004), 105-127. *Watch by 4/4:* *Hotel Terminus* (YouTube) (final hour from 3:32:48)

4/6: Discussion: The Trial of Klaus Barbie

Reading by 4/6: Goda, "Moulin's Ghost" (Canvas).

4/8: Discussion: The Trial of Klaus Barbie: The Post-Colonial Argument

Read by 4/8: Goda, "Nazis and Other Westerners."

Klaus Barbie Trial: 3-Page Paper Due 4/13, 9:00 am: The Law, The Trial, the Impact

Part VII: A Synthesis:

The Case of Ivan the Terrible

4/11: Lecture: The US and the Office of Special Investigations

4/13: Lecture: "Ivan the Terrible"

4/15: Discussion: The Demjanjuk Case

Reading by 4/15: Lawrence Douglas, *The Right Wrong Man: John Demjanjuk and the Last Great Nazi War Crimes Trial* (New York: 2016), 1-137

4/18: Discussion: The Demjanjuk Case

Reading by 4/18: Lawrence Douglas, *The Right Wrong Man: John Demjanjuk and the Last Great Nazi War Crimes Trial* (New York: 2016), 137-260

4/20: Discussion: Final Arguments

Final examination due the day of the final, 4/26, at 2:30 pm