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Fall 2018
16:470:670; 16:195:608:02
Wednesdays 4:30-7:10 pm
Craig Seminar Room, AB 4050

Trials, Trauma and Film

Course Description: The Nuremberg trials set two important precedents related to the use of images in trials: the use of film as juridical evidence and the filming of the trials themselves. These decisions by Allied prosecutors have been crucial to our modern juridical frameworks and to the citizens of countless nations. In this exceptional situation, it was not a historian who created the archives (be they written or audiovisual) and determined their evidentiary value, but the courts. Today, the questions raised at Nuremberg about the relationship between images and the juridical process have become a growing concern for historians, jurists and film scholars alike; all seek to examine the use of film in contemporary trials for war crimes and genocide, and all are interested in thinking through the relationship between mass violence today and the memory of the traumas of the Second World War, particularly the genocide of the Jews of Europe.

Trials are the first and still arguably the most important site at which law, history and film intersect. From Nuremberg to the contemporary trials in Cambodia film has played a crucial role, serving both as evidence of atrocity and as the means of publicizing the proceedings. But what does film bring to justice? What problems arise when courts use film as a form of testimony? What form of justice is done, and how instrumental are trials in shaping the memory of witnesses and survivors? What role does survivor testimony play in trials and truth commission hearings? How have path-breaking, non-courtroom-based films like Lanzmann's *Shoah* and *The Last of the Unjust* altered the very notion of testimony? The course will examine the interaction between film and the law in and around the following proceedings: the Nuremberg trials, the French trial of Klaus Barbie, and the Israeli trial of Adolf Eichmann. We will also focus on trials conducted within feature films set against the various backgrounds of post-apartheid South Africa, the former Yugoslavia, and the Lebanese Civil War. **Taught in English.**

Films Required:

Delage, *Nuremberg: The Nazis Facing their Crimes* DVD 10-2933
Lanzmann, *Shoah* 10-843 Available on YouTube
Sivan, *The Specialist* 10-6031 Available on YouTube
Lanzmann, *The Last of the Unjust* Available on Amazon Prime; also on You Tube cost \$3.99
Gitai, *Plus tard tu comprendras* (One Day You'll Understand) DVD
Schroeder, *Terror's Advocate* Available on YouTube
Jacobs, *Disgrace* Available on Amazon Prime
Polanski, *Death and the Maiden* 10-2287 Available on Amazon Prime
Wilson, *As if I am Not There* Available on Amazon Prime
Doueiri, *The Insult* Available on Amazon Prime
Kramer, *Judgment at Nuremberg* 10-1869 Available on YouTube

Books to be purchased:

Lawrence Douglas, *The Memory of Judgment*
Paperback
Publisher: Yale University Press (May 15, 2005)

Language: English
ISBN-10: 0300109849
ISBN-13: 978-0300109849

Shoshana Felman, *The Juridical Unconscious*
Publisher: Harvard University Press (November 30, 2002)
Language: English
ISBN-10: 0674009517
ISBN-13: 978-0674009516

Arendt, *Eichmann in Jerusalem*
Publisher: Penguin Classics; 1 edition (September 22, 2006)
Language: English
ISBN-10: 0143039881
ISBN-13: 978-0143039884

Slavenka Drakulic, *As if I am Not There*
paperback
Publisher: Abacus; Reprint edition (November 4, 1999)
Language: English
ISBN-10: 0349112622
ISBN-13: 978-0349112626

Ariel Dorfman, *Death and the Maiden*
paperback
Publisher: Penguin Books; Reprint edition (December 1, 1994)
Language: English
ISBN-10: 0140246843
ISBN-13: 978-0140246841

JM Coetzee, *Disgrace*
paperback
Publisher: Penguin Books (November 1, 2000)
Language: English
ISBN-10: 0140296409
ISBN-13: 978-0140296402

Course Requirements:

Class Presentation: Each student enrolled in the course will be required do a 15-20 minute presentation that will involve laying out key issues in the reading, sketching out a general approach to the text for that particular week and raising questions based on unresolved issues that arose in one's own attempts to make sense of the text. **10% of grade**

Papers: Students will have the option of writing **two 10-12 pp. papers** (the first due on or before March 21, the second on or before May 4) or **one 20-25 pp. term paper** (due on May 4). Graduate students are strongly encouraged to choose the second option. Students writing a term paper are required to turn in an outline with bibliography by March 21 and to receive approval of the topic and methodology from the professor before proceeding. **90% of grade**

Department Policies

o *Attendance*

All students must attend regularly and arrive prepared; if you expect to miss one or two classes, please use the University absence reporting website <https://sims.rutgers.edu/ssra/> to indicate the date and reason for your absence. An email is automatically sent to me. Those who miss more than two class sessions without a compelling excuse should expect a one-step reduction in the course grade (i.e. an A becomes a B+, a B+ becomes a B). Three late arrivals count as one absence. Note: It is the responsibility of students who have been absent (for any reason) to find out what they have missed and obtain materials that may have been handed out.

o *Disability Support Services*

Students who may be requesting accommodations due to disabilities are encouraged to familiarize themselves with procedures and policies regarding disability support services at the following website: <http://disabilityservices.rutgers.edu/>. It is recommended that students seeking accommodations begin filing paperwork as soon as possible as the documentation review process may take up to 30 business days. Students are encouraged to speak with teachers about these issues at the beginning of the term. All such conversations will be kept strictly confidential.

o *Academic Integrity*

Violations of academic integrity are an extremely serious matter, and can lead to a student's failing the course and being referred to the University's Office of Student Conduct for disciplinary action. When referring to ideas other than your own, always acknowledge your sources clearly and completely, whether you are quoting or paraphrasing. Note also that use of online translation services is not permitted as a tool for generating work that you submit for course credit. Please see the University's policies on academic integrity at <http://academicintegrity.rutgers.edu/>, and discuss with your instructor any questions you may have about this and related issues.

Important Additional Information:

Cell phones and all other technological devices (beepers, iPods, MP3players...) *must be turned off during class* unless used for class-related purposes. Failure to comply may result in dismissal from class and a drop in class participation grade.

Office hours:

Students are strongly advised to consult with the professor about any problems that might arise regarding ideas for presentations, material to be covered on an exam, etc. **Office hours are Mondays between 4:15 and 6:00 p.m. –or by appointment.**

Class Schedule

(subject to change)

All text references to the English translation

September	5	Introduction
	12	Nuremberg Trial

- Delage, *The Nuremberg Trial* (film)
Douglas, *Memory of Judgment* Chapters 1-3
- 19 Yom Kippur (no class, to be rescheduled)
- 26 **Trauma and Testimony**
Lanzmann, *Shoah*
Felman, "The Return of the Voice: Claude Lanzmann's *Shoah*"
In *Testimony: Crises of Witnessing in Literature, Psychoanalysis and History*
- October 3 **Trauma and Testimony (cont.)**
- 10 **Eichmann Trial**
The Specialist (film)
Arendt, *Eichmann in Jerusalem* Chapters on Judenrat, K-Zetnik
Douglas, *Memory of Judgment* Chapters 4-6
Felman, "Theaters of Justice, Arendt in Jerusalem,
the Eichmann Trial, and the Redefinition of Legal Meaning in the Wake
of the Holocaust" in *The Juridical Unconscious*
Felman, "A Ghost in the House of Justice" in *The Juridical Unconscious*
Caruth, "The Body's Testimony: Dramatic Witness in the Eichmann
Trial" in *Paragraph* 40.3 (2017), 259-278.
- 17 **Eichmann (cont.)**
- 24 **Theresienstadt, the Judenrat, and the Trials of Benjamin Murmelstein**
Lanzmann, *The Last of the Unjust*
- 31 **Judgment on Trial: Between Nuremberg and Eichmann**
Kramer, *Judgment at Nuremberg*
- November 7 **The Trial of Klaus Barbie**
Le proces de Klaus Barbie (film footage of trial)
Gitai, *Plus tard tu comprendras* (film)
Schroeder, *Terror's Advocate* (film)
Finkielkraut, *Remembering in Vain*
- 14 **South Africa after Apartheid**
Coetzee, *Disgrace*
Jacobs, *Disgrace* (film)
Cornell, *Law and Revolution in South Africa*
Krog, *Country of My Skull: Guilt, Sorrow and the Limits of Forgiveness in the
New South Africa* (rec.)
- 21 **Argentina after the "Dirty War"**
Dorfman, *Death and the Maiden*
Polanski, *Death and the Maiden* (film)
Caruth, "Disappearing History" in *Literature in the Ashes of History* (rec.)

Nino, *Radical Evil on Trial*

- 28 **The Former Yugoslavia and Mass Rapes in Bosnia-Herzegovina**
Slavenka Drakulic, *As if I am Not There*
Wilson, *As if I am Not There* (film)
Mackinnon, "Are Women Human?"

- December 5 **After the Lebanese Civil War**
Doueiri, *The Insult* (film)
Haugbolle, "Historiography and the Memory of the Lebanese Civil War"
Sayigh, "Palestinians in Lebanon: Harsh Present, Uncertain Future"
Haddah, "The Origins of Popular Resentment to Palestinian
Resettlement in Lebanon"

12 TBD

22 FINAL PAPERS DUE