INSTRUCTOR: B. Robert Kreiser  
E-MAIL: bkreiser@gmu.edu; brkreiser@gmail.com  
CAMPUS OFFICE: Robinson B-336  
OFFICE HOURS: Thursdays, 4:30-6:00 p.m., and by appointment

BOOKS TO PURCHASE (available in the campus bookstore)

Natalie Zemon Davis, *The Return of Martin Guerre*  
Robert A. Ferguson, *The Trial in American Life*  
Sadakat Kadri, *The Trial: Four Thousand Years of Courtroom Drama*

You should own—or at least have ready access to—the latest edition of either *The Chicago Manual of Style: The Essential Guide for Writers, Editors, and Publishers* or Kate L. Turabian, *A Manual for Writers of Research Papers, Theses, and Dissertations* (see the helpful “Turabian Quick Guide” at http://www.press.uchicago.edu/books/turabian/turabian_citationguide.html).

SEMINAR AIMS AND REQUIREMENTS

Over the course of history individuals or groups of individuals have been charged with and brought to trial for a wide variety of criminal (or civil) offenses: heresy, witchcraft, demonic possession, lycanthropy, assault and battery, murder, manslaughter, rape, sodomy, treason, assassination, infanticide, defamation, bigamy, seditious libel, bribery, sabotage, rebellion/insurrection, conspiracy, robbery, smuggling, forgery, genocide, terrorism, corruption, arson, kidnapping, espionage, subversion, immorality, obscenity—the list is virtually inexhaustible. These alleged offenses have been adjudicated under different legal traditions, notions of justice, and systems of jurisprudence, with varying standards and burdens of proof, and before one type of tribunal or another. The drama in the courtroom frequently crystallizes certain social, cultural, and/or political issues of the period. The study of trials, including the legal reasoning and storytelling they often entail and the way in which they were constructed and covered in public discussion at the time, can offer a window into the community in which they took place and shed light on all sorts of otherwise hidden facets of a society's fundamental beliefs, customs, and cultural values as well as prevailing social relations and economic conditions.

Students in this seminar are expected to select one criminal trial, or a group of related criminal trials, from any period of American (711) or European (731) history prior to 1960, to examine in some depth and write a 25-30 page research paper, with footnotes, on the main political, social, or cultural themes—and key legal issues—raised by the trial(s) you choose for your project. Your paper should be based largely on primary sources and involve a close analysis and interpretation of the available documentary evidence, but it should also show a familiarity with, and make a contribution to, current scholarship found in the pertinent secondary literature. All of these matters will be discussed more fully in class. Parts of the first few classes will be devoted to questions about your choice of topics. The paper topic is to be decided on—ideally by mid-September—in consultation with the instructor. During the course of the semester you will communicate periodically with the instructor concerning the progress you are making on your research and writing. Beginning on November 12, and continuing until December 3 (these dates are subject to change), each of you will make an oral presentation to the class on your research project and your principal findings and conclusions. The order of presentations will be determined early in the semester by lottery, with the exception of those who volunteer to be among the first and last groups of presenters. One week before your scheduled presentation, you will
make both electronic and hard copies of your draft paper available to the instructor and to another member of the seminar who will serve as the designated critic of your paper. The designation of critics will also be determined early in the semester. The version of your paper that you submit in connection with your presentation should not be a rough draft; it should be as complete an essay as you are capable of producing by the time you turn it in. More information about these presentations will be provided in class. (Your draft essay and oral presentation will comprise some 15 percent of your grade for the course.)

Your final paper, typewritten, double-spaced, and properly footnoted—and revised in the light of comments and suggestions offered on your draft—will be due on December 17 in both hard copy and electronic format. The paper should be a well-organized, carefully reasoned, and clearly argued essay on the topic chosen, with specific evidence cited to support all assertions and generalizations. (The final paper will constitute approximately 60 percent of your course grade.)

The success of this seminar (and your individual success) will depend in no small part on your attending regularly and being prepared to participate actively, knowledgeably, and thoughtfully in the discussions. Participation and performance in the class discussions, including your critique of a colleague’s draft research paper, will comprise some 25 percent of the grade you earn in the course.

Summary of the Criteria for Grading (weighting is approximate):

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<th>Component</th>
<th>Weighting</th>
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<td>Seminar participation and peer critique</td>
<td>25 percent</td>
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<td>First draft of research paper and oral presentation</td>
<td>15 percent</td>
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<tr>
<td>Final paper</td>
<td>60 percent</td>
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ACADEMIC INTEGRITY

Breaches of academic integrity and of the ethics of historical scholarship will not be tolerated. Students are expected to be familiar with and adhere to George Mason University’s Honor System and Code. In particular, plagiarism—“taking over and representing as one’s own the ideas, methods, or written words of another, without proper acknowledgment,” or “borrowing the sequence of ideas, the arrangement of material, or the pattern of thought of someone else, without proper acknowledgment”—is a violation of the code and will be dealt with severely. If you do not know the university’s standards of academic honesty, or what counts as academic dishonesty, go to this GMU site: http://catalog.gmu.edu/content.php?catoid=5&navoid=410#Honor. For further, more explicit guidance as it relates specifically to historical research and writing, see the pertinent excerpt from the American Historical Association’s Statement on Standards of Professional Conduct, which you can find at http://www.historians.org/pubs/Free/ProfessionalStandards.cfm#Plagiarism. See also the discussion of plagiarism here: http://www.bates.edu/entering/policy/judicial-affairs/code-of-student-conduct/academic-misconduct/. Finally, see the instructor if you have any questions about the violations described at these sites, or how they relate to particular requirements for this course. Ignorance of the concept or the consequences of plagiarism will not be accepted as an excuse.

ACCOMMODATIONS FOR STUDENTS WITH DISABILITIES

If you are a student with a disability and you need academic accommodations, please see me and contact the Office of Disability Services at 703-993-2474 or http://ods.gmu.edu/. All academic accommodations must be arranged through that office.
SCHEDULE OF MEETINGS AND ASSIGNMENTS

September 3

Introduction: Course Requirements and Choosing a Research Topic

Readings:

Caleb Crain, “In Search of Lost Crime,” *Legal Affairs*, July/August 2002 [online and unpaginated]  


September 10 (meeting in Fenwick Library Instruction Room 214)

(1) Research Resources: Bibliographic Instruction from Humanities Reference Librarian, George Oberle
(2) Issues and Problems in the Study of Trials

Readings:

Sadakat Kadri, *The Trial*, pp. xiii-xx, 333-47 [you are encouraged to read the entire book]


Alan Dershowitz, *America on Trial: Inside the Legal Battles That Transformed Our Nation*, pp. xiii-xix


Theodore L. Becker, ed., *Political Trials*, pp. xi-xvi


W. Lance Bennett and Martha S. Feldman, *Reconstructing Reality in the Courtroom: Justice and Judgment in American Culture*, pp. ix, 3-18, 185-86


James Goodman, *Stories of Scottsboro*, pp. xi-xiii

As you prepare the readings for this week’s assignment (and begin thinking about your seminar paper), please consider the various issues addressed and questions raised on the following websites,
part of a course, “Trials of Conscience,” once taught by Professor Margaret Imber at Bates College. These questions might also help to inform the research and writing you undertake for your paper.

http://abacus.bates.edu/~mimber/Trials/source.htm
http://abacus.bates.edu/~mimber/Trials/model.htm
http://abacus.bates.edu/~mimber/Trials/argument.htm
http://abacus.bates.edu/~mimber/Trials/case.htm

September 17

No Class Meeting

Individual meetings will be scheduled with the instructor to discuss your paper topic. Prior to this meeting you should prepare a preliminary statement of at least one paragraph on your research project, describing what you plan to investigate and what you hope to find. You should also compile a preliminary bibliography of the most important sources, both primary and secondary, you expect to use and their accessibility. For these meetings to be most productive, be sure to send your statement and bibliography to the instructor via e-mail no later than Monday afternoon, September 14.

September 24

The Historical Study of Trials and the Problems of Historical Reconstruction

Readings:

Joseph Jaconelli, “What Is a Trial?” ibid., pp. 18-36
Thomas M. McDade, comp., The Annals of Murder: A Bibliography of Books and Pamphlets on American Murders from Colonial Times to 1900, pp. v-x, xvii-xxxiii
Thomas V. Cohen, Love and Death in Renaissance Italy, pp. 1-14
Peter Goodrich, Languages of Law, pp. 179-208
Cynthia B. Herrup, A House in Gross Disorder: Sex, Law, and the 2nd Earl of Castlehaven, pp. xiii-xvi, 1-8, 55-57, 99, 115-17, 144-54
Elaine Forman Crane, Killed Strangely: The Death of Rebecca Cornell, pp. 1-7, 145-73
Lindsay Farmer, “‘With all the impressiveness and substantial value of truth’: Notable Trials and Criminal Justice,” *Law and Humanities*, 1 (2007): 57-78 [e-journal]
Nancy Erber and George Robb, “Introduction,” in Robb and Erber, eds., *Disorder in the Court: Trials and Sexual Conflict at the Turn of the Century*, pp. 1-11
Edward Berenson, *The Trial of Madame Caillaux*, pp. 1-12, 249-53

**October 1**

The Historian and the Judge/The Judge and the Historian: *The Return of Martin Guerre*

Readings:

- Natalie Zemon Davis, *Martin Guerre* (entire)
- Davis, “On the Lame,” *ibid.*, 572-603 [e-journal]

**October 8-22**

No Class Meetings: Independent Research (Individual meetings to be scheduled with the instructor during this period to discuss projects.)

**October 29**

Class Meeting: Progress Reports (You will be expected to prepare a brief statement of your research project and of your tentative findings and conclusions and present these to the class for general discussion and feedback.)

**November 5**

No Class Meeting: Independent Research (First set of draft papers due from those scheduled to give oral presentations on November 12. The rest of the class will schedule individual meetings with the instructor to discuss projects.)

**November 12-December 3** (dates subject to change)

Presentations and Critiques

**December 17**

FINAL PAPERS DUE IN BOTH PAPER AND ELECTRONIC FORM