Trials fascinate us. Small wonder that so many literary figures such as dramatists and filmmakers have chosen a trial scenario to heighten a dramatic message, or that so much of their work has endured in historical memory. Some of the most popular novels, films, stage plays, and television series have achieved enduring popularity by using trials as their central event. Political trials achieve an outsized importance because they illuminate watershed moments in human history. Even a limited inventory of these trials would require a book-length treatment of its own. However, a few leading examples may explain why so many scholars, journalists, and fiction-writers have turned to trials as the best vehicle to explain why real historical events unfolded in a certain way.

Fictional treatments provide some of our most powerful statements about historical phenomena. One of the most enduring indictments of racial injustice in America is Harper Lee’s 1960 novel, *To Kill a Mockingbird*. Its critical moment is the trial of an African-American man wrongly accused of a sexual crime against a white woman. Although Lee set her events in early 1930s Alabama, nearly a century ago, her portrayal of the trial of Tom Robinson retains its immediacy as a searing indictment of racial prejudice in the American legal process. Stanley Kubrick’s classic 1957 anti-war film, *Paths of Glory*, made its timeless point about the insanity of warfare by depicting a trial of three soldiers accused of desertion from the French army during World War I. Kubrick’s contrast between the soldiers’ elemental humanity and the careerism and
conceit of their commanding officers presented a scenario that could have taken place in any war at any time. Arthur Miller wrote his play *The Crucible* in the early 1950s. It presents a fictionalized version of the Salem Witchcraft Trials that took place in 1692 and 1693. Miller intended the play as an allegory for the crushing atmosphere of political repression in the United States during the 1950s. Its message about the effects of pressure for political conformity has retained its cautionary value ever since. Perhaps the most enduring literary example of the use of a trial as metaphor for deeper issues remains Franz Kafka’s novel, *The Trial*, which offers a terrifying imagining of the fate of an ordinary individual under totalitarian conditions.

The undiminished audience for these works testifies to their timeless communicative power. Kubrick’s use of World War I, which ended 100 years ago, as context for his trial scenes, does not diminish his film’s eloquence as a statement of the futility of warfare at all times and in all places. Kafka wrote *The Trial* more than a century ago, between 1914 and 1915, and first published it more than ninety years ago, in 1925. Despite its age, *The Trial* has appeared at least twice in modern film versions (1962, and 1993) and been produced countless times on stage.¹ Its message about the power imbalance between the state and the individual is timeless. Lee’s novel sets its events in early 1930s Alabama. However, theater groups, college dramatic societies, and high school, classes continue to present it on stage because the trial scenes convey a contemporary message about racial injustice.
Trials achieve their communicative effect from their close resemblance to a theatrical performance. The similarity begins with physical layout, with a precise pattern of locations for each of the key actors, carefully designed to draw the audience into the narrative. As stage plays with multiple acts, trials build their dramatic message through a sequence of events that builds toward a conclusion. Trials begin with an allegation of wrongdoing; proceed to a presentation of evidence, and then move the story forward through the carefully structured dialogue between the parties. Trials feature a dramatically charged interaction between the accuser and the accused, and, in most circumstances, they heighten the drama by affording accused persons opportunity to vocalize their defense. Trials also resemble stage plays in that courtroom dialogue has a carefully scripted quality; there are strict limitations on what attorneys, witnesses, and clients may say, the order in which they say it, and the decorum they must observe when speaking. Transcribed on paper, courtroom dialogue reads like a theatrical script. The dramatic features of a trial also include the high stakes that attach to winning or losing. Like a stage play, a trial ends with a solemn conclusion that resolves the issues it placed before its audience. ²

Trials also attract wide public engagement because their ability to simplify complex issues facilitates broad public discussion. However numerous the participants in an alleged crime; however convoluted the sequence of events that led to a trial taking place; and however complicated the law that governs the alleged misdeed, a trial imposes an accessible structure. It divides the actors into prosecution, defense, jurors, and judge. It imposes an orderly procedural template that begins with specification of
law, proceeds to an allegation of transgression, and then offers an opportunity for both sides to present their case. Unlike policy debates that sometimes seem to have no end, trials afford a certainty of outcome. The suspense of awaiting the verdict of the court only heightens the dramatic intensity.

Trials evoke intense emotions among spectators as well as participants. No small part of the fascination is the similarity between a trial and a sporting event: two teams, on the playing field, with a referee to insist that both sides play by the same rules. The courtroom process is like the field of play in evening out the difference in resources of each side. With an exceptional show of skill and implacable determination to win, the better side can prevail. The emotional range of spectators to a trial is striking in its similarity to that at a sporting event; elation when a favored team wins, disappointment when it loses. The support of its fans is an important asset for each of the two teams. In sports and in law, both sides expend energy and resources to win the favor of the fans.

The public attention that attaches to trials is not an accidental by-product of their theatrical qualities. Trials command attention for a deeper reason as well; they perform a necessary social function; namely, to clarify the fundamental norms of a society and show that the legal system is enforcing them. Human society could not remain intact without a reasonable expectation that those who violate its moral rules would face punishment. Trials provide this. Although higher courts may reverse a judgment or set it aside and although there are occasional deadlocks, that does not diminish their power to provide assurance that the system is working.
Stage plays do not always have predictable conclusions, however, and neither do trials. The element of uncertainty that accompanies a trial may heighten its dramatic impact but not necessarily its cohesive effect. The collective outrage that arises when the guilty go free or the innocent face punishment also provides an opportunity to communicate the shared basis of social morality. The opposite may also be true. When the members of the public do not share a reaction to a trial, this may be a signal that something is amiss. The differentiated social reactions that have arisen at the outcome of recent trials in this country reveal the depth of social division. It would be rare to find a citizen of the United States who does not have some point of view about the murder trial of O. J. Simpson.

Political trials have an additional claim on our attention. They can reduce to the scale of a moral vignette complex policy issues that otherwise seem distant from our daily lives. A trial distills even the most daunting questions to the scale and simplicity of a theatrical stage. There are countless examples of this phenomenon. Perhaps the most famous in recent history was Enron Trial that took place in 2006. The legal subject matter of this trial had to do with the complex regulatory framework that governed the relationship between large corporations and their subsidiary companies. Few members of the public were in a position to understand the arcane accounting rules that raised or lowered taxes on small firms created by larger ones. Even well informed citizens were unable to draw connections between the corporate tax framework and their own lives. Debates over this matter had produced prodigious volumes of research, voluminous legislation,
and warring schools of specialists, each of which advocated a different policy approach. Amidst the din of competing experts, the circle of dialogue was limited to a small number academic and policy experts, professional lobbyists, a few legislators, and writers for financial journals.

The Enron Trial changed all that. The question it placed before the public had little to do with the way large corporations could treat the profit and loss statements of their dependent companies. It was about whether the three highest executives of one of the country’s most famous corporations had impermissibly enriched themselves at the expense of their employees, shareholders and the public. The moment of clarity took place when the government called witnesses who had lost their retirement savings, become personally bankrupt, and had to live in impoverished circumstances because of the collapse of their Enron shares. The Enron Trial perfectly exemplifies the broader impact of a political trial; it transformed an arcane policy debate into a morality play about the consequences of corporate greed. When the Enron court pronounced its guilty verdicts and sentenced the defendants to lengthy prison terms, it was serving a broader social purpose; it was offering moral certainty in the form of assurance that the justice system did not exempt the most wealthy and powerful.

Time and cultural change, sometimes prompted by the trial itself, may eliminate certain behaviors from the list of prosecutable crimes. The crime of heresy, which resulted in the execution of Joan of Arc and the persecution of countless others, has disappeared into a growing category of crimes that no longer exist. There, it joins the crime of
witchcraft, which was once so real that it resulted in the executions of nearly twenty men and women in late 17th century Massachusetts. The law is ever changing. Sexual preference and the recreational use of marijuana are rapidly joining heresy and witchcraft in the category of non-crimes. The changing content of the law, however, has not altered the theatrical template of courtroom procedure nor diminished its evocative power.

The communicative power of trials does not depend upon whether they are presenting real historical events or fictional ones. The fictional trial depicted in Mockingbird, took place in the invented town of Macomb, Alabama between 1933 and 1935. Its time setting, the depth of the depression, heightened the sense of hardship and desperation that influenced the behavior of all of the novel’s key figures, especially Tom Robinson, his principal accuser, Mayella Ewell, and her father, Bob Ewell. Sometimes dramatic depictions of trials take their inspiration from real world events. Miller’s Crucible depicted the Salem trials of the 1690s. In all likelihood, Lee’s novel also had a basis in real events. Harper Lee was personally familiar with depression era Alabama. She was born in Alabama in 1926; she grew up there in the 1930s, and attended college there before going on to law school at the University of Alabama from 1945 to 1949. She would have been intimately familiar with a sequence of trials that took place there during the early 1930s. These involved allegations of sexual misconduct against a group of nine young African-American men known as, as a group, as the “Scottsboro Boys.” It requires no great leap of inference to read To Kill a Mockingbird as a literary reinvention of their story.
The facts of the Scottsboro case are straightforward. In early 1931, a group of white teenagers accused nine African American men of raping two white women during the course of a train trip in Tennessee. A sheriff across the state border in Alabama made the arrests and, between 1931 and 1937, the State of Alabama subjected them to a series of trials that captured national attention. The racism inherent in the Alabama judicial process was palpable. There was no physical evidence that rape had taken place and the quality of legal defense was poor. Owing to the disenfranchisement of African-Americans — only registered votes could serve on juries — two of three juries were all white and one had a single African American member; and during the course of the Alabama trials, one of the alleged victims acknowledged that their story of rape was a fabrication.

Because of the lack of fairness in the Alabama courts, especially their failure to provide adequate legal representation, the state verdicts in the Scottsboro Case went twice to the U.S. Supreme Court for review. On both occasions, the Supreme Court held that the Alabama legal process had violated the due process clause of the constitution and returned the case to the State of Alabama for re-trial. Despite these rebukes, the Alabama court process continued to exhibit an undiminished racial bias against the defendants. Eventually, the state courts found five of the Scottsboro Boys guilty, issuing sentences that ranged from the death penalty to 75 years in prison.
Although the Scottsboro story was real, and has been the subject of two dramatic films and an excellent documentary, its recreation on stage and screen does not begin to match that of Mockingbird. This is noteworthy because there are important similarities. Both involve the issue of racial bias in our court system; both depict the unjust treatment of African American defendants accused of sexual crimes; and both feature a single courageous figure who attempts to move the process away from its racial underpinning. The protagonist in Mockingbird was Atticus Finch, the lawyer who tried unsuccessfully to defend Tom Robinson. In the Scottsboro Case, the heroic figure was one Alabama judges, James Edwin Horton, who presided over two of the state-level trials. The 1976 NBC television film, Judge Horton and the Scottsboro Boys, recounts the story of Judge Horton, who set aside the racially motivated jury verdicts and ordered new trials.

The most painful similarity is that both Finch and Horton failed to achieve justice verdicts for African American defendants. Lee’s narrative is not entirely bleak. She presents Robinson’s death from a distance. Theatergoers do not see it directly but her the news as a merciful escape from the suffering he had endured. Atticus Finch does not pay a penalty for his efforts. Finch was able to continue his legal practice; he may also have earned the grudging respect of Sheriff Tate for his principled effort. In addition, the jury’s momentary hesitation before reaching its verdict offered a sign of hope. Horton’s fate and that of the Alabama defendants offer less basis for optimism. The Alabama Supreme Court removed Horton from the case and allowed it to proceed under another judge whose rulings favored the prosecution. The Alabama Courts convicted five of the nine defendants and issued sentences ranging from the death
penalty to long prison terms. Three served lengthy prison terms. The year following his removal from the trial, 1934, Judge Horton failed to win re-election as judge, an outcome that most observers attributed to his legal rulings on behalf of the Scottsboro defendants. Horton left his legal career and retired to private life as a farmer. He passed away about forty years later, in 1973.7

There is an unfathomable irony in comparing the fictional Mockingbird trial with the Scottsboro trials. Because of the many portrayals on stage and in film, and because of the extraordinary portrayal of Atticus Finch by the actor Gregory Peck, Mockingbird has become far more familiar to most people than the Scottsboro case. The popularity of Mockingbird has made Tom Robinson, the fictional victim of the unfounded allegation of sexual assault, a universal symbol of racial victimization in our judicial system. His fate has embedded itself in our historical memory more deeply than that of the young African Americans in the Scottsboro Case. Similarly, Gregory Peck’s portrayal of Atticus Finch, the fictional attorney who fought against racism in Mockingbird, has become a more powerful symbol of the struggle against racial injustice than Arthur Hill’s portrayal of Judge James Horton, who lost his legal career because of his unwillingness to accept racially biased verdicts. There is no explaining this: when it comes to trials, art does not simply imitate life; it surpasses it.

Some issues are timeless and the conflict between new ways of thinking and established truths is as ancient as history itself. When a government’s claim to political legitimacy rests on older religious principles, the conflict is almost certain to produce a
famous trial. Trials in this genre have a bizarre feature. They are asking the public to accept that court proceedings have the power to discredit scientific ideas by convicting the individuals who espouse them. Two examples are the trial of the Italian scientist Galileo Galilei, which took place in 1633, and the trial of Tennessee high school teacher, John Scopes, which took place nearly 300 years later, in 1925.

The facts of the Galileo trial are broadly familiar. Using a new technology, the telescope, Galileo had confirmed Copernicus’ heliocentric theory, which held that the sun was the center of our universe and the earth revolved around it. This was contrary to the teaching of the Catholic Church, which stipulated the earth at the center of the universe. The Roman Inquisition placed Galileo on trial, accusing him of heresy because his telescope-based discoveries contradicted Biblical passages. By threatening him with torture, the Church forced Galileo to recant. The Inquisition convicted him of heresy and sentenced him to life imprisonment under house arrest. He remained there until his death in 1642.

Owing to its timeless and universal subject matter, the trial of Galileo continues to draw the attention of authors, dramatists, scholars, religious philosophers, and educators. It has become the subject of several dramatic films. The most famous is the 1975 film, Galileo, directed by Joseph Losey, and based on a play by Bertolt Brecht. Galileo’s trial retains its immediacy because its message about the tenacity of faith-based beliefs challenged by scientific discovery resonates with so many current issues including climate change, evolution, and the moment at which sentient life begins. Galileo’s trial
continues to be the subject of countless recreations in high schools and colleges. There is no mystery about this. When deeply held religious beliefs come under assault, it is sometimes more politically palatable — and pedagogically effective — to deliver a message by re-visiting a distant historical event.

The Galileo Trial has its contemporary counterpart in the trial of John Scopes, which took place in Tennessee in 1925. Scopes was a substitute high school teacher when the State of Tennessee accused him of violating its recently passed Butler Law, which forbade the teaching the theory of evolution in any state-funded school. The court found Scopes guilty and imposed a modest fine, which a higher court later reversed on a technicality. The Scopes Trial was never seriously about the guilt or innocence of a single individual; it was a staged opportunity for a courtroom debate between the science of evolution and the religious belief in divine creation. The two principal attorneys, William Jennings Bryan for the plaintiff and Clarence Darrow for the defendant, were legendary for their courtroom oratory. Because of the widespread interest, radio stations across the country broadcast the trial. The Scopes Trial has become the subject of one of the most famous trial films of all time, *Inherit the Wind*, which appeared in 1960. This film provides an excellent example of the way a courtroom emulates the dramatic stage and vice versa. The film script for *Inherit the Wind* lifts some of its key passages — critical moments in the debate between Bryan and Darrow — directly from the trial transcript.
Even the most ancient trials shed light on the eternal questions of political science. Why do some democratic regimes fail? Why are some more stable than others? What is the best form of government? The trial of Socrates, which took place nearly 2,400 years ago, is remarkable for its relevance to all these issues. The sequence of events that culminated in Socrates’ Trial began with Athens disastrous military defeat in the Peloponnesian War with Sparta, which took place between 431 and 404 BCE. The defeat discredited and destabilized the democratic government, which had been in power throughout the earlier part of the fifth century BCE. The early experiment in democratic government collapsed and, at the end of the war, a committee of thirty prominent Athenians, sometimes known as the “thirty oligarchs” assumed power, possibly with the connivance of the Government of Sparta.

The oligarchs’ rule has become a leading historical example of political tyranny. Its practices included systematic persecution of individuals associated with the previous democratic government and repression including execution of anyone suspected of opposition to their own rule, it. The rule of the thirty oligarchs lasted about a year. In 403 BCE, a group of Athenian exiles gathered enough force to overthrow the committee of thirty and begin the process of restoring political stability. The period of institutional uncertainty that followed the democratic collapse provided the context for Socrates’ trial. The combination of democratic failure and the repressiveness of oligarchic rule gave rise to public discussion of the questions that animate political theory to this day. What would have made the democratic system more stable? Could a democracy defeat
an oligarchy? Did the rise of secularism among the youth contribute to military failure?

Finally, what would the best form of government be going forward? Socrates’ teaching, which raised doubts about the existing order, was a forerunner of today’s critical studies. Could this have been responsible for the disaffection of youth?

Since Athens’ defeat created doubts about whether democracy was an optimal institutional formula and since the repressiveness of the committee of thirty had discredited the idea of oligarchic rule, the best form of government was an issue open for debate. Socrates’ trial reawakens awkward questions about democratic theory. Athens’ early democratic theorists believed in the value of citizen participation but they were profoundly skeptical about how broadly to widen the demos, the circle of citizen engagement. They were afraid that if they extended the circle of participation too broadly, this would enable participation by less educated members of the electorate, who could prove susceptible to the appeals of demagogues. The Athenian philosophers placed strict limitations on their democratic advocacy. Their warning about the ease with which a demagogue might win over a gullible electorate was among these.

At a more sinister level, the public debate about the causes of Athens’ military defeat was also a search for a human scapegoat on whom to place the blame for all that had gone wrong. This explains why the new government of Athens decided to put Socrates on trial. He was otherwise an unlikely candidate for the role of political traitor. Socrates was 70 years old when the government placed him on trial and he had been a prominent figure in Athens intellectual circles for decades. He had a long-standing
reputation as a scholarly gadfly who called upon his students to question the prevailing verities. For many Athenians, Socrates’ most objectionable behavior was a dissolute lifestyle. Despite all this, Socrates’ accusers charged him with having weakened Athenian democracy by encouraging young people to question the divinity of the gods that legitimized Athenian democracy. As proof of their allegations, they claimed that his ability to survive untouched during the Committee of Thirty showed his sympathy for non-democratic forms of government.

Inasmuch as Socrates did not produce a set of writings of his own, we know little of his political ideas other than what his most famous students such as Plato have passed down. As a result, it has been practically impossible for modern academics to ascertain the truth or falsity of the charges he faced. It is possible that even Socrates’ most devoted students might well have molded their interpretation of his ideas to a post-oligarchy political agenda of their own; namely, a return to a more open society, short of democracy, but with a greater tolerance for political freedom. The one certainty is that Socrates’ trial was an early example of a show trial staged by a government that was attempting to solidify its political legitimacy. By placing Socrates on trial, the new Athenian elite was seeking to divert public attention away from deeper causalities such the shortcomings of the democratic model.

Socrates trial created the template for the many show trials that have occurred since. Some two thousand three hundred years after Socrates’ trial, the search for a scapegoat to explain military defeat also explains the sequence of trials commonly
grouped together as the Dreyfus Affair, which dominated French political life from the mid-1890s through much of the first decade of the twentieth century. In 1894, the French Army accused a young military officer, Captain Alfred Dreyfus, of treason, alleging that he had passed vital military secrets to the Germany Embassy in Paris. A military court convicted Dreyfus and sentenced him to life imprisonment on Devil’s Island, located in French Guiana. Two years later, after a follow-up investigation by its counter-espionage unit, the French Army disclosed that the documents that provided the evidence for Dreyfus’s conviction were forgeries. The investigating officers revealed conclusive evidence that another officer, Major Ferdinand Esterhazy, had given the secrets to Germany. Despite evidence of Dreyfus innocence, the military persisted in its efforts to blame Dreyfus. It conducted a sham trial of Esterhazy — it lasted only 2 days — acquitted him, and proceed to re-try — and re-convict — Dreyfus on a the basis of the falsified documents. The famous 1898 “J’Accuse” letter by Emile Zola accused the French military of providing a cover-up for Esterhazy in order to frame Dreyfus for a crime he had not committed.

The parallels between Socrates’ trial and the legal treatment of Alfred Dreyfus are striking. Both events followed disastrous military defeats that provoked a national soul-searching over the reasons for military failure. In both cases, military defeat brought about the downfall of the previous government and ushered in a period of political instability that gave rise to an intense debate about the best form of government. In Greece, this sequence of events included the collapse of Athenian democracy and the tyrannical rule of the committee of thirty. In France, it included the collapse of Second
Napoleonic Empire, which had lasted for 19 years (1851 – 1870) and the short incumbency of the Second Republic, which had lasted only three years (1848 – 1851). Both historical episodes featured trials that condensed unfathomably complicated events into a debate about the guilt or innocence of a single individual. Both trials grew out of the deeper public divisions about the preferred form of government and both accentuated those divisions.

In Greece, a new and struggling civilian authority, anxious to consolidate its position, was seeking to blame Socrates’ teaching and not the core principle of democracy for the failure of Athenian democracy. The political environment in early 1870s France was strikingly similar. The popularly elected National Assembly, which also operated as a constitutional convention, reflected the extreme diversity of constitutional preferences in the country. It included rival factions of monarchists and their aristocratic loyalists, clericalists who favored a strengthening of the political presence of the Catholic Church, Bonapartists, who were progressive authoritarians, and several different groups that favored a secular republic. Although the Constitutional Convention resolved its disagreements in favor in favor of republican democracy, this did not end the search for a scapegoat for the country’s military defeat.

The French army’s determination to exonerate itself remained a constant, and in 1894, nearly twenty-five years after the war ended, it accused Dreyfus of espionage. The purpose of Dreyfus’ arrest was unmistakable. If the military could cast the blame for its defeat on a traitor in its midst - rather than the poor judgment of the highest military
leaders or the lack of preparedness that caused poor battlefield performance - it would have cleansed the stain from its honor. In the Dreyfus trials as in Socrates’ trial, religion was a major factor. The new government of the Athenian city-state had alleged that Socrates had caused young people to question the divinity of the gods that legitimized the democratic system. In France, many people believed that the root cause of the country’s woes was the rise of secularism and declining position of the Catholicism Church. Some took advantage of Dreyfus religious identity as a Jewish person to bolster this narrative. The growing popularity of the Radical Party, which argued for a separation of church and state, further reinforced anxieties about the declining position of the Catholic Church.

The Dreyfus Affair has important lessons for modern Africa. It showed that, despite the famous motto of “liberty, equality, fraternity,” and despite its legendary 1789 *Declaration of the Rights of Man and the Citizen*, the French Revolution had not endowed France with a sustainable democratic consensus. Instability was the only stable factor. Nineteenth century France featured a succession of regimes that included a military dictatorship, two Napoleonic empires, a restored Bourbon Monarchy, a reformist Orleanist Monarchy, and a short-lived attempt at a democratic solution in the Second Republic. Compared to post-revolutionary France, Africa’s democratic struggles seem mild. During the century that followed the French Revolution, only 33 years counted as a period of democratic government. France’s first ten-year experiment in democracy, the First Republic, barely qualifies as democracy at all. The historian J. L. Talmon has described it as a totalitarian democracy.⁹
Even France’s non-democratic governments seemed to have extensive popular support. Only five years after the French Revolution, more than three and a half million French voted in the 1804 referendum on the First Napoleonic Empire; over 99 percent voted in its favor. Sensing the French people’s continuing affection for authoritarian forms of government, Napoleon III, who had become the elected president of the Second Republic in 1848, introduced universal suffrage as the basis for the December 1851 referendum on the creation of the Second Napoleonic Empire. In that referendum, more than 90 percent of the voters chose to replace their democratic institutions with a form of government that concentrated power in the hands of one person. The same pattern repeated itself twenty years later. In 1871, two thirds of the members of the newly elected National Assembly were monarchists who disagreed only the issue of which monarchical dynasty, Bourbons or Orleanists, should return to power.

As each of France’s various governments fell, giving way to the next, it left behind a residue of support that fueled the on-going debate about which form of government was preferable. Democracy was only one claimant among many in the competition between forms of government. The Dreyfus trials seemed to confirm the worst fears of the Athenian democratic theorists. France, which many viewed as the European country that exemplified the highest values of Renaissance enlightenment, exhibited the vulnerability of civic rationalism to moments of national panic. Scientific evidence could not displace belief based on faith. Although the Third Republic finally emerged as the
most long-lived of all of France’s republics, the most common explanation is that, as everyone’s second preference, it was the least divisive governmental choice.

The early political experience of the France’s Third Republic has much to offer the study of contemporary Africa. There are striking similarities. As late as the mid-1870s, France’s industrial revolution had barely begun. At least half the population still made a living as small farmers cultivating the land; a substantial additional percentage was the village shopkeepers and artisans who made their livelihood servicing the farming sector. About three quarters of the population lived in the thousands of small villages and towns scattered across the countryside. Democracy meant rural democracy, where the pivotal institutions of civil society were the church and farmer cooperative, not the industrial union or professional association. There was a yawning cultural cleavage between the countryside and the city. In addition, the different regions of France were so culturally dissimilar from one another that the concept of a unified French society was still more an expression of nationalist intent than a description of the country’s reality.10

The early decades of the Third Republic are eerily reminiscent of the first decades of African independence. The greatest similarity lay in a weakly legitimated democratic government, whose institutions were taking shape by default, rather than broad popular preference. Like so many African countries, the Third Republic was perilously close to a military coup. During the late 1880s, a political movement termed “Boulangisme” dominated French politics. The rise of this movement, led by a popular general, Ernest
Boulanger, it demonstrated that many French were apathetic toward the new
democratic republic. Openly aspiring to become a military head of state, Boulanger won
a series of electoral victories that showed widespread popular preference for a strong
authoritarian figure. Only a change in the electoral rules that prevented Boulanger from
being a candidate in multiple constituencies at the same time prevented him from
seizing political power. When the French Army convicted Dreyfus of treason in 1890s, it
could do so because so many French believed that the truest France, *la France
Profonde*, was the France of the farmer, the village, and the church. Many still do.

Anyone remotely familiar with modern France is aware of its extraordinary impact of the
Dreyfus Affair on the subsequent course of French history. It not only showed that
deeply rooted rural–urban cleavages went far deeper than location or occupation and
involved the most fundamental attitudes about morality and life. It also exacerbated
those cleavages. Although the Dreyfus trials took the form of a military tribunal about
espionage, the deeper issue was a clash of belief systems. This was readily apparent in
the division between the Dreyfusards and anti-Dreyfusards, which pitted monarchists,
clericalists, and militarists, who despised parliamentary government, against
intellectuals, journalists and members of the rising middle class, who favored a
democratic republic. The Dreyfus trials also exposed and intensified the virulent strain
of racism in French society: there were many who believed that Dreyfus must be guilty
because he was a Jew. The historian Eugen Weber traces the origin of the extreme
French right movement, the Action Francaise, the precursor of today’s National Front, to
the Dreyfus Affair.
This limited set of examples of political trials illustrates their academic value. If additional examples were helpful, the list could expand to include a host of other trials that continue to capture attention. These would include the trial of Joan of Arc (1431), the Trial of John Zenger (1735), the trial of John Brown (1859), the several trials of Oscar Wilde (1895), the trial of Sacco and Vanzetti (1921), and Brown vs. Topeka Board of Education (1951), among many others. All of these trials illustrate the value of trials as a pedagogic and research tool. Political trials can help illuminate a society’s changing norms as these reinforce or undermine incumbent regimes. They can shed light on patterns of social cleavage and in this way, they improve our ability to explain persistence and change in political institutions. Trials add to our ability to identify the forces that are transforming a social order as well as the factors of stability that are preserving it. They accomplish these purposes by providing a human vignette of the deeper questions in play. Because of its didactic value, the study of political trials has established itself as an important academic genre.\textsuperscript{14}

Despite their academic value, the use of political trials to illuminate pivotal events and the social forces that brought them about has been rare in African Studies. There are a few exceptions, of which the best known are the trials of Jomo Kenyatta (1952) and Nelson Mandela (1962 - 1964). The Kenyatta Trial took place in 1952, when the British Colonial Administration arrested him and several other political leaders, accusing them of having organized the Mau Mau Movement. Despite a paucity of evidence, the
colonial government convicted Kenyatta and sentenced him to prison, where he remained until 1959. The principal value of the Kenyatta Trial lies in its historic importance as an event sheds light on the harshness of British colonial rule in Kenya, and the depth of African resentment of the extensive land alienation that privileged white settlers.

The trial of Nelson Mandela has a similar resonance. The Government of South Africa had created a legalized pattern of racial discrimination by introducing its apartheid system in 1948. Mandela had become a political activist well before this, joining the African National Congress in 1943. The South African Government had arrested him repeatedly during the 1950s, charging him with sedition. In 1962, the government arrested Mandela again, this time charging that, as a member of a militant organization (Umkhonto was Sizwe) he had engaged in a campaign of sabotage. The South African court convicted Mandela and sentenced him to prison for life. He remained in prison for nearly 28 years, before he gained his release in 1990. The Mandela Trial showed the lengths to which white South Africans were prepared to go to defend racial privilege.

Although the Kenyatta and Mandela trials are famous, they are of limited utility for understanding independent politics in Africa. Their principal value lies in what they reveal about the colonial period in Kenya and the apartheid era in South Africa. Studies of trials that took place during the independence era are scarce. One notable exception is the trial of Nigerian political leader, Chief Obafemi Awolowo, whose trial began in November 1962, about two years after the country’s independence. At independence,
Nigeria had a federal constitution that was the product of a series of constitutional negotiations, which had taken place during the 1950s and which sought to bring about a political modus vivendi among the country’s principal ethnic groups. To attain that goal, the independence constitution delegated considerable autonomy to three large regional governments, North, West, and East. Awolowo was a major nationalist figure in the Western Region, where he was the founder-leader of its most important political party, Action Group.

On the eve of Nigerian independence, Awolowo held the position of Premier (Prime Minister) of the Western Region Government. He resigned that position in 1959 to seek a role at the national level. Leaders of the Northern Region, however, dominated national politics owing to that region’s large population advantage over the two southern regions. In November 1962, the Federal Government accused Awolowo, along with a number of other prominent Nigerian leaders, of a treasonable felony; namely, of having formed a conspiracy to overthrow the government. After a trial that lasted 11 months, the court found Awolowo guilty and sentenced him to ten years in prison.

The Awolowo Affair had a strange ending. He served about three years of that sentence before he gained release in the spring of 1996. Nigeria had experienced a series of three military coups during the first six months of 1966. To this day, there is disagreement about which of the military leaders who seized power that year — Lieutenant-Colonel Odumegwu Ojuku, who led the second coup and governed Nigeria during the spring of 1966, or General Yabuku Gowon, who followed him — released
Awolowo from prison. The Trial of Chief Awolowo provides a powerful prism through which to view Nigerian politics during the first ten years of the country’s independence. The key factors that had come into play as the background to Awolowo’s conviction and imprisonment included the powerful ethnicities that drove Nigerian politics during that era and the unsuccessful effort to create a federal arrangement that could contain these ethnicities within a constitutional parliamentary system. In addition, Nigeria’s northern political leaders, who were predominantly Muslim, had grown concerned over Awolowo’s tendency to align himself with the radical Pan-Africanist politics of the Nkrumah Government in Ghana.

Awolowo’s trial and its political aftermath shed light on all these factors and, by extension, on sources of political vulnerability in numerous other African countries. These included religious cleavages, ideological differences that had remained under the surface during the nationalist era, ethnic inequalities that fostered profound mistrust among ethnic communities that felt excluded from power, and the power imbalance between weakly legitimated democratic governments and military organizations that had the capability to take advantage of institutional weakness. The Awolowo episode further illustrated how rivalries over valuable economic resources can precipitate ethnic secessionism. The dissatisfaction with the federal model that prompted Awolowo’s opposition to the Nigerian Government also led to the Biafra secession of 1967 to 1970. The political cleavages exposed and exacerbated by the Awolowo trial are still present in Nigerian politics, a reality that further underscores the value of trials as a prism through which to view the key moments in a country’s political history.
2 The author wishes to acknowledge his deep indebtedness to the Douglas O. Linder website Famous Trials, for its rich compilation of resources for the study of political trials in history, http://www.famous-trials.com/about-famous-trials.

3 When the Los Angeles County Superior Courts announced the verdict in the O. J. Simpson murder trial in October 1995, several Los Angeles news channels offered coverage of the different reactions in different parts of the city. The contrast between approval of the verdict in some areas and disappointment in others provided a powerful visual image of the depth of racial cleavage in our society.


5 Powell vs. Alabama (1932).


8 For one readable volume, see Robin Waterfield, Why Socrates Died: Dispelling the Myths (Norton, 2009).


12 A prominent figure at the time was Edouard Drumont whose book Jewish France (1886) argued that France’s defeat was due to Jewish immigration. Drumont edited an anti-Semitic newspaper, La Libre Parole (Free Speech), which called for Dreyfus conviction because he was Jewish.


14 Insert endnote here on general literature on political trials.