

Chapter 5

Julius Stone and the Eichmann Trial: A Duty to Learn?

Kristen Rundle

The Julius Stone Centenary Conference marked an occasion that yielded much beyond a celebration of Stone's life and work. It also became an event at which much dissatisfaction was expressed about the increasingly narrow conception of whom and what should be elevated to a position of importance within the field of jurisprudence. In this chapter, I explore aspects of Stone's academic career that touch upon both of these issues. My starting point is Stone's visit to the trial of Adolf Eichmann in Jerusalem in 1961, which he attended as a reporter for the International Commission of Jurists, as well as for the *Sydney Morning Herald*.¹

Stone's reports focus principally on the questions raised by the Eichmann trial for the developing field of international law. However, the reports also include some intriguing comments about the educational significance of the trial. The extent to which the trials of alleged perpetrators of mass atrocity can or should perform an educational function is the central concern of a growing body of scholarship on the phenomenon of *didactic legality*: the idea that trials not only can and often do serve an educational function, but that they should be intentionally used for this end. Although Stone's comments do not reveal enough to suggest that he would necessarily align himself with those who argue that educational instruction should be a goal, as opposed to a byproduct, of a trial, they nonetheless provide an opportunity to engage with current literature on didactic legality and its desirability.

The analysis to follow will reveal that I am a sceptic of didactic legality: at least, that is, in the sense that educational instruction is intended as a

1 See Stone J, *The Eichmann Trial and the Rule of Law* (International Commission of Jurists, Australian Section, Sydney, 1961), pp 17-18 (hereafter 'ICJ Report'); "'Prophetic Mirror" Reflecting the Face of Mankind', *Sydney Morning Herald*, 28 June 1961; 'What Does Eichmann's Fate Mean to Civilisation?', *Sydney Morning Herald*, 7 July 1961; and 'Problem of Inhuman Crime and Human Redemption', *Sydney Morning Herald*, 8 July 1961.

This is a preview. Not all pages are shown.