

Judge Dennis Davis and Professor David Peimer | The Trial of Adolf Hitler Legalities and Propaganda, Part 1

- Hi David, Hi Dennis. Welcome back everybody. I'm now going to hand over to Judge Dennis and to David, who will be discussing the trial of Hitler, Legalities and propaganda, part one. And then our Carly Maisel will take questions. So thank you. Thank you everybody for joining us, and I'm going to hand over to you, David and Dennis. Thank you.

- And thank you for inviting me. It's always a privilege to talk to this extraordinary audience and certainly to work with David. I have to say just two things before I start, if I may. This has been a particularly unusual day. I suppose it's not good to talk about politics, but nonetheless, it's been a difficult day; I'm sure for everybody, depending on which side of the spectrum is still difficult. The second aspect is this is a very difficult topic. I've just completed reading the second of two volumes by Volker Ullrich of Hitler called, "Downfall". It's the second volume.

And I know that Trudy said, quite rightly, there's so many books about Hitler that you didn't want to recommend one or another, but, it is an extraordinary tour de force, these two. And the only reason that I mention it is because at the end, sorry, at the preface of the second book, he says that, "I'm very relieved that I've completed my engagement with this repulsive subject, and I feel liberated by that." And that thought struck me as we were preparing for this. It's so difficult to talk about Hitler in an analytic way, but we'll try our best to do so. The framing of the talk, let me start by saying that the trial of Adolph Hitler was in many ways a form of a political trial.

And I'm particularly reminded in relation to talking about political trials and we'll touch on this, David and I, as we go through our talks together, the idea of the political trial, particularly reflecting the work of the German-Jewish writer, Otto Kerckheimer, who in fact was writing during the particular time we're talking about, it would be in the thirties, before leaving to go to the United States of America and wrote a very seminal book called "Political Justice". And what he says in his book are two things that I'd like you to bear in mind. "The aim of political justice is to enlarge the area of political action by enlisting the courts on behalf of political goals."

And what he meant by that was that when you have a trial such as that of Hitler, unquestionably, you are, as it were, seeking if you're the state to deal with a political opponent in a particular way. Now, admittedly, Hitler had committed what was quite clearly a form of treason, but it becomes even more political, as we shall see, because political trials, by their nature, when you criminalise your opponents, even when they do crimes, is such that it is an arena of contestation. And Hitler, as we shall see in this particular series of lectures that we are doing, used the trial and as a stage. That's why I'm so delighted for sharing this with David, because he's an actor and he ultimately, therefore, was able to propagate, and I use that word advisedly, he's own views which went out to the world.

Now when we deal with political justice, we can talk about political justice in a whole range of different ways because we can have good political trials and bad ones. One would want to have

tried Hitler and much of what we are going to talk about really shows just what would've happened had he got the proper sentence. But on the other hand, take a trial that one may want to talk a little bit about, which is the Rivonia Trial, the South African trial, in which to a large degree the South African regime sought to penalise its opponents.

True, under the at the time, it was able to bring them before a criminal court. But again, in this particular time, we celebrated and rightly so, because that case is celebrated for perhaps many things, but the most important of which is the extraordinary speech by Nelson Mandela from the dock. Now, I'm not comparing him to Hitler, please understand that. But what I'm saying is Nelson Mandela used the speech for good in a way, because what he did in that speech was he propagated a non-racial, non-violent vision for South Africa in the future. But the trial was the site of the politics, and that's what we are going to talk about. So to foreground our discussion, We wanted just to play a short little clip, which gives you the whole terrain in two minutes of what it is that we are going to be canvassing. Shauna with number one.

Video clip plays.

- [Narrator] Hello and welcome to History Pod. On the 1st of April, 1924, Adolf Hitler was found guilty of treason for his role in the Beer Hall Putsch and was sentenced to five years in jail. His comfortable Festungshaft, which translates as "fortress confinement" in Landsberg Prison, lasted for only eight months before he was released on good behaviour. Hitler's detention provided him with the opportunity to write "Mein Kampf", his blueprint for power, and also to rethink the tactics that he would then use to take that power in Germany.

"The Beer Hall Putsch", also known as "The Munich Putsch", had begun on the 8th of November, 1923 when Hitler led an attempted coup against the Weimar government by trying to seize power in the Bavarian city of Munich. Despite a successful first evening, however, the coup was quickly stalled the following day, after the police and army engaged the relatively small Nazi party in open street fighting. Hitler later hid in a friend's house and his arrest for treason two days later could well have signalled the end of his political career.

However, he chose to defend himself during his public trial, which acted as a very effective propaganda platform. Hitler openly admitted to trying to overthrow the government, but claimed that he was not guilty of treason, since, in his words, "There is no such thing as high treason against the traitors of 1918." The trial secured Hitler enormous media attention and catapulted him and the Nazi party to national prominence. Despite being imprisoned and subsequently banned from public speaking for a period of time, Hitler was still able to rebuild the Nazi party following his release, albeit along less revolutionary lines, but lines which eventually saw him appointed chancellor in January, 1933.

Video clip ends.

- Thanks, Shauna. Now we've both, David and I, have relied very heavily on the book by David

King, which very carefully documents this. So let's just put that slide up and then we'll also show you a slide of the beer hall, rather more miserable building than I would've thought for such a momentous event. But let's have a look at these two before we move on. So that's the book that we've relied on, "Trial of Adolph Hitler" by David King.

- Can I just add one thing here?

- [Judge Dennis] Please, David. Yeah.

- First of all, Dennis, thank you so much. To be honest, I love working with you and thank you so much. It's a privilege to share with you and everybody on the webinar and this incredible Lockdown University, Wendy, that you've set up. Thank you. And to Shauna and Carly and Judy. Just to echo what Dennis was saying, I feel I also have to say it on such a day, I'm sure many of us doesn't sleep last night and are having kind of tentative moments, all through the day. The extraordinary irony of doing this presentation on this kind of a day. Of course, there's no comparison between the two.

There's no, I'm not trying to draw any comparison between Hitler and Trump or anything like that, is absolutely zero. But in terms of something of our times and the ideas of political trials, of political events, the theatricality of it, of propaganda, et cetera, the internet, all these contemporary technologies; I'm sure is not lost on us and it can't help but creep in. So I apologise for that, but I also just had to say that and thank you so much. Just on this, what's really important, is that this is a staged image of Hitler. You know, and when Dennis mentioned the Mandela, The Rivonia trial there's so many pictures of Mandela and others looking through the bars.

This is staged very clearly by the photographer and by Hitler standing there, the colour of light and dark, the angle of him, his gaze, the sense of a visionary; the sense of a real strong man. Determined, clear, just look at that gaze, look at that chin, that body, the arm, everything; and it's all choreographed. All I want to say is that everything of this is choreographed from the colour, the light to the posture, to the eyes, to the three bars, and hence the cover of the book as well. Back to you, Dennis.

- No, no, thank you David. And I've been desperately trying to be uncharacteristically tactful about today, but thank you for articulating so eloquently my own sentiments. So can we just have a look at the photograph of the beer hall, which is where it all begun, and the military. There they are. And that was the site of the actual event which gave rise to the charges against Hitler, et al. And I just want to run through a bit of the background to this before we get to, I think, what was a central point for tonight. Which is an examination of Hitler as a manipulator through the trial. So the trial began on the 26th of February, 1924.

And it's important to realise that the people who were charged, and those of you listened to the call last night, Trudy's a great lecture, will have known about much of this, about the people who

were charged. But I just want to suggest that it is important to understand that apart from Hitler, there were a number of quite important luminaries, if I could use that word in embedded comments. The most important one was general Ludendorff. Now, I know Trudy's going to talk more about Ludendorff next week, but it actually is important to understand in the context of the trial, who the hell Ludendorff was, because he was a central figure. And in a way, the two major figures at the trial were Ludendorff and Hitler.

And Ludendorff, of course, was in his late fifties at this particular point in time. I'm going to go through this very quickly. He had been a general in the First World War, and he was a hero because he'd pulled off an unexpected victory at Liege. He won a bigger one again at Tannenberg, encircling a large Russian army, and as a result of which, became perhaps one of the central German generals other than Paul von Hindenburg. They were the two great generals at the time, and indeed, H. Mencken, who was then a foreign correspondent, very famous one, spoke about Ludendorff as the esoteric Ulysses of the war, so he was regarded of the serious general.

And what happens is, that as the German war effort collapses on the western front, Ludendorff suffers from a series of, well certainly, near nervous breakdowns. He's incredibly unstable during this particular period and in 1918, before the war ends, he's actually dismissed from the army and from his commands. So we are dealing with a interesting man who returns to Germany in 1919. He's unbelievably remorseful about the fact that Germany has lost the war. He himself says that he had not acted more decisive at the end of the war, and as he himself wrote, quote from King, "Snatched the dictatorship for himself." So I'm talking about somebody who was very much at idem with Hitler in this particular regard, and certainly was obsessed by the degradation which Germany suffered.

Was extremely right-wing and moved closer and closer to the particular positions, which were articulated by the Nazi party, as was discussed last night. The simple point I'm making is, I've glossed over a lot, but I just wanted to tell you that we are talking about somebody who was a war hero, who was important, and who essentially had seen the failure of Germany to win that war as an absolute disaster, that he'd been stabbed in the back and he had come back to Germany in 1919 full of revenge, full of regret, and full of hate for what had happened. The other two, who I just want to mention, of course is Ernst Rohm, I mentioned last night a thug of a man who actually then eventually took over the SA, which was a storm trooper unit of the Nazi party in the twenties and early thirties.

After having gone with Hitler as an accused and convicted in the trial, Rohm comes back and organised the SA to such an extent that he actually becomes a rival to Hitler, and Hitler bumps him off in the 1930's in the so-called Rohm Purge. And just to give you an idea of what Nazi law was, Hitler then ex post facto passes a law himself, which essentially justifies the execution of Ernst Rohm. But in the 1920s they were still mates and they were all together. And the other one I wanted to mention, which was also mentioned last night, was Wilhelm Frick. Why he's so interesting is he's a seriously smart guy.

He's got a PhD in law, he's a highly educated person, and he actually was part of the police movement, senior police in Munich at the time. And in effect, he was part of the accused because one of the things he was accused of doing, was ultimately manipulating the police so that they would not actually attack the insurgents, the terrorists being Hitler et al. So they are the, we are talking about this motley group, but in least in the case of Ludendorff and to some extent Frick, these are people who are known within the society. And in Ludendorff's particular case, as Hitler slips into the slip stream of Ludendorff and his aura, that becomes rather important. So let us then move to the photograph of the main judge.

Here he is, Judge Neithardt. Now, he's also an interesting character. And the reason he's an interesting character, he looks a lot older, but he's only 53 at the time. And he was the presiding judge in this case. There was another judge who was even more right wing, and then there were three lay judges, and the way the case worked was it was an inquisitorial system, which meant although you had prosecutors and defence counsel, remember this: it was basically being run by the judges. Now, he had earned a reputation as a judge who opposed any liberal and democratic tendencies. He was certainly somebody who embraced authoritarian visions.

He was born in 1871, only 13 days after Bismarck declared the birth of the German Reich. He himself had come of age during the spectacular growth of both German military and industrial might and he never reconciled himself, in the same way as Ludendorff hadn't, to the defeat of Germany in the First World War. And so there was no question about we were talking about a seriously right-wing judge presiding over this case at the time. Let me just make one other point about this, I must watch my time. The other point about it is I wanted to make one or two remarks, perhaps tomorrow when we've got more time I can amplify this.

Because I really wanted to say something about the judiciary and the context of Neithardt was not the only judge who essentially was right-wing in this case. Going back to Kerchheimer, who I quoted earlier, he writes something which I find fascinating. And again, maybe tomorrow night we might want to explore this in a broader context, or in a more contemporary context of present debates within the US Supreme Court, which seem to be moving more slowly into centre stage if Trump is going to carry out his various threats to litigate. And what what Kirchheimer said about them was, "Courts succumb to politics, particularly and most frequently in fragmented political contexts." He was talking about Weimar.

He was saying that in fragmented politics, where you do not have cohesion in society, the courts generally tend to be more politically orientated, and a lot less legal in the manner in which they pursue justice as it were. And it is really interesting that if you look at the German judiciary at this time, there was a real paradox. And the paradox was that you had a Weimar constitution, which was a social democratic instrument, and if you go and read it, it's a really interesting constitution. And it was influenced, by a large degree, by a number of Jewish lawyers.

And in fact, one would want to actually have a separate session on them because they're

fascinating people. There was Hermann Heller, there was Franz Neumann, there was Hans Kelsner who was Austrian, but came to Germany at the same time. And I've already mentioned Kirschheimer. These were people who were very, very considerable social democratic lawyers. But at the same time, the judiciary was of an entirely different kind. Neithardt was very much in keeping with the judiciary at this time. There were something like 12,000 members of the Deutsche Reichsbund in the early 1920s. But only 600 of them belonged to the Republic Association of Judges formed in 1921, to essentially, the judge association, the Republican judges, to preserve and protect the Weimar Republic.

There were almost 12,000 others. And the fact of the matter was that these particular judges were extraordinarily conservative. They were supportive of an old imperial regime of the Kaiser. They were distrustful of the new democratic republic. So much so, that , the Journal of the Republic Association of Judges addressed what they called "a crisis of trust" in 1925, stating, "A large part of the attacks on the law arising from the contradiction between the new state and a legal practise, which in many instances, could not yet overcome its preference for the state of yesterday."

And Jacques Stern, who is a Jewish judge, addressing the first national conference of Jewish lawyers in 1927, spoke about the penetration of the Faulkisher worldview, into criminal justice. which in a sense he said caused a tremendous shock and indeed possible destruction of the legal order. So I flitted through again an enormous canvas, but to give you the idea that there was a massive tension between judges who saw things politically and a Weimar constitution, which was social democratic.

And into this cauldron comes this particular trial in 1924. So let me say just one or two other things about the trial, because I really want to turn to David and to analyse the question of Hitler's performance. So the trial starts in '24 with all of these people. I'll just make one comment about the trial which I found quite interesting 'cause I've spoken about Ludendorff and I've spoken about Rohm et al. And I just wanted to say that as Ludendorff came into court first, and this is then the report from King, "Adolph Hitler followed a few steps behind the famous German Ludendorff, carrying a thick leather briefcase under his arm. His blue eyes scanned the room for supporters who were very much in attendance.

He sat down at the same small table as Ludendorff, making a show of deference to the general." A reporter for the Faulkisher Courier thought Hitler looked, "Well rested from his short stay prison." And the Chicago Daily News correspondent, Edgar Ansel Mowrer, said the following: "Was this provincial dandy with his slick dark hair, his cutaway coat, his awkward gestures and glib tongue, the terrible rebel? He's seen for the world, like a travelling salesman for a clothing firm." Well that is itself interesting. Now the trial begins and as I said to you, it's an inquisitorial process. I just want to make one final remark.

On the very first opening day, the prosecution realising that the court was full of foreign journalists and journalists from all over and this was now going to be a major call celeb, asked

for the trial to be held in camera. They said national security will be jeopardised if the court is held in open session. There was a significant argument about it, and unexpectedly, Neithardt then decided that the entire set of proceedings could actually be in open court. It is interesting to speculate what would've happened, had in fact, the state's request been granted by the court. And then, so we get to that particular point, and what then occurs is that Adolph Hitler is then quite early on, because of interrogation, he's really given the opportunity to make what might be called an opening statement. And we have a clip from an actor doing that, which perhaps we can show now.

- Thank you. I just wanted to mention, just to go parallel to what Dennis is saying, that I think the theatricality, because what I really want to do is position the emergence of theatricality and entertainment as politics, entertainment in the broadest sense of the word and propaganda. And the extraordinarily intelligent and highly manipulative use of propaganda from the word go. In terms of this story and the archetypal nature of how Goebbels and the others later all spun the story but began it very early. Together with the legal side, to me, is inseparable like two arms of the same body goes the theatrical entertainment and propagandistic side, which is so appeals to the emotion which personifies people, with the Jews or Marxists.

And this here, what I want to do is just to very briefly mention, the story starts in a, what is set up to be is almost like a tiny little hovel. It's a such a nondescript little building, the beer hall in Munich. Out of this, there are six guys who belong to the German Workers Party, National Party, number six is Hitler; who start this thing after the first World War. These are the American GI's on the 3rd of May, 1945 in front of it. It's an utterly nondescript, ordinary, type of beer hall kind of place in Munich. And yet looms so big in the international and global imagination for everyone, I think. And out of this tiny, little, almost apparently humble beginning, comes the story of this little corporal who goes to fight in the first World War, comes out, has his couple of disciples, and from there starts to imagine and fantasise, if we can go to the next slide please; the one with the judge. And here this is a couple of years later.

This ordinary little nondescript bunch of people symbolised for me by that, theatrically symbolised by that building, are now on a judge on a trial which is having international and national exposure as Dennis is saying. Newspapers from all over the world are coming, Chicago, Germany, everywhere. And ironically catapults this ordinary, awkward little nondescript guy to international and national fame. Without the trial, without the propaganda opportunities, without what happens in the trial as Dennis had described, the role of the judges, their conservatism, would Hitler actually have been able to achieve what he did so quickly? This image also, it appears natural, but it ain't.

The judge is at the top of the tree of power. Look at the way dressed, the hat. Everything is perfect stereotype image, which is being used to say I am the power in this entire city, in this entire region of Bavaria. Behind him is the ordinary little nondescript soldier that should be a Hitler, that should be the corporal behind him. On the left side is the officer who's obviously of higher rank, got the other helmet, et cetera. And we have a triangle of theatrical propagandistic

power being set up in an image, which is then going to go into the courtroom. And as you'll see in the clip that Dennis and I are showing, you'll see Ludendorff, the actors rather, the actor for Hitler, the actor for the judge, the actor for Rohm. Rohm is the guy who's almost bald and Ludendorff, you'll see there. I just asked to have a look at the theatricality and the propagandistic value because Hitler is the one to realise it all. And what we're going to talk about later is the opportunity that he grasps immediately. And that's, in a political trial, how to swing from being victim, to hero and martyr. Thanks. If you could show me.

- There's just one thing about that before we do that, just out of interest. Perhaps one of the themes, apart from the theatrical, is: "what would've happened if". I.E: What would've happened had the trial been private? What would've happened had we had a judge who actually took it more seriously? What would've happened if Hitler had actually been shot? As Trudy said last night, it was six inches away from him. And what would've happened if in 1939, because every year he came back to celebrate the Putsch, what would've happened in 1939 when somebody very courageously planted a massive bomb in the building where he was addressing the celebration of the Putsch in 1923.

And if it wasn't for the fact that the weather was bad and he took his train, rather than taking the plane, which meant he left early, blew up the building before he was there, he would've been killed in '39. So it's fascinating, this question of "what if," but let's now have a look at the theatricality, and the way the actor, at least I think in many ways, covers exactly what David is talking about.

Video clip is played.

- [Guard] Herr Hitler.

- There he is!

- Let us proceed. General Ludendorff, you have been accused of high treason. How do you plea?

- Not guilty.

- Adolph Hitler, you have been accused of high treason. How do you plea?

- Guilty.

- Herr Hitler, are you a German citizen?

- Are you talking about a piece of paper, or the blood that runs through my vein?

- Answer the question.

- No.

- In November of last year, you lead a putsch against the Bavarian state and German Reich. You coerced and threatened Commissar Kahr, General Lossow and Colonel Seisser. You have been accused of high treason and called an enemy of the state.

- If a thief takes your money and you take it back, does that make you also a thief? In 1918, we were betrayed by the November criminals; the ones who claimed to be our leaders. They entered the war, signed the treaty of Versailles, and that is high treason.

- This is supposed to be an interrogation, not a speech.

- I was simply taking back that which was stolen from us five years before. Namely the right, the right to defend ourselves against the wishes of an incapable parliament. I used no force, I used no force, I was supported by Commissar Kahr, why isn't he on trial? If I am guilty of anything, then I am guilty of fighting to defend the rights of the German people.

- Fascinating, isn't he?

- General Ludendorff, the court finds you not guilty and releases you from custody.

- Herr Hitler, The court finds you guilty of treason.

- Yes.

- You are hereby sentenced to a fine of 200 gold marks and five years in Landsberg prison.

- You will,

- You will be eligible for parole in nine months.

Video clip ends.

- There are a couple of things about this before we discuss, I'll hand over David to make some comments too. A couple of things I just want to observe. I think the director was wrong on one level that Hitler came along with both his first and second class Iron Cross pinned on his jacket, which was a rather important statement, because crucial to the case, was the idea that he was actually a war hero. The second thing is you'll have noticed and it's absolutely a true rendition of what actually happened, that the judge literally gave him extraordinary latitude.

And whilst the case went on for 24 days, Hitler was allowed to make a number of speeches of the particular kind of which you just saw an extract. And you'll also notice just how the foreign

press were particularly impressed by his strategy. But David, maybe you'd like to make some comments because we did want to end at ten to, much of the stuff with sentence and all of that we can canvas tomorrow night.

- Yeah, just a couple of things because I know we'll go into much more depth or detail tomorrow about the propaganda aspect and the theatricality. It's really just to say that what I think this clip captures, I mean I think it's a bit melodramatic with the actor, with Hitler. Maybe a bit overdone for our contemporary taste. But the shot of, you know, in the beginning he's just this little prisoner, and he probably expects, could be a death sentence, could be anything. And then coming out and what we see is this transition as he realises, the first thing he does when he gets into the trial, he looks up and he sees the newspaper and he sees all the press, national, international, I mean, all symbolised by the English journalist there and others.

Then he sees Ludendorff and all of those seated. And then he looks and sees all the judges lined up almost like an apparent parody of the Spanish Inquisition kind of image. And then takes his seat, where he speaks very softly in the beginning and then louder. Everything is turning around in the actor's mind. And I think he's trying to mimic what he imagines Hitler, from victim and using victim hood to then propagate martyr and hero and the classic tropes: Who can I accuse? Who's betrayed us? The phrase, "All I wanted to do was make Germany great again." Hmm. The phrase about who's betrayed us, the stab in the back, the phrase of the times, you cannot turn from being a victim to being a hero and a martyr without finding someone to blame, and that has betrayed you and the people, or the group, because they then become the enemy of the state, the enemy of the people and it all goes on.

There's a fantastic play by the German playwright, Buchner, who wrote in the 1820s and died young. He died at the age of 26. Brilliant plays, and the one brilliant one, I mean, he was regarded as the probable next Shakespeare, the German Shakespeare. Better than Goethe, much better at theatre and the origins of modernism. Anyway, Buchner wrote a play called "Danton's Death" and inside is the trial of Danton. And you have Robespierre, Danton and Marat; the three main leaders of the French Revolution.

And I'm sure as everybody knows, Robespierre conspires against Danton and he's on trial and he gets sent to the guillotine and then six months later, Robespierre himself, is put on trial for the reign of terror and he's sent to the guillotine. So one by one the revolution betrays itself. But they have the immediate and what the Buchner's play captures, is in a sense, the classic structure of revolutions. Who do you betray? How do you portray the archetypes of victim, hero, martyr? How do you portray the story of the ordinary small character, who transcends and becomes great, through his own ingenuity and wit, to outwit the other.

The comments that Hitler makes, the phrases, the this, the that, all of it is stunning them because they have their stereotype perception that this should be a peasant, working-class idiot. And the underestimation, the character, that Hitler realises and turns it and flips it completely. And one of the classical tropes in theatre and in political theatre is which character

underestimates the other? And we know that only too well in life. So what I want to just, I don't want to go into this in more detail at the moment, because we'll do that tomorrow, but I think what this clip shows is almost a classic structure of propaganda and opportunism, used and was realised very quickly in the moment and how to turn and flip.

And the second he looks at the judge, he understands the judge's perspective. And the judge will be sympathetic to him, as Dennis was saying, highly conservative, et cetera, et cetera. And the power rests with the judge. The prosecutor, everybody else is stunned or surprised but actually is fascinated. The comment by the English journalist, "He's fascinating, isn't he?" With a very posh accent. And that's a superbly written moment, because it's fascination with the charisma that it begins to become the myth of this little guy. Charlie Chaplin picks it up in a very different way. And you have to start creating the myth in this kind of political trial.

And I'm saying that it may have been dimly conscious, but it's conscious in these players. Rohm, the guy is silent all the time. Ludendorff is portrayed as an idiot here, doesn't realise what's really going on. He's so stuck in his self importance and pompousness. Hitler isn't, he's an opportunist, looking every moment to seize anything to use. Rohm, silent, observing; a silent assassin. So I guess the last thing I wanted to say was, without going into too much detail right now, was, tomorrow that we will look more at this whole idea of charisma, and how charisma begins.

And it's because it's, I don't think it's something someone's necessarily born with, but how it's manipulated and manufactured in a way by the individual and by others. Because all these qualities come together in the myth and the persona of Hitler. And in these actors trying to capture it, they're trying to capture something of these things for us to understand in a way, I guess just to look at our own times and I'll just hold it there for now. Back to you.

- Can I just make two or three final points and then I will hand it over to Carly. We are going to analyse the Hitler speech in great detail tomorrow night, because it's worthy of doing so, and then comparing that to some of these other performances. But I just wanted to make a couple of points, which are particularly interesting. Apropos the judge, the rumour was that he'd actually said, in fact there were rumours circulating when the matter started, that he'd already met Hitler and said, "I'm sorry I haven't met you earlier."

And that he also had said about Ludendorff that he was the last decent German left because of his feelings about the war. What is also interesting is, and picking up David's point about Ludendorff the idiot, we only see in the little clip, Ludendorff says, "not guilty", but actually he droned on for three hours in a completely incomprehensible fashion, at the end of which, he'd convinced everybody that he was an idiot and that he knew nothing. And what was interesting was they pleaded not guilty. Hitler pleaded guilty. Hitler said, I'm guilty, I'm going to take responsibility for this. And what this shows about Hitler, as David says, is that extraordinarily innate ability to grab an opportunity and to place yourself at the centre.

Remember this, as I indicated, the reason why I spent a couple of minutes on Ludendorff is Ludendorff, when you go into that courtroom, if you had asked all the press, they would've actually known who Ludendorff was. He was very famous. He was the second most famous general in the whole of Germany at the particular point in time. What is he doing in this particular case? You might have asked. So he's the guy that essentially, as it were, if you almost want to say, brings the crowds in.

But at the end of the day, it's not he who becomes the centre and what the stops showing you is something extraordinary about Hitler, which as I've already mentioned the Volker Ullrich books: What Ullrich shows so extraordinarily is that everything revolved around Hitler. That everybody was a prop for Hitler. Hitler himself said, "I have to save Germany, nobody else can do that." It is me who ultimately has to make all the decisions. It was Hitler who essentially would say that his generals were a bunch of idiots and that he had to take over from them. And here in this trial, you get the beginnings of that, that he's able, in admittedly far less advantageous conditions, because as David said, who is he at that point in time?

To grow from the schlepper, who, they put in almost a character of a person they put in a prison and think that's it, to an absolutely central feature. And he spoke for three hours that day. That was only four minutes, but there was a three hour speech. And at the end of it, nobody was left in any doubt as to the who the centre of the entire process was. And that here was, he had created the image of a German patriot who was saving Germany as is indicated in that speech, saving Germany from the perfidious activity of those who had caused the German defeat during the first World War.

And so these are extraordinary ways in which going back to the political trial, the ability of somebody to essentially emerge as the main character and literally power himself into world attention. Literally in one short 24 hour day, 24 day trial. But I think we did promise that we would stop at ten to, we will talk about, tomorrow night, analyse the speech very carefully. We'll talk about the sentence, we'll talk about "Mein Kampf" and all of that, that's for tomorrow night. But if there are questions, we'd love to take them now. So Carly, over to you.

- Thank you both very much. So I'm going to do my best to keep this apolitical, as I think it's important we remember that this is probably a difficult day for everyone, and I know there was a range of political views on the line. So David and Dennis, if you can bear that in mind in your responses.

- I shall do.

Q&A and Comments:

Q: So. Dennis, having gone through such a trial, what were some of the changes that Hitler made to the judicial system once he takes power?

A: Well, that's a really interesting question. As I say, the Weimar Republic was a social democratic constitution, although it was policed by many, as I try to indicate, by a judiciary, which was totally antithetical to that. By the way, that's a really interesting question generally because it was a problem that the Germans faced after 1945. There's a matter of research which indicates that the German judiciary after '45 were very many of the judges who were there pre-'45. So it's always this clash between the continuity of the judiciary and the legal system.

What Hitler did, was ultimately, to pass a whole series of laws, stemming literally from the time he came in, in which did many, many things, but of course we all know what those laws were. Those were all the laws which ultimately led to fundamental differentiation, discrimination, egregious treatment of Jews and others. What he did was to suspend the idea of a legal state, although it operated, but it operated in the shadow of the Fuhrer and the authority of the Fuhrer, and the authority of, as it were, the executive, then supplanted the idea of the judiciary and those judges who ultimately were decent, and there were some, certainly Jewish ones removed very quickly and others were appointed simply to fashion laws, which essentially as it were, suited Hitler.

And when I show judgement Nuremberg to many of you before, that was a trial of the judges. We are probably going to have a proper discussion of Nuremberg, in which judges were held to book, precisely because they were appointed to do exactly what was intended, which was to prostitute the root of law. But that came later. But they were helped by a very conservative bench, that I've indicated, in the twenties.

Q: Thank you. David, one for you. So what are some of the sources that inspired the propaganda and theatricality for Hitler?

A: I think the fact that he was a failed artist and in the same way for me, this trial is so pivotal in history and he comes with an artistic sensibility. You know, he's obsessed with architecture drawings and sketches of buildings, trying to be an artist in Vienna, applying to the the art academy and being rejected. I think he saw himself, I mean, Stalin tried to write poetry. And, these are frustrated and failed artists, and I think, and Hitler also designed the Swastika. The red and the black and the design slightly off-circle, off-balance positioning and so on. I think the fact that there's an artistic sensibility gives rise to an awareness of the importance of the aesthetics, of the artistic, the the aesthetic need in formulating the medium of propaganda.

And in his time, he grasped immediately the use of radio. His human voice could get into everybody's home in Germany. They gave radios out once they got into power in '33, they gave radios out to most German families in the country. So the use of film, which Goebbels was obsessed with, the use of radio, the use of colour, shape, angle and positioning and choreography. I think that comes from a certain kind of artistic quality in the guy.

And together with that often goes, not necessarily always, a theatrical sense of instinctively using the moment; Sees it as an opportunity to upstage whoever, whenever. And we also know

that he was trained by some people in terms of his physical gestures and performance and he practised for hours in front of mirrors, the acting. Which when I get later and talk about Brecht for the play, where Brecht actually has an actor coming and teaches Arterio, the gangster Hitler's based on in the satire, to teach him all these gestures and physical movements and so on. And Hitler did employ that. So it's a physical embodiment of performance.

Q: Thank you, so there are a number of very, very specific questions coming through. So I think what I'll do is, I'll send the Q and A chat to David and Dennis at the end of this, and you can perhaps work some of that in to tomorrow because I think some of them are just very kind of specific that you may want to follow up on. But one of the attendees is asking, did Hitler ever specifically condemn the Jews in any of these speeches?

A: Yes. And if tomorrow night, Tomorrow night, in fact, the speech we'll show you, he does it right up front. Right up front, talks about his antisemitism. Yeah, it's in the speech.

- I've got the phrase here, one of the phrases to help you, the person asking the question. In the speech, Hitler says, "The racial tuberculosis of the people in the international Jews," "Racial tuberculosis of international Jewry." and many other phrases from Hitler's speeches.

- The reality was that, anybody who listened to that speech in 1924 at that trial would've known fully what Hitler was up about, was on about, with regard to the Jews. Made it absolutely clear, there was no sense of any obfuscation.

Q: And in terms of, you know, looking at this through today's lens, and I don't mean specifically today, I mean today the era, how would you see modern technology playing a role in a similar kind of trial today?

- I'm not quite sure I know what is meant by that question.

- So I guess probably in terms of social media, Twitter,

- [Judge Dennis] Okay. these kinds of tools, how would you imagine that, that would've affected such a trial?

A: Well, it's a very interesting question. Speaking for myself as a judge, and we get many in South Africa, very politically fraught cases. It's true that there's a lot of Twitter tweets and similar that go on commenting about the trial all the time, seeking to frame the discourse around which the trial is located. So meaning trying to influence both people's perception of the trial, and trying to influence, to some extent, the way people should understand the trial. All I, somebody doesn't tweet or anything, I never know what the hell is being said. And so quite frankly, Carly, in many cases I've been in, people have said, "Have you seen what they say about you?"

And I actually don't care, but I don't think we are influenced by this as a judiciary, but I do think

that what has happened very often is that the framing of a case, and that is important, the framing of a case so that the case is seen through particular eyes. And that's what Hitler was able to do, in this case without technology. He framed the case, as a case of people who ultimately were responsible for the degradation of his society and that he was the innocent one. That framing of cases in that way has become far greater under Twitter. And one of the things that does concern us in trials is intimidation of witnesses through social media. Of that there's no question. And let me say one other thing.

Many of my colleagues at the bar, particularly women have told me, representing people in South Africa that they've had the most vicious attacks on social media. You know, if you carry on attacking Mr. Zuma, we are going to rape you and kill you. And that sort of thing is happening quite often. Massive intimidation occurs at the same time. I can't guess what kind of intimidation there would've been of anybody trying to actually charge Hitler if there was that kind of media, particularly if Goebbels was around.

- Two quick points, just to add to what Dennis is saying, looked at it artistically would say, who controls the narrative? And the judge thinks he does and Ludendorff, and how quickly the other character, Hitler, comes to seize the moment, and control and dictate and therefore create the narrative. The framing exactly that Dennis is talking about and that's the technique of doing it. And that is the use of them in the moment, understanding contemporary theatricality; how you seize it and become centre stage.

By controlling the narrative that others are trying to control you with. The second thing with social media, is that it's private thoughts. So every single private thought that anybody wants anywhere, you can almost send out to the world anonymously, and therefore have a far greater impact than if you're just chatting to somebody over a cup of coffee and we're letting out private thoughts. So it's a magnification of the inner world, which used to be inner soliloquies or couple of speeches or whatever, in trials or in theatre.

It's the interior life of billions of people able to literally become the narrative. And if you can control that, you have extraordinary power.

- Thank you both very much. So I know everyone looks forward to part two and I will now hand back over to Wendy.

- Thank you very much, Carly. Thank you Dennis. And thank you David. We will, we look forward to seeing you tomorrow and we will give a little extra time for questions if that's okay with the two of you.

- [Judge Dennis] Sure.

- [David] Sure.

- [Wendy] Yeah? Good.

- Thank you.

- All right, thank you. Good night to everybody, and for those in the states, enjoy the rest of your day.