



The Big Trial: Law as Public Spectacle

By Lawrence M. Friedman

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The trial of O. J. Simpson was a sensation, avidly followed by millions of people, but it was also, in a sense, nothing new. One hundred years earlier the Lizzie Borden trial had held the nation in thrall. The names (and the crimes) may change, but the appeal is enduring—and why this is, how it works, and what it means are what Lawrence Friedman investigates in *The Big Trial*.

What is it about these cases that captures the public imagination? Are the ?headline trials? of our period different from those of a century or two ago? And what do we learn from them, about the nature of our society, past and present? To get a clearer picture, Friedman first identifies what certain headline trials have in common, then considers particular cases within each grouping. The political trial, for instance, embraces treason and spying, dissenters and radicals, and, to varying degrees, corruption and fraud. Celebrity trials involve the famous—whether victims, as in the case of Charles Manson, or defendants as disparate as Fatty Arbuckle and William Kennedy Smith—but certain high-profile cases, such as those Friedman categorizes as *tabloid trials*, can also create celebrities. The fascination of *whodunit trials* can be found in the mystery surrounding the case: Are we sure about O. J. Simpson? What about Claus von Bulow—tried, in another sensational case, for sending his wife into a coma.? An especially interesting type of case Friedman groups under the rubric *worm in the bud*. These are cases, such as that of Lizzie Borden, that seem to put society itself on trial; they raise fundamental social questions and often suggest hidden and secret pathologies. And finally, a small but important group of cases proceed from *moral panic*, the Salem witchcraft trials being the classic instance, though Friedman also considers recent examples.

Though they might differ in significant ways, these types of trials also have important similarities. Most notably, they invariably raise questions about identity (Who is this defendant? A villain? An innocent unfairly accused?). And in this respect, *The Big Trial* shows us, the headline trial reflects a critical aspect of modern society. Reaching across the nineteenth and twentieth centuries to the latest outrage, from congressional hearings to lynching and vigilante justice to public punishment, from Dr. Sam Sheppard (the ?fugitive?) to Jeffrey Dahmer (the ?cannibal?), The Rosenbergs to Timothy McVeigh, the book presents a complex picture of headline trials as displays of power—moments of ?didactic theater?" that demonstrate in one way or another whether a society is fair, whom

it protects, and whose interest it serves.

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Editorial Review

Review

"Friedman takes his analysis into current time, where he argues that the social changes and media developments have allowed the entertainment aspects of the didactic theater to overshadow its informative aspects."—**Reviews in American History**

"Engaging from the beginning, at both a theoretical and a very explicit, sometimes even sensational level. Thoughtful and though provoking."—**Choice**

"Lawrence M. Friedman, our legal historian with the widest range, explains the great variety in courtroom and related events that have attracted our attention in American history. His book is a must for anyone who becomes absorbed in a high-profile trial."—**Robert A. Ferguson**, George Edward Woodberry Professor in Law, Literature, and Criticism at Columbia Law School and author of the author of *The Trial in American Life*

"Witty and engagingly written, *The Big Trial* sheds important light on the social functions of 'headline trials' in American history, both before and during the age of mass media. Professor Friedman compellingly shows how big trials educate the public, impart moral messages, and above all, entertain us."—**Samantha Barbas**, author of *The Laws of Image*

About the Author

Lawrence M. Friedman is Marion Rice Kirkwood Professor at Stanford Law School. He is the author, among other works, of *A History of American Law*; *The Legal System: A Social Science Perspective*; *Crime and Punishment in American History*; and *The Human Rights Culture*.

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