

The Trial of Genghis Khan!

Resources:

<http://worldhistoryconnected.press.illinois.edu/5.2/may.html>

<http://afe.easia.columbia.edu/mongols/>

<http://www.telegraph.co.uk/news/worldnews/asia/mongolia/1488075/Genghisthegoodguy.html>

<http://bedejournal.blogspot.com/2011/12/howbadweremongols.html>

<http://www.returnofkings.com/67425/10lessonsfromthelifeofgenghiskhan>

The Mongol leaders face indictment on a charge that they were uncivilized conquerors and rulers in the thirteenth and fourteenth centuries. The Mongols are useful as defendants for several reasons. First, from the unlikeliest of geographic origins, the Mongols rose to political and economic domination of the largest land empire the world has ever seen. Their matchless cavalry, relying on clever tactics and a well earned reputation for ferocity, defeated much bigger forces and struck terror into countless hearts. As their successful armies enforced relative peace across the Eurasian steppes, long distance trade and crosscultural contacts increased.

Second, conflicting interpretations of their historical role make the Mongols attractive subjects for a mock trial. For many years, historians have viewed them "as barbaric plunderers intent merely to maim, slaughter, and destroy. This perception, based on Persian, Chinese, Russian, and other accounts . . . has shaped both Asian and Western images of the Mongols" As Gregory Guzman observes,

The early sources generally equate the barbarians with chaos and destruction. The barbarians are presented as evil and despicable intruders, associated only with burning, pillaging, and slaughtering, while the civilized peoples are portrayed as the good and righteous forces of stability, order, and progress

This view of the Mongols' historical role has prevailed for centuries.

However, recent scholarship has generated a different interpretation. This interpretation critiques the early sources as

. . . blatantly onesided, biased accounts written by members of the civilized societies. Thus, throughout recorded history, barbarians have consistently received bad press—bad PR, to use the modern terminology. By definition, barbarians were illiterate, and thus they could not write their own version of events. All written records covering barbarian civilized interaction come from the civilized peoples at war with the barbarians—often the sedentary peoples recently defeated and overwhelmed by those same barbarians.

Such scholars as Morris Rossabi, David Morgan, and Timothy May have offered new perspectives. They have

. . . sought to present a more balanced picture of nomads' role in world history, emphasizing what they created as well as what they destroyed. These historians have highlighted the achievements of nomadic peoples, such as their adaptation to inhospitable environments; their technological innovations; . . . their role in fostering crosscultural exchange; and their statebuilding efforts.

As a result of these divergent interpretations, ample evidence exists to argue whether the Mongols were civilized or uncivilized conquerors and rulers during their heyday.

Genghis Khan founded the Mongol Empire, the largest contiguous land empire in world history. But was he civilized? Now you will decide this issue as Genghis Khan goes on trial before "The Court of History" !

The Indictment: Genghis Khan and his descendants were uncivilized conquerors and rulers in the 13th and 14th centuries.

Roles

Attorneys (6 total) —

Prosecution attorneys (3):

"Team captains" of the prosecution. Will try to convince jurors that the evidence supports the indictment. Will study the evidence and organize the case. The attorneys function as the "team captains" of the prosecution and defense. They not only need to understand the logic and supporting details of their own case, but they also need to comprehend the opposing case. In addition, the attorneys must coordinate the testimony of the witnesses on their side of the issue, and be ready to cross-examine the other side's witnesses. Attorneys will need to interview and call 10 witnesses. Not to mention cross examine the defense's witnesses. Attorneys have a great deal to keep in mind, therefore they have the least amount of writing responsibility.

Required:

1. Opening statement: Why is Genghis Khan guilty? What will you be able to show over the course of this trial to prove his and his posterity's guilt?
2. Interview all Prosecution witnesses and develop questions for all prosecution witnesses. Be prepared to cross examine the defense's witnesses as well.
3. Closing statement: How has the evidence presented in this case proved the prosecution's case?
4. On the first day of the trial, both attorney teams must submit their direct examination questions in google doc. These are the questions you're asking the witnesses
5. Work closely with your group of 3 and divide the workload fairly. Remember that you are "team captains." Work with *all* witnesses on your team to make sure that communication is clear and that the testimony is coordinated. Work with witnesses in preparing questions. Remember that there are limits on how many questions may be asked during direct examination and crossexamination. These limits will be enforced by the judge. Opening/closing statements should be clear and concise (1-2 Mins). Do not exceed time limits.

Defense attorneys (3):

"Team captains" of the defense. Will try to convince jurors that the evidence does not support the indictment. Will study the evidence and organize the case. The attorneys function as the "team captains" of the prosecution and defense. They not only need to understand the logic and supporting details of their own case, but they also need to comprehend the opposing case. In addition, the attorneys must coordinate the testimony of the witnesses on their side of the issue, and be ready to cross-examine the other side's witnesses.

Required:

1. Opening statement: Why is Genghis Khan innocent of these charges? What will you be able to show over the course of this trial to prove his and his posterity's innocence?

2. Interview all Defense witnesses and develop questions for those witnesses while they are on the stand. Be prepared to cross examine the prosecution's witnesses
3. Closing statement: How has the evidence presented in this case proved the Defense's case?
4. On the first day of the trial, both teams must post copies of their direct examination question in a google doc. These are the questions you're asking the witnesses
5. Work closely with your partner and divide the workload fairly. Remember that you are "team captains." Work with *all* witnesses on your team to make sure that communication is clear and that the testimony is coordinated. Work with witnesses in preparing questions. Remember that there are limits on how many questions may be asked during direct examination and cross-examination.

These limits will be enforced by the judge. Opening/closing statements should be clear and concise (1-2 mins). Do not exceed time limits.

Defendant (1)

Genghis Khan:

Will testify at the trial. You are on trial for your life and legacy.

Required:

1. Will research and write a 1-2 page paper on this prompt: "Genghis Khan and his descendants were civilized conquerors and rulers in the 13th and 14th centuries."
2. Will testify for both Defense and Prosecution. You must be ready to act like Genghis Khan and prove your innocence in front of a jury of your peers
3. Will record notes of each day's proceedings and post to classroom. What types of questions are being asked? Which side is making stronger arguments during each day of the trial? Give examples of those arguments.

Jurors (5)

Will listen to each side make its presentation of evidence and finally issue a verdict. The jurors' required paper topics are chosen to help them begin to think about how other rulers led large states and armies during the pre-modern era. This task provides a frame of reference for evaluating the Mongol record from the perspective of its own time period.

Required:

1. Will prepare a 1–2 page paper on one of these topics:
 - Timur the Lame (Tamerlane): Was He a Civilized Conqueror and Ruler?
 - Alexander Nevskii: His Relationship With the Mongols.
 - Tang Taizong of China: What Made Him a Successful Ruler?
 - Harun al Rashid of the Abbasid Dynasty: Why Was He a Powerful Caliph?
 - Minamoto Yoritomo of Japan: How Did He Establish the Shogunate?
 - Mansa Musa of Mali: What Motivated His Behavior as a Ruler?
 - Louis IX of France: Saintly King or Ruthless Slayer of Muslims?
 - Edward I of England: How Did He Strengthen His Kingdom?

By answering ONE of these prompts the juror will be able to have some sort of context as to why Genghis should be found innocent or guilty.

2. Will record notes of each day's proceedings and submit in a google doc. What types of questions are being asked? Which side is making stronger arguments during each day of the trial? Give examples of those arguments.

3. Will deliberate and come to a verdict in this case. Will need to provide a written verdict of innocence and guilt and why?

Witnesses (19)

Will testify at the trial. The witnesses submit papers containing the testimony and supporting information which they plan to present under direct examination during the trial.

D= Defense witness, P=Prosecution witness

Required:

1. A 1-2 page witness sheet: This should include evidence that either the defense team or Prosecution team can use to prove their respective cases. You will need to research thoroughly your witness and provide the attorneys with the necessary information to prove their case. You will also need to practice standing before court and giving your testimony. This needs to be supplied to the attorney ASAP. Write a witness sheet that clearly identifies your character and his/her connection to Genghis Khan and/or his descendants. The witness sheet should contain the testimony you plan to deliver at the trial.

2. You will be required to meet one on one with each of the attorneys for the case and present your witness sheet to them PRIOR to the trial beginning.

3. Will record notes of each day's proceedings in a separate google doc. What types of questions are being asked? Which side is making stronger arguments during each day of the trial? Give examples of those arguments.

4. When on the witness stand, make sure you are audible—if you tend to be softspoken, this is one time you need to *speak louder!* *Maintain eye contact with the attorneys and jury.* Answer questions accurately and directly.

Witness choices:

1. Mongol warrior: D
2. Mongol woman: D
3. Kublai Khan: D
4. Historian Juvaini: D
5. Marco Polo: D
6. Silk Road merchant: D
7. Mongol General: D
8. Historian Rashid al-Din: D
9. Nasir al-Din al-Tusi: D
10. Balkh shopkeeper: P
11. Pope Innocent IV: P
12. Mstislav III, prince of Kiev: P
13. Mustasim, caliph of Baghdad: P
14. Chinese Confucian scholar: P

- 15. Chinese soldier: P
- 16. Chinese peasant P
- 17. Ibn Battuta P
- 18. Japanese daimyo P
- 19. Tibetan Buddhist monk P/D

During Trial

Procedures

- The judge reads the indictment. The defendant enters his plea.
- Opening statements by prosecution and defense attorneys (each side: 1–2 min.)
- Direct examination: Prosecution calls 9 witnesses (inc. defendant). (max. 10 questions total)
- Defense crossexamines
each witness. (max. 10 questions total)
- Direct examination: Defense calls 9 witnesses. (max.10 questions total)
- Prosecution cross-examines
each witness. (max.10 questions total)
- Closing statements by prosecution and defense attorneys (each side: 1–2 min.)
- Jury deliberation and verdict (to be read in court on first school day after the trial).

Reflection Discussion

After the verdict is delivered, *we will have socratic seminar in class. Each role will need to be able to respond to the questions below.*

Attorneys:

1. Which one of your witnesses presented the most convincing evidence supporting your side of the case? Discuss specific reasons for your opinion.
2. Which one of the opposing witnesses presented the most convincing evidence supporting the other side of the case? Discuss specific reasons for your opinion.
3. Which aspects of the simulation were the most helpful to you? Discuss specific reasons for your opinion.
4. Which aspects of the simulation could be improved or changed? Discuss specific reasons for your opinion.

Witnesses and Defendant:

1. Which two witnesses on the other side of the case presented the most convincing evidence? Discuss specific reasons for your opinion.
2. In your own opinion (as a twenty-first century student), were Genghis Khan and his descendants uncivilized conquerors and rulers in the 13th and 14th centuries? Discuss specific reasons for your opinion.

Jurors:

1. Which one of the prosecution witnesses presented the most convincing evidence supporting that side of the case? Discuss specific reasons for your opinion.
2. Which one of the defense witnesses presented the most convincing evidence supporting that side of the case? Discuss specific reasons for your opinion.
3. Which aspects of the simulation were the most valuable? Discuss specific reasons for your opinion.
4. Which aspects of the simulation could be improved or changed? Discuss specific reasons for your opinion.

Day 1:

- Background and Get into roles

Days 2 – 6:

- Research and preparation.
- Attorneys talk with witnesses (p is prosecution witness, D is defense witness) Witness interviews are vital to the Defense and Prosecutions case. Witnesses need to be reliable and offer up factual evidence to support their viewpoint. Cases fall apart quite often if the witnesses are deemed unreliable or untrustworthy. The witness shares what he/she has learned about the Defendant's actions and point of view, thus giving the attorney an opportunity to configure the witness' testimony within the framework of the entire case. The attorney depends upon the witness, because the details of the case cannot be understood unless the attorney knows what information the witness can supply.
- Both prosecution and defense may call upon 10 witnesses; the defendant is a defense witness. Attorneys for each side may ask a total of no more than 10 questions under direct examination, so these questions must be carefully chosen, as to convince the jury of either innocence or guilt.
- Jurors research their topic as does defendant (Genghis Khan)

Days 7 – 9: THE TRIAL

- First day of trial all papers and questions need to be submitted in a google doc. These include attorney questions, defendant and juror research papers, and witness sheets. On each day of the trial, defendants, jurors and witnesses will need to complete the daily journaling of the proceedings. Think court reporter, and answer the questions attached to your role,
- The judge's call to order starts the trial preparation on Day 5. The judge's responsibilities are to see that procedures are efficiently followed. Since the number of attorney questions is limited and since objections are not allowed, the trial should move along nicely. Generally, on the first day, you should be able to get through opening statements as well as direct and cross-examination of one or two prosecution witnesses.
- By the end of Day 8, all witnesses will have testified and closing statements will have been delivered. The judge will charge the jury to decide the case based on the evidence presented in court. She will remind the jury that the indictment accuses Genghis Khan and his descendants of uncivilized behavior as conquerors and rulers. Then the case will be turned over to the jurors. Jurors will consider the evidence and will prepare individual written verdicts.

Day Ten: Verdicts and Socratic seminar

- Jurors will read their verdicts aloud to the court. The case will be decided by majority vote. After the verdicts are read, the judge adjourns the court. We will then use the discussion questions above individualized to each role, as well as the questions below for discussion. The trial should provide enough discussion points for everyone to participate.
- Debriefing will certainly involve at least two key issues. The first issue is the nature of "civilized" behavior. The indictment charges Genghis Khan and his descendants as uncivilized conquerors and rulers in the thirteenth and fourteenth centuries. What does it mean to be "civilized?" Does the word have the same meaning today as it did in the thirteenth century? Should the Mongols' actions be evaluated from the perspective of their own times or from a later, perhaps more "enlightened" perspective?
- A second issue resides in the concept of change and continuity over time. The indictment before "The Court of History" charges both Genghis Khan *and his descendants* with uncivilized behavior. The simulation is complicated by the indictment grouping together of several generations of Mongol leaders—not just Genghis Khan—as defendants. This grouping was intentional. It compels thoughtful students to ask good historical questions about the relationship of means to ends overtime. What was similar and what was different about the actions of Genghis and, for example, his grandson Kublai? What were the reasons for those similarities and differences? How is an empire conquered? How is an empire ruled?