

# Music Box

'Music Box' is a courtroom thriller. The producer, Irwin Winkler, says that it deals with complex themes including an examination of guilt, the memory of past crimes, the roots of evil, the nature of family relationships and how much we really know about our loved ones. It's a lot to deal with in a courtroom!

The story involves a talented Chicago criminal attorney, Ann Talbot, portrayed by Jessica Lange. Ann's father, Mike Laszlo, has been accused of war crimes committed in Hungary in the 40's. Ann determines to defend her father and prove that the charges are false, the result of unfortunate error or a deliberate vendetta. The court proceedings which could strip Laszlo of his American citizenship become the centre of the film's plot, testing Ann's personal strength as well as her legal skill. The unfolding of the complicated court case is the unfolding of the plot. However, the final judgment does not in fact conclude the story.

The screenwriter of 'Music Box', Joe Eszterhas, was inspired to write the film partly by the coverage of the trial of John Demjanjuk, a Ukranian-born Ohio car worker accused of being Treblinka's infamous 'Ivan the Terrible'. Eszterhas says that he reviewed the transcripts and watched hours of news coverage and TV interviews. He was interested not only in the progress of the trial and the legal argument but also the effect upon the people involved; the witnesses, the accused and his relatives.

Witnesses were asked to retell some of their own "history", but unlike most stories from the past, their extraordinary testimony also created a further drama; that of the defendant and those around him.

There are at least three dramas happening at once in every court case.

Firstly there is the theatre of the courtroom itself; the judge and possibly jury presiding over a case and defendants in the artificial structure of a legal debate. They create a drama of their own with special procedures and costumes.

Secondly there is the drama of the accused facing judgment, with all the repercussions for him or her and the friends and relatives. For these people the court case does not end when the judge calls recess or the final judgment is made.

Thirdly there is the reconstruction of the original drama, the one that is being judged, told by a process of witness testimony and Council argument, and this is the focus usually of the courtroom drama.

Perhaps this is why the courtroom has been such a popular setting in drama and literature, but especially in film. Courtroom scenes have added suspense and intrigue to countless films and are the whole basis of many.

- Why do you think the courtroom has such appeal for the dramatist and the screenwriter?
- Can you think of any real life cases, which have been adapted for television or film?
- In what respects is 'Music Box' an unusual courtroom drama?

Fill in the chart below which divides 'Music Box' into the different but linked dramas of the courtroom. We have put in some ideas already:

	Characters	Themes	Incidents
The Courtroom	Ann Judge Mike Laszlo	Is the Judge biased?	interruptions in court
The Drama of the Accused	Ann Mike Laszlo Mikey	how well do we know our parents?	visiting the mother's grave
The Case	Mike Laszlo witnesses man with scar	war crimes	the atrocities at The Chain Bridge

- Of these various dramas being played out in 'Music Box', which do you consider to be the most important?

Where the producer of 'Music Box' describes the film as 'a courtroom thriller', the director calls it a love story 'because without the love between the father and the daughter, the grandfather and the grandson, there would be no story. Only indifference.'

- Are these comments contradictory at all?

The courtroom drama has sometimes been described as 'neutral' or 'balanced'; the audience is addressed with the testimony of both sides.

## The Progress of the Trial

The law can be very dramatic. The witnesses at Laszlo's trial very clearly tell a particular story and also further the plot. There are many other instances where the film tells its story within the framework of law trial. For instance, Mike Laszlo's account of what had happened during the war is delivered to Ann's tape recorder for her use in defending him.

- What other unusual instances can you remember of how the original drama was told through the business of the court case?
- Does the progress of the law case also alter your perception of character?

On one level, the Music Box trial is a trial of the character of Mike Laszlo

- Is he a loving father, an abused man, a repentant criminal or a 'monster'?
- Is there a point at which you made up your mind?

The trial opens with explanations from both Ann and the prosecution lawyer Jack Burke of what they believe the trial to be about and what they intend to prove. Evidence is submitted by seven witnesses during the course of the trial.

- Can you remember them all, and the contribution each made to the issue of whether or not Mike Laszlo was the 'Mishka' in Budapest's Arrowcross militia?

In groups, try to complete Chart 1, outlining the development of the trial and its effect upon Ann. You may want to consider some of these questions:

- What exactly is the trial about?
- In what ways are the witnesses differentiated?
- Why have the film makers put the witnesses in this particular order?

- Why is the camera so often on Ann during the testimony?
- What is often the sign that she is disturbed?
- What sorts of scenes are juxtaposed with the courtroom testimony and why are they included?

One of 'Music Box's most dramatic sequences is in Magda Zoldan's apartment in Budapest.

- Why was Ann so unwilling to visit Tibor Zoldan's sister?
- What exactly is the nature of the evidence brought to Ann's attention?
- What does it prove?
- Can you remember what effect the film makers use to emphasise what Ann has realised?
- Could this small piece of evidence make any sense without the lengthy trial and explanations which precede it?

## The Courtroom in History

The history of war time atrocities and the disappearance after the war of many of those considered responsible is the background to the fictional 'Laszlo' case in 'Music Box'. The definition of 'war crime' is still a contentious issue, as is the continuing attempt to bring to trial many former Nazis who either fled Europe or were allowed to escape the courts due to their usefulness to the Superpowers who took control of Nazi occupied territory.

As Allan A. Ryan documents in his book 'Quiet Neighbours', something like 10,000 Nazis or pro-Nazis from all over Europe found sanctuary in the US after the war. Others ended up in various parts of the British Commonwealth and of course many went to South America. There has been debate this year in the House of Commons over the issue of supposed war criminals now living in the UK.

The director Costa-Gavras echoes the sentiments expressed by the character Jack Burke when he says that the important thing is not vengeance but remembrance: 'I don't think it is necessary to hunt down old men to punish them' he says, 'they should have been punished years ago. The important thing is to discover how, as human beings, they could have committed such acts.'

Discuss in groups your feelings about the punishment of war criminals today, and the meaning of 'war crime'.

- Do you think 'Music Box' is more about remembrance than vengeance?

Find out about the trials at Nuremberg. Some of those on trial denied the jurisdiction of the court over them.

- What do you think?

Find out about the recent trial of Count Tolstoy.

- Do you think there were no 'war criminals' on the Allied side?

Supreme Court Justice Robert Jackson at Nuremberg:

'Never before in legal history has an effort been made to bring within the scope of a single litigation the developments of a decade, covering a whole continent, and involving a score of nations, countless individuals and innumerable events.'

- Why was this trial more than most an exercise in historical judgment?

# War Criminals

Long before the actual victory over the Nazis in Europe in May 1945, the Allies had discussed prosecuting those responsible for the extreme violence and aggression of the Third Reich.

In 1942 Churchill, Stalin and Roosevelt had agreed upon handing over 'war criminals' to previously occupied countries. However, it immediately became apparent after the war that certain of the German High Command were considered potentially guilty in all 23 countries which had declared war on Nazi Germany. The London Agreement of August 8 1945 set up an International Military Tribunal to sit in judgment over these Nazis. It was this London Agreement which codified the concept of "war crime", which had been considered until the Second World War a contradiction in terms. Although the peace talks after World War One had insisted upon Germany paying reparations to the victorious nations, no individuals had been brought to trial.

These are the four main counts of indictment brought by the 23 nations against those who stood trial from November 1945 until August 1946 at Nuremberg:

1. The crime of being party to a common plan or conspiracy to wage aggressive war [including the crimes of 2,3,4.]
2. Crimes against peace - planning, preparing, initiating or waging a war of aggression- or a war in violation of international treaties.
3. War crimes- violations of the laws or customs of war, which included wanton destruction and the mistreatment of Prisoners of War.
4. Crimes against humanity- inhuman treatment of civilians, extermination and persecutions on racial or religious grounds.

It was for these crimes, usually for the last count, that war criminals since have been tried.

- Had Mike Laszlo been extradited to Hungary, he might well have been tried for 'crimes against humanity.'

## The Historian as Judge and Jury

A law court discusses history and sits in judgment upon it. There is necessarily a 'case' in question involving past events, which in turn may raise particular issues and will certainly need a decision on which version of those past events is actually "true". The judge or jury and the historian have to make similar assessments on the validity of evidence, based on character appraisal or expert opinion, in order to reconstruct past events, and sometimes judge the morality or wisdom of the perpetrators of those events.

- In Music Box, what is the 'history' being reconstructed in court?
- What 'expert opinion' is offered to help decide what happened and who was involved?
- What 'history' was directly retold?
- How did Ann attempt to suggest that some 'sources' might be invalid due to bias?
- How did she attempt to prove that some historical evidence might be invalid due to coercion put upon the witnesses?

Here again are the seven witnesses of the Laszlo case, and Magda Zoldan, the unofficial witness. Fill in Chart 2, which you will be given, explaining how their evidence might be biased, and why they might have been persuaded to be less than truthful. Here are some ideas which Ann also considered:

- How have the witnesses been found?
- Who might be interested in destroying her father's reputation and why?
- How can she, as historian and lawyer, make a convincing case that the witnesses/historical sources may be biased or forged?

As a judge, jury member or historian you would have to assess the reliability of the witnesses once all this information has been considered. Mark the reliability of these sources out of 10.

- What advantage does Ann have over an historian looking at the same evidence in 50 years' time?
- Which witnesses present primary historical evidence?
- Is primary historical evidence necessarily more reliable than a secondary source?
- What is the importance of the music box photographs in the case, and to Ann?
- Do photographs always constitute incontrovertible evidence in court or for the historian?
- Do you think Music Box presented all the facts necessary for a sound historical judgment, or
- Was some of the evidence chosen for its dramatic content?
- Why might a lawyer want to use such emotive evidence?
- Can historians be swayed in the same way that a judge or jury might?

## TASK

Hitler was very clearly a war criminal in the terms outlined by the London Agreement and in every possible sense.

However, his personal role in the holocaust is a matter of some debate amongst historians. The exact extent of his responsibility and guilt is not clear, though he is in no sense innocent. He is 'on trial', with the historian as judge, and the respective guilt of others almost more at issue than his own.

- If you were questioning any of these 'witnesses' what would you want to ask?
- What other evidence would you need?
- Could you make a conclusive judgment in the absence of a signed order from Hitler?

Discuss the use of euphemism in these sources.

Here are some sources related to this question:

Prosecution evidence, exhibit (a) (in translation)

Hitler's speech to the Reichstag 30 January 1939

'Europe cannot find peace until the Jewish question has been solved If the international Jewish financiers in and outside Europe should succeed in plunging the nations once more into war, then the result will be not the Bolshevizing of the earth, and thus the victory of Jewry, but the annihilation of the Jewish race in Europe!'

Prosecution witness 1

Adolf Eichmann, Head of Gestapo Department of Jewish Affairs.

'I think it must have been (August 1941) that Heydrich ordered me to come and see him. I went and he said to me...'The Fuhrer has ordered the physical extermination of the Jews'. He said this sentence to me and then, quite contrary to his habit, paused for a long time as if to test the effect of his words on me.'

Prosecution witness 2

**Rudolf Hoess, first commandant of Auschwitz.**

'In the summer of 1941, I cannot remember the exact date, I was suddenly summoned to the Reichsfuhrer SS. Contrary to his usual custom, Himmler received me without his adjutant being present and said to me in effect: 'The Fuhrer has ordered that the Jewish question be solved once and for all and we, the SS, are to impliment that order'...The existing extermination centres in the East are not in a position to carry out the large actions which are anticipated. I have therefore earmarked Auschwitz for this purpose.'

Prosecution evidence (b)

'To supplement the task that was assigned you on 24 January 1939, which is the solution to the Jewish problem by emigration and evacuation in the most suitable way, I hereby charge you with making all necessary preparation with regard to organisational, technical and material matters for bringing about a complete solution to the Jewish question within the German sphere of influence in Europe. Wherever other governmental agencies are involved, these are to cooperate with you.'

signed

H. Goering 31 July 1941

Defence witness 1

**Hans Frank (Chief of General Government, Polish territories not annexed to the Reich).**

'Himmler and Bormann transformed the remarks that the Fuhrer sometimes dropped at table into 'great secret missions', or else obtained on this occasion authorisation for their action. The history of the Third Reich in its later period is full of such procurations of the Fuhrer. However, he was himself, in these cases, generally too weak to revoke (zuruckpfeifen) these exaggerations.'

Defence witness 2

**US psychologist at International Military Tribunal at Nuremberg, Dr. Gilbert, relating the reaction of Goering to his hypothesis.**

'I shall suggest the following tableau: Hitler obsessed by anti-semitism and incapable of tolerating opposition or advice advocating moderation, saying finally to Himmler: 'Get rid of them- it little matters how- I don't want to hear about them any more!' Goering reflected a moment, seeming to visualize the scene; then he declared that it was probably like that that it happened'.

Defence witness 3

**F. Hossbach, close associate of Hitler.**

'There is no doubt that following arbitrary initiative, taken on their own account by sections of the party, things often followed an orientation which in the beginning was not in agreement with Hitler's own intentions.'

- Do any of these present primary evidence of Hitler's personal order to exterminate the Jews in Europe?
- Why might the defendants at Nuremberg have been keen to say they were acting upon the orders of the Fuhrer?
- What are the implications for historians of the 20th century of putting almost the entire 'blame' for the holocaust upon Adolf Hitler?
- What are the implications for those intent on prosecuting surviving war criminals?

Usually of course the historian is not looking at the individual culpability of any particular historical figure but weighing the evidence in order to come up with theories of what happened and why.

Many historical debates would be dismissed in a court of law due to insufficient evidence!

- Why is the debate about war criminals and the holocaust so fiercely contested?
- Can contemporary politics effect historical judgment and debate?

## PRESENTING THE EVIDENCE

- In what senses, if any is 'Music Box' a film about the holocaust?

Discuss your feelings about how the holocaust is dealt with in film and television.

Although in 'Music Box' the past is never recreated in a flashback, the focus of most of the court testimony is on Budapest during the war. When Ann visits Budapest, it is for her almost a trip back in time.

- How would it alter the film if flashbacks were used?
- What are the advantages for the dramatist in delivering all this story in the same medium (the courtroom testimony)?

It is unusual in film for a character to deliver a monologue to the camera. Even in courtroom dramas where a witness delivers a monologue as evidence, very often this is the cue for a flashback.

- Why are film makers often wary of monologues?

Supposing the Laszlo case were real, which would form the more useful evidence for the historian:

- the courtroom testimony or a reconstructed 'flashback'?
- Which would count as primary historical evidence and which as secondary?
- Why do you think the makers of 'Music Box' have chosen to include so many straight courtroom testimonies?

Discuss this decision in the light of the material with which they are dealing.

- Why are there so few dramas concerning the holocaust compared with the number of documentaries?
- What have the makers of 'Music Box' apparently learned from this?

Fill in the following chart, or use it as the basis of an essay, explaining the implications for the film maker and for the historian of the various presentations discussed

Witness Testimony	Implications for the Historian	Implications for the film maker and audience
Delivered as monologue; straight court testimony		
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	Dramatised as flashback or reconstruction	

CHART 1

	Evidence Concerning:	Effect upon Ann:	Is Laszlo guilty?
Witness 1 (Document's Expert)			
Witness 2			
Witness 3			
Witness 4			
Witness 5			
Witness 6 (ex KGB defector)			
Witness 7 (hospitalised in Budapest)			
<b>LEGAL JUDGEMENT</b>			
Tibor's sister			
The Music Box photographs			
<b>ANN'S JUDGEMENT</b>			



**CHART 2**

	<b>Personal Bias :</b>	<b>Coercion:</b>	<b>Reliability: /10</b>
<b>Witness 1 (Document's Expert)</b>			
<b>Witness 2</b>			
<b>Witness 3</b>			
<b>Witness 4</b>			
<b>Witness 5</b>			
<b>Witness 6 (ex KGB defector)</b>			
<b>Witness 7 (hospitalised in Budapest)</b>			
<b>Tibor's sister</b>			
<b>The Music Box photographs</b>			