

History

LAWRENCE:

The Uncrowned King of Arabia.

By Michael Asher. Overlook Press.

418 pp. \$35

Myth and reality were forever at war in the life of T. E. Lawrence (1888–1935). To detractor-in-chief Richard Aldington, author of a hugely controversial 1955 biography, the soldier-scholar who strove for immortality in *The Seven Pillars of Wisdom* (1935) was “an impudent mythomaniac.” To Winston Churchill, though, *The Seven Pillars* is among “the greatest books ever written in the English language.”

Eighty years after the Arab Revolt, it is probably fair to say that the abiding view of Lawrence the aesthete and champion of Arab independence is kept alive not by the epic prose of his memoir—one of those classics that are nowadays more read about than read—but by David Lean’s spectacular 1962 film. As they used to say in the old movie trailers: Peter O’Toole is Lawrence of Arabia. There is a certain irony in that appropriation of Lawrence’s image. “Other than stars of the screen,” writes Asher, “Lawrence was perhaps the first international megastar of the century, and ‘Lawrence of Arabia’ was created by its first major publicity campaign.”

Newspaper correspondents who interviewed the young Army colonel on his return from Palestine in 1918 were intrigued by his “unassuming” exterior, unaware that he had long used his apparent aloofness and modesty to enhance his personal mystique. (One of his admirers, the military historian Basil Liddell Hart, described Lawrence’s personality as that of “a woman wearing the veil while exposing the bosom.”) Lawrence made shrewd use of an American journalist, Lowell Thomas, who subsequently delivered an immensely popular series of illustrated lectures that did much to set in stone the achievements of the “Prince of Mecca.” Though Lawrence affected embarrassment at seeing his name trumpeted, he was often to be found in the audience at the talks. No wonder cynical souls accused him of backing into the limelight.

Arriving a decade after Jeremy Wilson’s authorized biography, Asher’s book is part portrait, part travelogue. A seasoned Arabist and

explorer, Asher has previously published a biography of the explorer and author Wilfred Thesiger and a study of Lawrence’s adopted brothers, the Bedu. Determined to retrace his subject’s footsteps, Asher roams through the Sinai Desert, Jidda, and beyond, constantly testing Lawrence’s account of his journeyings against the known documentation and his own experiences. Did Lawrence really carry out the execution of his servant, Hamed? Was he really raped, as he claimed, after being captured by the Turks at Dara’a in 1917? Asher at least casts doubt on Lawrence’s own words, whether in *The Seven Pillars* or in letters to friends.

Curiously, though, the flaws and paradoxes that emerge render Lawrence more sympathetic, not less. Asher depicts a self-made man of action prone to bouts of homoerotic masochism. Shrinking from danger at first, he consciously forced himself to confront violence, all the while laying the ground rules for modern guerrilla warfare—summarized in his own words as the art of deploying “the smallest force in the quickest time at the furthest place.”

Asher quickly outlines the final years. Lawrence, seemingly desperate for anonymity, used pseudonyms to enlist in the army and the Royal Air Force, then went out of his way to advertise the fact among his VIP friends and acquaintances. His death in a motorcycle accident, aged only 46, can be seen almost as a release for a man who once described himself as a clock whose spring had run down.

—Clive Davis

THE PALLADIUM OF JUSTICE:

Origins of Trial by Jury.

By Leonard W. Levy.

Ivan R. Dee. 114 pp. \$18.95

“The jury trial is at best the apotheosis of the amateur,” Harvard Law School dean Erwin Griswold once declared. “Why should anyone think that 12 persons brought in from the street, selected in various ways for their lack of general ability, should have any special capacity for deciding controversies between persons?” These days, the jury system’s perceived shortcomings and outrages are legion: the acquittals of O.J. Simpson (after nine months

of evidence and four hours of deliberation) and of the police officers who pummeled Rodney King; the \$1 million award to a woman who claimed that a CAT scan had zapped her psychic powers; the \$2.9 million awarded to a woman who spilled McDonald's coffee in her lap; the \$10.5 billion damages against Texaco (the jury reportedly tacked on another billion for each defense witness they loathed); and other tales of jurors befuddled or bamboozled, ignorant or indignant. Jury-room missteps may not be conclusive—judges routinely reduce excessive damage awards—but that's hardly a ringing defense of the system.

Now comes historian Levy, author of the Pulitzer Prize-winning *Origins of the Fifth Amendment* (1968) and some 30 other books, to show how we got here. The jury arose eight centuries ago because Henry II (1154–1189) distrusted the traditional modes of settling disputes. Professional fighters—lances for hire—had corrupted trial by battle. Trial by ordeal was at the mercy of the supervising priest, who, if feeling charitable, might assign the litigant a less-than-nightmarish ordeal: immersing his arm in lukewarm rather than boiling water, for instance, or eating bread while those around him prayed that he would choke if guilty. So Henry established local, 12-man inquisitorial bodies and gradually expanded their jurisdiction. Why 12? According to the 17th-century treatise *Duncomb's Trials*, “If the 12 apostles on their 12 thrones must try us in our eternal state, good reason has the law to appoint the number of 12 to try our temporal.”

As Britain refined the jury system, Pope Innocent III (1198–1216) launched the Holy Inquisition against heretics. Conviction required something akin to proof beyond a reasonable doubt, which placed a premium on confessions—even confessions obtained by torture. So, despite the putatively pro-defendant standard of proof, “the entire history of the Inquisition reveals not a single instance of complete acquittal.” Levy adroitly contrasts the inquisitorial system with the jury system, and assesses why Britain did not go the way of the Continent.

The British commitment to the local jury waned when jurors in the American colonies refused to enforce unpopular laws. Parliament shifted some trials in the colonies to judges (“the most grievous innovation of all,” John Adams declared) and other trials to British

juries (exposing the defendant, James Madison wrote, “to trial in a place where he was not even alleged to have ever made himself obnoxious”). The Declaration of Independence listed these practices as proof of Britain's plot to impose “absolute despotism” on the colonies. The issue in the founding era was not amateur versus expert, as Griswold later framed it; it was citizen versus state.

When it shifts from Europe to America, Levy's book unravels a bit, with twice-told tales and meager analysis. A larger problem is that his story ends around 1800. In that year (as in 1200), local jurors were valued because they were already familiar with the parties and the dispute. By 1900, judges often kept citizens with preexisting knowledge off juries. In 1800, too, juries often determined the law as well as the facts. By 1900, the Supreme Court had decreed that jurors were duty-bound to heed the judge's instructions on the law (though they had, and still have, the raw power to acquit against the evidence). Given these and other changes since 1800, Akhil Reed Amar, in *The Bill of Rights* (1998), pronounces today's jury “only a shadow of its former self.” Such an assessment, or at least another century of history, would have enriched Levy's book.

—Stephen Bates

THE HOLOCAUST IN AMERICAN LIFE.

By Peter Novick.

Houghton Mifflin. 373 pp. \$27

SELLING THE HOLOCAUST: From Auschwitz to Schindler, How History Is Bought, Sold, and Packaged.

By Tim Cole. Routledge. 214 pp. \$22.95

The crime we have come to call the Holocaust was not known by this name during World War II, and, in the years following the defeat of Nazi Germany, it did not receive the kind of public attention that it now attracts. These two books consider how the genocidal assault against the Jews became “the Holocaust” and assumed its present prominence in contemporary culture.

Novick, a University of Chicago historian, seeks to trace the development of Holocaust consciousness in the United States and to evaluate whether such aware-