

The Emergence of Historical Forensic Expertise: Clio Takes the Stand.
By Vladimir Petrovic. New York–London, Routledge, 2017. 258 pp.

Over the past century, the number of legal proceedings in which historians have been called on to provide expertise has grown significantly. Depending on the nature of the case, judges and representatives of parties have sought answers to all kinds of questions, such as the history of a particular community and its presence in a geographical space, the ideas that have driven the adoption of legal documents, and the functioning of various institutions which were involved in the oppression or extermination of a particular ethnic, national, racial, or religious group. Practitioners needed answers concerning history and, in particular, political and social history. Historical forensic expertise has thus been called on to contribute in legal settings, and it has done so, with varying levels of success. In this book, Vladimir Petrovic traces the development of this inclusion of historical expertise in a setting to which it had previously largely been foreign: the courtroom.

The book begins with a question: is there a role for the historian in court? The issue of historians participating in proceedings has been controversial and has caused heated debates, even if, by now, it is hardly a practice without precedent. Scholars strongly disagree with one another, and they tend to treat the question as a zero-sum game. For some in the field of historical research, historians should not participate in courtroom proceedings at all, while for others, the contributions of historians are both valuable and necessary to the desired outcome, i.e. a fair legal decision. For the former, law and history are simply fundamentally incompatible methodologically, epistemologically, and in purpose, while for the latter, they are based on similar principles and can work together. After all, historians and judges do, fundamentally, establish truth based on evidence (p.6). Disagreements aside, history is inevitably brought into the courtroom, in criminal and civil cases, in numerous jurisdictions, when the courts are called upon to decide on claims that simply cannot be addressed without reference to history in one way or another.

To help address this problem of the role of the historian in the courtroom, Petrovic turns to the past, investigating “history on trial,” “history of trial,” and “history in trial” (p.4). These three themes run through the book, and Petrovic presents the intriguing aspects of each to the reader. By approaching the subject through these themes, he manages to map successfully the different ways in which history and law have interacted. When he began his research,

Petrovic found that, somewhat ironically, the story of historical expert witnesses was largely obscure, even though some of the cases in which historians were involved were exceptional and impacted the societies involved strongly. In many ways, some of these legal proceedings influenced how events from the past are remembered and talked about. In Petrovic's view, a monographic overview of the evolution of historical expert witnessing was needed to help resolve some of the lingering questions on the roles of historians in the courtroom. Petrovic studied sources on several key cases in countries such as France, the United States, Germany, and Israel. Many of the cases aimed to provide a measure of justice for some of the worst crimes of the twentieth century, such as the murder of Jews in Europe and the oppression and segregation of black Americans. The various types of proceedings were conducted in both civil law and common law jurisdictions, which differ considerably from the perspective of how proceedings are conducted. Insights presented in this book on cases as iconic as *Brown v. Board of Education* (decided by the U.S. Supreme Court in 1954) or the Eichmann and Auschwitz trials in Israel and Germany in the early 1960s greatly enrich the reader's understanding of legal history.

The book is structured largely chronologically, analyzing the shifting relationships between history and law in six chapters organized in three parts: one focusing on the preconditions for the emergence of historical forensics, the second part on experiments with this expertise in court, and the third on institutionalizing the practice. These three phases began to become significant in legal practice in the late nineteenth century, and they are not neatly separated. The process of including historical expertise in courtroom proceedings was gradual and multifaceted. In the chapters, important questions concerning the purpose of legal proceedings are raised, especially in criminal cases involving individuals charged with genocide, crimes against humanity, and war crimes. Do these trials have only the narrow purpose of establishing the guilt or innocence of an individual, or do they have a broader social function, such as to inform, educate, and even reconcile populations? These questions are still passionately debated in academia and in legal and policy circles, especially those working in the field of transitional justice.

Given this, some discussion of the experiences of the international, hybrid, and domestic tribunals that have conducted criminal trials would have greatly enriched Petrovic's inquiry. Ever since professor James Gow of King's College in London provided testimony at the International Criminal Tribunal for the former Yugoslavia in its first ever trial (that of Dusko Tadic), historical expertise

has been both heavily relied on in investigations and included as expert testimony. Scholars like Robert Donia have appeared in the courtroom in The Hague dozens of times over the course of the past two decades, and this emerging tradition of relying on experts in the courtroom, which present the conclusions of historical research, continues to the present day at the International Criminal Court. Richard Ashby Wilson's 2011 book *Writing History in International Criminal Trials* was important in bringing to light the relationship between history and law in international trials, and Petrovic's contribution is important in that it expands on this broad theme. These trials, after all, also produce an incredible amount of records which are themselves subjects of historical inquiry.

Petrovic succeeds in his efforts to depict the evolution of the use of historical forensic expertise in legal proceedings over the course of the past century. The book is incredibly rich in detail, describing individuals who took part in the inclusion of historical expertise in legal proceedings and the struggles they faced on this path. This in-depth study is, by all means, a significant contribution to scholarship. It establishes a foundation for even better-informed discussions on the still controversial questions: do historians "belong" in the courtroom, and when their expertise is used, how can this practice be improved? Historians are now regular participants in proceedings in the courtroom, and they are likely to remain there. Therefore, the task is now to improve their contributions, and this process of improvement begins with an increasingly subtle understanding of past experiences, the experiences so eloquently presented by Petrovic. Beyond this vital purpose, the book discusses the crucial question of the social role of historians, which in these turbulent times seems even more pertinent.

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