



SHAKESPEARE THEATRE COMPANY

MOCK TRIAL 2010

“JUDGMENT AT AGINCOURT”

During the Hundred Years’ war, despite being outmatched five to one, the underdog English army decisively prevailed over the French forces at the battle of Agincourt, securing by force Henry V’s challenged claim to the French crown. Although the victory caused much rejoicing in England, misery unfolded across France, as the Duke of Burgundy eloquently expresses in the final scene of Shakespeare’s *Henry V*. Ill will towards Henry welled up among the French, particularly in response to Henry’s order to execute all of the French prisoners of war. The order – which was given in an act of rage – was reiterated and carried out after Henry learned that the French had slaughtered a group of unarmed English baggage boys during the battle.

Shortly after Henry was proclaimed ruler of both England and France, the Duke of Burgundy, along with Gerard Le Gauche, the highly influential president of the French Civil Liberties Union, persuaded the newly constituted Globe War Crimes Tribunal to order that Henry be arrested to answer for the death of all French non-combatants, as well as for the execution of the POWs. The GWCT also called for the arrest and trial of the Archbishop of Canterbury for his role in inducing Henry to prosecute the war. After a lengthy and expensive trial (financed in large part by a generous contribution from the official coffers of the Archbishop), the GWCT adopted the following conclusions of law: First, Henry’s campaign against France was justified and constituted the justifiable use of force under applicable law. Second, no non-combatant was killed unlawfully. And third, Henry bore no criminal responsibility for the deaths of the French POWs.

Incensed, the FCLU immediately filed a civil suit in the District Court of Agincourt (le Cour d’Agincourt) on behalf of the POWs’ estates against Henry the Monarch, Henry as an individual, England, the English Church, and the Archbishop of Canterbury. The plaintiffs sued under the Alien Tort statute, which provides a damages remedy for a tort committed in violation of the law of nations. The FCLU put on some 100 witnesses in a 14-month bench trial. As the end of the trial approached, the exhausted trial judge entered the following minute order: “Findings of Fact: the Court adopts the facts as written down in *Henry V*, by William Shakespeare. Conclusions of Law: the Court adopts the conclusions of law of the GWCT, which are res judicata and binding on this Court. So ordered.” The court of appeals summarily affirmed.

The Supreme Court of the Amalgamated Kingdom of England and France has now granted certiorari to the POWs’ estates. Although the FCLU asked that the Court review whether the trial judge abused his discretion in relying on a biased version of events as the court’s factual findings after a year-long trial, the Court agreed to hear only the second question, namely, whether the trial judge’s conclusions of law are supported by his findings of fact.