
A Dutchman's View of Japan

—A Reading of Bernard V. A. Röling's *The Tokyo Trial and Beyond*—

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Introduction

Bernard Röling (1906-85), a native of the Netherlands, was among the eleven judges at the International Military Tribunal for the Far East (1946-48), a war crimes trial held in Japan right after the Second World War. In sharp contrast to the German counterpart in Nuremberg (1945-46), in Tokyo, several separate opinions were presented in addition to the official judgement. The most well-known is that of the Indian judge, Radhabinod Pal. Although he was far from affirming wholesale all of Japan's actions in the past, by presenting a totally different interpretation of the period the tribunal dealt with, Pal argued that all defendants were innocent of all charges. Röling was another who differed from the majority; in his separate opinion, the longest except for Pal's, he concluded the five accused were innocent, including Hirota Koki, a defendant sentenced to death by hanging.

Being by far the youngest judge and the longest to survive, Röling was literally one of the last witnesses to the unprecedented tribunal and was therefore in the best position to reveal the untold story of the trial; still, being a strong believer in the secrecy of the chambers, he had not satisfied historians' curiosity and passed away more than a decade ago. The publication of his book entitled *The Tokyo Trial and Beyond* (Cambridge, 1993) was, accordingly, quite an unexpected event both to the scholars of Japanese history and international law and to the general readership, not only because it came into being years after his death but because in it Röling discusses the trial in a rather free manner as well. The book is no doubt an indispensable historical document to add to the scholarship concerning the tribunal and modern Japanese history; yet I would emphasize here another significant aspect of the book: that is, his view of Japan.

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Comparative approaches to Japan

Röling, when nominated as the Dutch representative at the tribunal, had not been an international lawyer or a scholar of Japanese history. He was a judge in Utrecht as well as an extraordinary professor of Indonesian criminal law¹⁾, careers having nothing to do with Japan. When suddenly put into quite a different world, one is at first likely to interpret that world, consciously or unconsciously, by referring to past experience and knowledge. Röling was no exception. Based on his experience in Holland of being defeated and occupied by Nazi Germany, he then embarked upon the task of understanding the Japanese.

During the occupation, people in Holland so resented the Germans that Röling himself once refused to accept the request of young German officers, apparently nice fellows, to play a string quartet with him²⁾. Accordingly, as a member of the occupying powers in Japan, Röling expected to be treated in the same way the Germans had been treated in his country. Moreover, some people warned him, before his leaving for his new assignment in Japan, to live on a ship somewhere and be transported under guard to the courtroom³⁾. It turned out that, contrary to his expectation, people in Japan invited him to their homes and to play in their string quartet. He came to Japan “with the Dutch hatred of the Japanese, based on the horrors of war in the Netherlands East Indies”, but in the course of time, he came to “like the Japanese people.”⁴⁾ Thus, his previous experience of being a member of a defeated and occupied country did not contribute directly to understanding the Japanese, but their unexpectedly different attitude toward him enabled him to have close, even rather intense relationships with many people, most of whom were outstanding in Japan’s culture. These personal contacts paved the way for him to comprehend the culture and thus, Japanese way of thinking.

The Buddhist philosopher Suzuki Daisetsu (1870-1966) was among them. Röling declared that he had the closest contact with him and described his house as “a haven of refuge in years of agonizing decisions.”⁵⁾ He was fortunate in getting acquainted with him because, besides being an authority on *Zen*, Daisetsu, with considerable experience of teaching abroad, was fluent in English and was able to discuss *Zen* Buddhism in a so-called comparative perspective. Röling discussed with Daisetsu “the strange ways of human behaviour and the tricky courses of history.”⁶⁾ Röling wanted to discover what *Zen* Buddhism could teach about good and bad⁷⁾; nevertheless, he was by no means so simple as to conclude that anything peculiar to the Japanese could be explained in terms of *Zen*.

115 Although first and foremost a judge at the international tribunal, Röling had
(54) become an ardent student of Japanese culture as well. Throughout the trial of more than two years, the judge was faced in the court with things Japanese, in addition to

observing the behavior patterns of the defendants. Before coming to Japan, he had even gone to the Nuremberg trials. Quite naturally, he discussed the Japanese defendants in comparison with their German counterparts, an approach in which we discern another example of Rölting's comparative perspective. After declaring there was no question of similarity between the accused Japanese and Germans, he enumerated and discussed the differences in some detail. What surprised him first was the lack of visible emotion in the defendants. Rölting seemed tempted to attribute this phenomenon to *satori* or enlightenment in *Zen* Buddhism, but instead he moved on to discuss a different national characteristic entirely.

It struck me at the time that Japanese in general do not act and react in an individual way, but more as members of a collectivity. If you asked something, it was as if they answered: "As Japanese we think this..." The individualistic attitude was generally missing. The Western civilization is very individualistic. You have your own thoughts, norms.⁸⁾

The Judge acts here as a sociologist or cultural anthropologist delivering a lecture on the distinctiveness of the Japanese. His statement sounds all the more convincing because it is based on his direct experience, not on mere literary knowledge.

Another example Rölting introduced was the complete lack of bad conscience on the Japanese side⁹⁾, which could be attributed, he said, to the fact that the defendants in the Tokyo trial had never actually committed war crimes or ordered war crimes to be committed. In talking about such an impression of the Japanese in comparison with the Germans, Rölting introduced the conspicuous term of "Macbeth crimes¹⁰⁾", a term which unmistakably tells the reader that he was well versed in literature. Like Macbeth, Rölting goes on to say, when one has committed a crime, one has to commit more crimes to cover the tracks of the first. Rölting found this concept of "Macbeth crimes" helpful to explain and understand the unbelievable cruelty of the German SS.

One of the mistakes we are liable to make in discussing national characteristics of a people is to make too hasty and clear-cut a dichotomy. The result may sound stimulating but in reality it is superficial. Rölting's explanation may be interesting to the general readership, to be sure; nonetheless, it could not escape from the tendency to be dichotomous. Some of the defendants were in fact deeply troubled by the unlawful acts of the Japanese such as maltreatment of prisoners of war, although they had not committed war crimes.¹¹⁾

Yet, Rölting's interpretation of racism, again based on a comparative approach, has persuasive power. At the Tokyo trial, racism on the Japanese side was one of the issues the prosecution condemned. Only Pal, the Indian judge, refuted this accusation in his separate opinion by saying "every nation is under a delusion that its race is superior to all others, and so long as racial difference will be maintained in international life, this delusion is indeed a defensive weapon."¹²⁾ Rölting's view is different.

First he directs the interlocutor's attention to the fact that in colonial times the notion of white supremacy was incredibly all pervasive and on the other hand the Japanese, while always trying to bring themselves within it, very much resented the racial discrimination applied to them. He then refers to the Japanese concept of "*hakko ichiu*", a concept condemned by the court as evidence of Japan's belief in the superiority of the Japanese race.

These things come to the surface when you feel discriminated against. In slavery the feeling of being "the chosen people" can easily surface. But no, I didn't notice in any way that they [the Japanese] felt the white race inferior.¹³⁾

What is of significance here is that Röling came to the conclusion that the Japanese, although using terms expressing racial superiority, did not consider the white race inferior. Given the fact that only the recent scholarship in this field (such as John W. Dower's *War Without Mercy* [1985]) sheds light on this aspect of Japanese racism, it might be said that Röling's interpretation was far ahead of the times.

Röling as a "historian"

Another intellectual Röling came into close contact with in Japan was Takeyama Michio (1903-1984), a scholar of German literature and well-known as the author of *The Harp of Burma* (1948). Takeyama is one of the few who wrote of his relationship with the Dutch judge. They got acquainted while the tribunal was still in session, and in the course of time came to be on talking-of-the-trial terms. When he was about to depart from Japan, Röling gave Takeyama a photocopy of his separate opinion, and told him of his desire to write a book on Japanese history in the future. Several years later, however, when Takeyama visited Röling's house in Holland to discuss mainly the trial, the judge confessed with regret that he had given up the project because he found the task to be totally beyond his ability¹⁴⁾. True, he did not publish a single book on Japanese history; still, he did rerearch on Japan by reading a considerable amount of literature, including Ruth Benedict's *The Chrysanthemum and the Sword* and Charles Beard's books concerning the pre-war diplomacy of the U. S. toward Japan. In *The Tokyo Trial and Beyond* we can recognize some of the project's accomplishments.

Although Röling was not a professional historian and he came to Japan with little knowledge of the country, his skillful way of interpreting documents could be associated with that of the first-rate historian. Hirota Koki was sentenced to death by hanging and executed. The most important accusation against him concerned his contribution to the government policy "The Fundamental Principle of our National Policy" of 1936, when he was prime minister. This decision was considered by the court to aim at misleading the world, to be insincere. The majority judgement, concluding the document had played a decisive role in establishing Japan's road to the war, condemned Hirota to death. Röling refuted:

Such interpretation overlooks the fact that this government document was top secret, being only directed at the inner government circle. It was a kind of compromise between the military and the civilian members of the government. . .¹⁵⁾ He emphasizes the importance of considering at whom documents are directed prior to examining their contents. It could be said Rölting showed the reader how historical documents should be read and interpreted. As the saying goes, "Two heads are better than one"; but here, perhaps some of us might say, "One head is better than seven (the majority members)."

The following example also shows that Rölting is quite skillful at interpreting history. Just before the attack on Pearl Harbor, the Emperor invited the Naval Minister and the Supreme Commander of the Naval Forces and asked them whether they would win if the war started. This statement was quoted in the court as a sign that he was worried about losing the war but that he was not against it. Rölting, in contrast, interprets as follows:

It was the Japanese way of expressing that he was against it. If he had been in favour of the war, he would not have asked that. It was his only way of indicating his opposition to war.¹⁶⁾

Yet, Rölting is not free from misunderstanding things Japanese. He introduces the fact, mainly based on the information he obtained from one of his Japanese acquaintances, that in the Japanese language there are different ways of speaking, that is, speaking to superiors or to servants and that Tojo Hideki, the number one accused in Tokyo, used the latter kind. Such an attitude of Tojo's in the victor's court, Rölting concludes, helped to make the Japanese people feel comfortable. Still, Rölting is mistaken. The truth is that Tojo spoke throughout the trial in a rather polite and respectful manner. Here the judge is a little too naive in believing the information without consulting any other language authority.

Rölting's view of history, on the other hand, emphasizes the so-called collective memory of peoples. The concept of unconditional surrender came into being during the Civil War; since then the principle has been part of the American national conscience, so explains Rölting. The collective memory of the American Civil War, he goes on to say, had a decisive influence on the policy of demanding the unconditional surrender of Japan¹⁷⁾. He also applies this view of history to explaining the development of Japanese history. Japan, in its first encounter with the West, came to learn from a shipwrecked Spaniard the steps of "ideological aggression": that is, to request entrance for trade, to send missionaries to convert the natives, and finally to send a fleet with soldiers, who are then able to defeat the government with the help of the converted inhabitants. Later when Commodore Perry demanded the opening up of Japan, a *daimyo* strongly opposed it, by directing attention to the memory of "ideological aggression." Rölting even refers to Hirota's policy in this connection:

The memory of the economic and ideological aggression two centuries earlier was still vivid in the Japanese consciousness! This memory might explain why in the twentieth century Japan—in Hirota's policy—reverted to it, decided to use economic and ideological aggression as a means for its own policy of conquest.¹⁸⁾ Historians are, in a sense, detectives; but it could be said that Röling throws light on the possibility that lawyers could be historians.

How to evaluate Bernard Röling

Röling's standpoint on the Tokyo trial is unmistakably clear. He frankly admits some of the shortcomings of the trial, such as the fact that no mention was allowed of crimes committed by the Allies¹⁹⁾, and that the court had no neutrals—he even discusses the possibility of having a Japanese judge²⁰⁾. Nonetheless, he emphasizes just as clearly the positive aspects of the international military tribunal, declaring that it was a fair trial²¹⁾ and a kind of milestone in legal development²²⁾.

Nearly half a century has passed since the trial handed down its judgement. Röling's writings and remarks have been discussed almost always in terms of legal aspects, and in particular, international law. Quite an understandable approach, to be sure, for he was above all a judge. Still, as has been discussed here, his view of Japan, a country over whose leaders he was sitting in judgement, is no less stimulating and often instructive. It is stimulating because he often discusses in comparative perspectives, instructive because he acts as a skillful historian. Although not free from misinterpretations, he teaches how to read historical documents. *The Tokyo Trial and Beyond* deepens our understanding of the trial; in addition, it is an exceptionally rare record of a Westerner who attempted for the latter half of his life to understand Japan.

Notes

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1. B. V. A. Röling, edited and with introduction by Antonio Cassese, *The Tokyo Trial and Beyond—Reflections of a Peacemonger* (Cambridge, 1993), p. 19.
2. *Ibid.*, p. 22.
3. *Ibid.*, p. 21.
4. Elizabeth Gray Vining, *Windows for the Crown Prince* (New York, 1952), p. 169. Ms. Vining was a private tutor to the Crown Prince Akihito (now the Emperor of Japan).
5. *Buddhism and Culture* (Tokyo, 1960), p. 266.
6. *op. cit.*
7. *The Tokyo Trial and Beyond*, p. 35.
8. *Ibid.*, p. 36.
9. *Ibid.*, p. 46.
10. *Ibid.*, p. 47.

11. See, for instance, the defendant Shigemitsu Mamoru's prison notebook *Sugamo Nikki* (Tokyo, 1952).
12. B. V. A. Röllng et al., *The Tokyo Judgment* (Amsterdam, 1977), p. 759.
13. *The Tokyo Trial and Beyond*, p. 25.
14. Takeyama Michio, "Oranda no Homon [A Visit to the Netherlands]" in *Spein no Nisegane* (Tokyo, 1983), pp. 203-4.
15. *The Tokyo Trial and Beyond*, p. 45.
16. *Ibid.*, p. 42.
17. *Ibid.*, p. 91.
18. *Ibid.*, p. 28.
19. *Ibid.*, p. 55.
20. *Ibid.*, p. 87.
21. *Ibid.*, p. 54.
22. *Ibid.*, p. 86.