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# A Legacy of World War Two

—The Tokyo War Crimes Trial and its Intellectual Influence upon Postwar Japan—

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As a student of Japanese intellectual history, when I hear the phrase “the legacy of the Second World War”, I am immediately reminded, rather than of San Francisco Peace Treaty, of the Tokyo War Crimes trial, officially known as the International Military Tribunal for the Far East. Of course, I do not mean to underestimate the significance of the Treaty, but looking at the current issues attracting public attention in Japan, such as the debates over middle school history textbooks or the prime minister’s visit to the Yasukuni Shrine, I cannot but think that most of them are deeply rooted in the trial or, to be more precise, how the Japanese people have looked at or have been influenced by that unprecedented event for more than half a century.

Being neither a political scientist nor a diplomatic historian, I would like to take this opportunity to concentrate on the intellectual aspect of the trial in the context of the Japanese post-war attitude to the country’s history.

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The International Military Tribunal for the Far East was conducted on the basis of the Potsdam Declaration as a major component of the Allied powers’ occupation policies in Japan. Article Ten of the Declaration says, “Stern justice shall be meted out to all war criminals, including those who have visited cruelties upon our prisoners”. The trial convicted 28 Japanese in April 1946 and more than two and a half years later, sentenced seven to death, sixteen to life imprisonment, and two to shorter prison terms. During the trial, two died and one was excluded due to mental disorder.

Compared to its Nuremberg counterpart, the Tokyo trial did not capture much attention at the time, and still remains very much in the shadow of Nuremberg. Partly because, with the possible exception of the former prime minister Tojo Hideki, none of the defendants was as famous as Hermann Göring, Joachim von Ribbentrop, or Rudolf Hess. Also, by the time a judgment was reached, the wartime alliance had already fallen apart; and the rest of the world was more interested in

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things European than things Asian. Nonetheless, to the Japanese people at the time, the tribunal was most influential.

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First of all, the whole nation was shocked to hear the chief prosecutor, Joseph B. Keenan, begin the opening statement as follows: "Mr. President, this is no ordinary trial, for here we are waging a part of the determined battle of civilization to preserve the entire world from destruction." This statement drew much attention, because the notion of civilization was sensationally brought into light. By this, Keenan meant that the Allied powers presented civilization, while Japan was uncivilized savage.

Besides, Keenan clearly distinguished the accused at the Tokyo trial from the general population of Japan. Accordingly, the opening statement contributed to introducing the perspective that only a handful of wartime leaders should be guilty, whereas the ordinary citizens were innocent and even regarded as their victims.

During the Occupation; criticism of the trial was severely banned. For instance, Takeyama Michio, one of the leading intellectuals in post-war Japan, wrote a short essay on the trial, "Mr. Hyde's Trial" (1946), in which he held that "the real defendant is none other than modern civilization," not the vanquished Japanese leaders. His acute observations are full of meaning and worthy of consideration even more than half a century later. Still, his challenging essay went unpublished.

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In November 1948, after several months' recess, the tribunal delivered its majority judgment. The majority, that is, seven judges out of eleven, found all the defendants guilty of one or more of the following crimes:

- 1) the overall conspiracy to carry out wars of aggression in East Asia and the Indian and Pacific Ocean areas
- 2) ordering, authorizing, or permitting conventional war crimes
- 3) not taking adequate measures to prevent the occurrence of conventional war crimes

During the announcement of the verdict, people all over Japan were glued to radios on the street. They heard their former national leaders convicted by "Victor's Justice". During the chaotic time right after the war, to say nothing of during the war, the majority of the Japanese had been told almost nothing about what had happened in the war time period. Accordingly, the very picture the tribunal painted was a great shock to them.

Moreover, the Japanese people were given by the judgment a Western interpretation of their modern history. The interpretation provided them with a

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paradigm to use as the basis for reconstructing their identity after the war. In sum, the trial not only functioned as the sole source of information about the war for the Japanese people, but it provided an interpretation and overview of the period as well.

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Unlike its Nuremberg counterpart, the Tokyo trial resulted in five different opinions, together with the official majority judgment. The Australian judge, president of the tribunal, Sir William Webb, contended that in sentencing the defendants, the tribunal should have considered the fact that the Emperor had not been indicted. The French judge, Henri Bernard, complained of procedural shortcomings. Judge Bernard Röling of the Netherlands argued that no conspiracy existed and that five of the defendants were innocent. Judge Delfin Jaranilla of the Philippines argued that several of the sentences were too lenient, not exemplary and deterrent. The Indian judge, Rad Habinod Pal, pointed to the necessity of considering the past actions of the Western powers before judging Japan's acts; he argued that all defendants were innocent of all charges. Pal presented a totally different interpretation of this period: an interpretation unmistakably from the standpoint of a non-Westerner.

Pal's essential points were that Japan's war was fought for the liberation of Asia from Western colonialism, and that all warring parties committed conventional war crimes, not only the defeated countries. Although he argued that all defendants were innocent of all charges, he was in no way affirming wholesale, all of Japan's past actions. Simply put, Pal only held that the defendants' actions were not *illegal*. He did not fail to refer, of course, to the wrong acts committed by the Japanese army.

Pal's dissenting opinion was neither permitted to be read aloud in court nor to be published at the time of the judgment; few people had the opportunity to become familiar with its content. Nevertheless, for those who were informed about it, Pal's dissenting opinion served to blunt the shock of the picture drawn by the tribunal and the official judgment. The opinion seemed to be enthusiastically embraced as an antidote to the toxicity of the tribunal's majority decision.

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The Tokyo trial thus established a framework for interpreting and providing an overview of the pre-war Japan. When the Occupation ended in 1952, the Japanese were forced to begin the discussion on their modern history either by relying upon or by detracting the trial's view of history. One stance stands on the side of the prosecution and the official judgment, accepting the conclusions of the tribunal without question. The other, represented by the argument that the tribunal was

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“victor’s justice”, stands on the side of the defense and totally rejects the tribunal. The confrontation between these two positions has always been barren and unproductive, and seems to only generate more problems.

These days, people who belong to the latter group, I mean those who try to reject the tribunal totally, tend to criticize the view of history advocated by the former, referring to it as “the masochistic view of history”. I am not going into the details, but logically speaking, should the view be masochistic, then the other view ought to be non-masochistic. The implicit acceptance of this dichotomy would rule out any other view of history. Clear-cut dichotomies may be essential in the field of natural science; however, when it comes to understanding history, I am afraid they are likely to do more harm than good.

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The first summer in the new century in Japan was hotter than ever, due to the controversy over history textbooks and the prime minister’s visit to the Yasukuni Shrine. Some people seem to think that controversy might be avoided only if a consensus about modern Japanese history could be formed.

To be sure, consensus on the war’s causes and the role of its leaders has eluded Japan. However, given the fact that people are being emotional when it comes to Japan’s modern history, I am afraid it may be too early to attempt to form a consensus about our history. At the same time, I would like to emphasize that we should not just wait for the time to be ripe.

I, for one, welcome controversies, because scholarship about important issues will develop only if they are discussed not only intensively but extensively as well. The trouble with the current controversies is, it seems to me, that most of the participants clearly do not read the raw materials of history, that is, historical documents.

Let me show you one example. The issue of premier Koizumi’s visit to the Yasukuni Shrine attracted a global attention precisely because so-called class A war criminals were enshrined there. Some people argued that his visit would lead to paying respect to Japan’s wartime leaders. Others contended that the concept of class A war criminal is nothing but a product of the Allied powers and that the premier was entitled to go there just to pay homage to the war dead.

Strangely enough, practically nobody refers to several important and fundamental points: who was in fact a class A war criminal, the reason he was put into the category, and the way in which he was tried and sentenced. I can only conclude that they do not in fact know the details.

In order to argue objectively and convincingly, we should refrain from making value judgments or resorting to emotionalism. We should stick to logical thinking so

that we can hear the true voices of the text we are dealing with. The point is, logic should take precedence over ethics. Incidentally, if you know some Japanese, you will see the Japanese version of this phrase sounds interesting : “*rinri nomaeni ronri*”. Both of these nouns, *rinri* and *ronri*, begin and end in the same sound. This short phrase is quite easy to remember because it is alliterative and also has rhymes.

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Fortunately, lots of documents are now available both for historians and for general readership. As to the Tokyo trial, for instance, the proceedings are accessible both in Japanese and English. They are voluminous, heavy books, and are much heavier than a complete set of the Oxford English Dictionary. This is exactly the title of this session, “The Weight of History”. Also, we can find the judgments, including five separate opinions, in many university libraries. Even materials submitted by the defense but were rejected by the court can now easily be purchased at ordinary bookstores.

And yet, unfortunately, most people, it seems to me, are in a hurry to argue without even looking through, not to mention making full use of, this “Weight of History” ; instead, they tend to appeal to emotional, subjective interpretation. As a historian, my objective is to emphasize the importance of reading historical documents. I think that this will remain an important duty for the rest of my career.

It seems that we need more time to interpret properly this legacy of World War Two. In another half century, I hope to be invited here again, maybe by Space Shuttle or something, to be able to report satisfactory progress in understanding of history in my country.

\*This is an enlarged edition of a paper read at the breakout session “The Weight of History” at the US-Japan conference held on 6-7th September in 2001. The conference was intended to celebrate the 50th anniversary of the conclusion of the San Francisco Peace Treaty.