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Yuma Totani. *Justice in Asia and the Pacific Region, 1945-1952: Allied War Crimes Prosecutions.* New York: Cambridge University Press, 2015. 288 pp. $85.00 (cloth), ISBN 978-1-107-08762-0; $32.99 (paper), ISBN 978-1-107-45808-6.

Reviewed by Barak Kushner (University of Cambridge)

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Commissioned by Seth Offenbach (Bronx Community College, The City University of New York)

Yuma Totani laid down her cards with her first book, *The Tokyo War Crimes Trial: The Pursuit of Justice in the Wake of World War II* (2008), and she has furthered her game in her second agenda-setting volume. Totani also managed to quickly translate both of her books into Japanese. The mind reels when you think of the herculean efforts this requires, not only digging into archives that stretch from Tokyo to Canberra and Washington, DC, but then putting it all together in a tight argumentative package. Ironically, when Totani first began her foray into the arena of war crimes it was dotted with very few colleagues, but this has changed over the last seven years. There are now numerous groups mining the archives, including two major ones in Australia, my own at Cambridge University, a Boston College effort, and a team at Heidelberg looking at the flow of legal ideas between Europe and Asia, not to mention others.[1] It seems many have already started to answer the appeal that Totani launched, to use these newly declassified legal sources, so long placed off-limits, as a way to mediate what had become the purview of emotional history, long dominated by personal accounts.

As Totani explains in her first book, the Tokyo war crimes trial is finally getting its due in non-Japanese scholarship, forging it into part of world history. In *Justice in Asia and the Pacific Region, 1945-1952* she attempts the same with the âlesserâ war crimes trials in East and Southeast Asia. One of her goals is to âfocus on the intersection of these varied facets of war in its endeavor to produce an interdisciplinary and integrative narrative of history of the Pacific Warâ (pp. 4-5). In a cogent and wide-ranging examination of fourteen key postwar war crimes trials of Japanese military officers, spanning venues from Burma to Singapore and Rabaul, Totani explores important legal questions: How is it possible that high-ranking officials were responsible for specific instances of atrocity? What proof was used when it was difficult to prove that those charged with dereliction of duty had no idea what was going on under their noses? This is a serious legal history that delves deeply into a mass of Japanese secondary literature, untapped diaries and memoirs, as well as a whole cargo load of court transcripts. The sheer volume of material consulted is daunting and at times the detail can overload readers. At 274 pages, this is not a long book but it is heavy and more oriented toward a legal or area studies specialist, or advanced researcher.

The representative trials Totani selected are central for her analysis of how the Allies dealt with the thorny question of Japanese command responsibility. Efforts to

assess why the Japanese military behaved so poorly as its empire expanded must confront the inherit conflicts within the Japanese military structure and command and control problems between the government and the imperial military. Totaniâs book should be read on two levels. On the outside it is a legal history of the postwar but at the same time it engages with the fundamental components of how the imperial army, navy, and *kenpeitai* (military police) worked (or rather mostly worked at odds with one another). Readers gain a deep and broad understanding of the chaotic and desultory ways in which the militarily managed the empire.

The book is mostly chronological but presented more as a legal argument, with the cornerstone case of the Manila trial of Yamashita Tomoyuki setting the stage. Totani displays war criminals as humans, with all their foibles and the great many mistakes of their armed campaigns. The author emphasizes what military historian of Japan Edward Drea wrote years ago–the Japanese lost the war precisely due to their poor strategy and failure at coordinating logistics.[2]

Nonetheless, this poor coordination did not benefit Japanese general Yamashita at trial. He was charged with âwillful disregard and failure to discharge his duty.â The problem for the Allied prosecution was that they had no affirmative evidence. Nothing proved that Yamashita knew that all the atrocities were occurring and the court needed to prove that he knew and had ignored it to find him guilty. The defense team countered that war conditions made it so that Yamashita could not possibly have known, but in the end he was executed even given these legal drawbacks.

In her examination of the trial, Totani does not defend; she explains the legal issues concerning why the Japanese acted as they did in the first place, and this is edifying on several levels. We might have to think more deeply, as we did after Tanaka Yukiâs *Hidden Horrors: Japanese War Crimes in World War II* (1996) and others on Japanese military atrocities, about why the average Japanese soldier committed crimes. Was it cultural inattention to the ideal of humanism, or more structurally based as Totaniâs work reveals?

In this vein it is important for us to consider where America is now with its political and legal thinking about war crimes. This is, to be sure, not a popular topic either in the United States or the United Kingsom. The British press had a field day lambasting Labour Party leader Jeremy Corbyn when he merely suggested that Bin Laden should have been tried in a court of law, not merely assassinated.[3] In digesting Totaniâs narrative, readers will undoubtedly have to come to terms with how the United States and its allies have drifted so far away from the humanistic ideals so championed in the immediate post-World War II era.[4]

As Totani writes, Lieutenant General Honma Masaharu in the Philippines faced charges similar to Yamashita. Interestingly, Honma was quickly charged by the Japanese themselves just after surrender, in their bid to create their own war crimes trials and unilaterally manage the question of wartime responsibility. These efforts did not last long and were terminated by the US occupiers by late 1945, though concrete documentation of these âphantom trialsâ remains slim.[5] But the main difference with Yamashita was that Honma was in charge of a victorious army, where lines of communication and supplies were very much intact in 1942. Honma said that he knew of poor conditions for the POWs but that the Japanese army was unprepared for the scale of the Allied surrender. The defense offered that the lack of planning was at the core of the problem with Japanese leadership at home, and had little to do with Honma. And this is a point that comes out clearly through many of the trials–it seems no one in Tokyo knew what was going on at the imperial periphery and no army leader was fully briefed on the strategy of his brethren in the navy. The *kenpeitai*, the feared military police, tortured and harassed but they too existed in a bubble. In one instance, the chief of the 14th army *kenpeitai* was actually placed under two different command structures at the same time!

In short, Japanâs empire, as we learn from Totaniâs analysis, was a tragedy of errors on an epic scale. Eri Hotta suggested as much in *Japan 1941: Countdown to Infamy* (2013), saying that the elites knew that Japanâs military would eventually fail. But the frightening backdrop of these trials is the deep disregard for human life, a recurrent theme throughout the Totaniâs book. This undercurrent also suggests that a lack of humanity constantly plagued the Japanese military as it aggrandized the empire.

These deficiencies were not due to a lack of trying, or to some supposed bushido ideal that encouraged all the Japanese leaders to sit back and accept their fate. Lieutenant General Kuroda Shigenori, charged with failure of duty in the Philippines, gave a vibrant defense on his own behalf at trial. Kuroda pointed out that the Japanese military was institutionally defective, specifically in areas of criminal investigation within the military and military discipline (so much for the bushido ideal). But Kuro-

daâs trial also illuminated the impossibility of rule within Japanâs imperial sphere, a situation of wolves guarding the hen house. After all, the only people charged with investigating crimes in the military were the *kenpeitai*, and they were institutionally contravening their own rules. In testimony Kuroda incredulously stated that even with his twenty-nine years of military experience he did not know much about the inner workings of the *kenpeitai,* nor did he know that torture was commonplace (p. 50).

After following through several important trials that highlighted issues of command responsibility, Totani turns to the administration of the POWs and what happened with Japanâs treatment of POWs in WWII. Tamura Hiroshiâs trial dug into this topic and again calls to our attention to the question of how much attention the Tokyo Trial actually paid to non-Western victims. Totani underscores that Allied trials may have seemed like justice âin the service of victor nationsâ but they were also justice âon behalf of victims of atrocityâ (p. 182). Many of these trials centered on civilian victims, including Asians, and were judged because of these crimes. Not all the trials were successful but local communities took ownership, as Totani says, by providing witnesses, watching as spectators, and serving as legal staff.

Japan never declared war in China and always portrayed what it was dealing with on the mainland as âincidentsâ (*jihen*). Therefore, the laws of war did not apply. It would have been interesting if we could have had more access to the development of that decision: what was the Japanese understanding of the laws that pressed leaders on all levels to agree? This unanimity was extraordinary given their general reluctance to reach a consensus on virtually any other point. While the Japanese constantly tried to avoid using the language of war regarding their machinations in China, once Japan engaged in a war with the West after December 1941 the military and government changed the manner in which it managed POW camps. If Japan was mindful of its rule, why was everyone mistreated?

The charge against Tamura was willful disregard of duties but his trial showed that the POW bureau chief actually had no authority to take disciplinary action against an army unit. Contrary to the myth of the omnipotent Japanese commander whose soldiers would launch suicide raids at the mere suggestion from their leader, Tamura could only get his men to follow by sending requests to the army ministry, which would then act on the complaint.

In analyzing the Burma-Siam âdeath railway,â which mobilized 64,000 Allied POWs, of whom 26 percent died, not counting 75-250,000 estimated Asian workers about whom we know little, Totani unearthed a postwar Japanese report that was used at several UK war crimes trials (pp. 78-79). The report acknowledged that the railroad was an inane project and a failure but had not been created with the goal to mistreat POWS. At times it was hard for the Allies to prove who was ultimately responsible for war crimes since the paper trail was poor; the exception was when defendants confessed and testified themselves. Major Ichikawa Seigi and thirteen others were charged with the massacre of six hundred inhabitants of Kalagon. The trial focused on the conflicting interpretations of military orders. Did a leader higher up command the massacre or had it been decided on the ground? A similar case was that of Lieutenant General Nishimura Takuma and six others in Singapore for the killing of several thousand Chinese. In the Nishimura trial testimony suggested that it was Lieutenant Colonel Tsuji Masanobu who had drawn up the plans but of course Tsuji had already gone underground and was unavailable to bring to court (p. 145). He surfaced years later in Japan just as the occupation was coming to a close and wrote a bestseller of his life on the run.[6] In the Kalagon trial the questionable bushido issue had arisen in cross-examination when Company Commander Yanagisawa Izumi opined that sometimes soldiers have to follow orders they do not want to because that is the focus of duty.[7] There were also dissenters. Yokota Yoshitaka was interviewed in 1960 by the Japanese Ministry of Justice legal affairs staff and said that he felt the order to massacre Chinese in Singapore had been a crime and he refused to take part. He was eventually removed from his post and sent back to Japan.

Totani is careful to include charges against the navy high command and incorporate in her repertoire the much less investigated Toyoda Soemu trial, one of the two international trials that succeeded the Tokyo trial. This Toyoda trial, which recognized the precedents, concluded around August 1949 and led to the Japanese admiral being found not guilty. The courtroom was mostly empty by this point. Totani suggests that war crimes charges were no longer rallying Japanese public interest but I have my doubts about this specific point given that a growing body of work has shown how public investment in the issue of Sugamo Prison and the prisoners themselves had grown since the start of the occupation.[8]

The Toyoda trial took place late so it had all the other trials at its fingertips for legal dissection and it was a microcosm of the Tokyo trial. And this was Totaniâs thread

through the whole book. By not only moving chronologically, but also more importantly following the legal arguments, Totani informs us that both sides saw this trial as a review of all preceding trials. Toyoda was one of the highest-ranking officers at the end of war and he was being tried for an array of naval atrocities in the Indian and Pacific Oceans. We should be clear here that Totani is very thorough, but there are limits when one focuses on court transcripts as they can become a framework that is hard to step out from. As with the other prosecutions, this one brought forward a huge volume of evidence about the scale of atrocities but again, as with other trials, the court could not prove Toyota ordered it or had knowledge. Part of the reason may have had to do with former navy ministry teams which were put together in late 1945 as a system to impede the Allied prosecution of naval defendants.[9]

In the end, what we are left with is a trial record which essentially confirms that the Japanese military was tragically destined to ârun viciously amok.â[10] Interestingly, the Japanese were impressed with the overall fairness of their trials even though historically until the present day Japanese society has not been that critical of those who participated in them and a myth about being tried unfairly has taken root. One can see this in bestselling tomes from the 1950s, films, and the longue durÃ©e of the memory of the unfortunate soldier unjustly executed even though that rarely happened.[11] Totani grapples with tough doctrinal issues, such as who had individual responsibility and how the Japanese military design hampered both finding justice and implementing it. In actuality, usually the chain of command was internally fuzzy at best, which brings up more harrowing questions of what was happening in Japan that led to this development in the first place. Totani says her scholarship is not about opening old wounds but to learn about the challenges of trying to achieve justice after a mass atrocity. What we are offered is a vertical and deep mineshaft of insight into the much larger set of problems that lie below the surface of Japanese wartime and immediate post-imperial history. How Japan dealt with, avoided, and cajoled its way into the postwar is revealed through its reactions to these trials. The evolution of political relationships between Japan and its former enemies after these trials did not always reflect a measured social appreciation of the issues raised, and this means that it is only now, seventy years after the end of WWII, that we are able to start struggling with that legacy.

Notes

[1]. One Australian group led by Sandra Wilson and Robert Cribb has a forthcoming volume similar in scope to Totaniâs book. See Sandra Wilson, Robert Cribb, Beatrice Trefalt, and Dean Aszkielowicz, *Japanese War Criminals and the Politics of Justice, 1945-1958: Commodities of Guilt* (New York: Columbia University Press, forthcoming). The Heidelberg group is led by Kerstin von Lingen, `http://www.asia-europe.uni-heidelberg.de/en/research/a-governance-administration/a16-transcultural-justice.html`; Franziska Seraphim is leading research at Boston College with colleagues in Europe, see `http://www.asia-europe.uni-heidelberg.de/en/research/conferences/contested-visions-of-justice.html`; and Barak Kushner leads a research group at Cambridge University: `http://warcrimesandempire.com`.

[2]. Edward Drea, *In the Service of the Emperor: Essays on the Imperial Japanese Army* (Lincoln: University of Nebraska Press, 1998).

[3]. *The Guardian*, August 31, 2015, `http://www.theguardian.com/politics/2015/aug/31/jeremy-corbyn-said-osama-bin-laden-should-have-been-tried-not-killed.`

[4]. Mark Danner, âTorture and Truth,â *New York Review of Books*, June 10, 2004, `http://www.nybooks.com/articles/archives/2004/jun/10/torture-and-truth/.` See also Dannerâs *Torture and Truth: America, Abu Ghraib, and the War on Terror* (New York: New York Review Books, 2004).

[5]. Nagai Hitoshi, *Firipin to tainichi senpansaiban: 1945-1953nen* (Tokyo: Iwanami shoten, 2010), 60-80.

[6]. Tsuji Masanobu, *SenkÅ sanzenri* (Tokyo: Mainichi Wanzu, 2008).

[7]. Oleg Benesch, *Inventing the Way of the Samurai: Nationalism, Internationalism, and Bushido in Modern Japan* (Oxford: Oxford University Press, 2014); and Roger H. Brown, review of Oleg Benesch, *Inventing the Way of the Samurai: Nationalism, Internationalism, and Bushido in Modern Japan,* H-Japan, H-Net Reviews, October, 2015, `https://networks.h-net.org/node/20904/reviews/85959/brown-benesch-inventing-way-samurai-nationalism-internationalism-and.`

[8]. See Sandra Wilson, âFilm and Soldier: Japanese

War Movies in the 1950s,â *Journal of Contemporary History* 48, no. 3, (2013): 537â555; and Tanaka Nobumasa et al., *Izokukai to sengo* (Tokyo: Iwanami, 1995).

[9]. For details see Barak Kushner, *Men to Devils, and Devils to Men: Japanese War Crimes and Chinese Justice* (Cambridge: Harvard University Press, 2015), 47-57.

[10]. Fogel was writing specifically about Japanese military behavior in Nanjing but the general description stands well, following the narrative that Totani has put forth. See Joshua Fogel, âNanking Atrocity and Chinese historical memory,â in *The Nanking Atrocity, 1937-38: Complicating the Picture,* ed. Bob Wakabayashi (New York: Berghahn Books, 2007), 278.

[11]. Sandra Wilson, âWar Criminals in the Post-war World: The Case of KatÅ TetsutarÅ,â *War in History* 22, no. 1 (2015): 87â110.

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