

# EXAMINING THE ROOTS OF REVISIONISM: JAPANESE PERCEPTIONS OF THE TOKYO TRIAL

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*A thoroughly negative perception of the International Military Tribunal for the Far East - one that is largely based on a critique of US power - continues to frame the way the Tokyo trial is viewed today. Such a view of the trial tends to support Japanese nationalists' view of the trial as unjust. Yet the same critics of the way the US dominated the creation of the court and how it exerted influence over the prosecution, do not necessarily dispute the fact that the Japanese military committed many atrocities. In this essay, Eugene scrutinizes how Japanese deniers only accept parts of the critique against the IMTFE and are selectively blind to other aspects of the trial that do not suit their ideological view. By challenging deniers' narrow view of the Tokyo trial, he invites us to consider more recent scholarly analyses that revisit the trial's historical significance.*

Japanese military expansion in Asia during World War II left a trail of destruction and human loss in the occupied territories. Because of this, scars of division between Japan and the countries that it invaded during the Second World War remain today. The persistence of denial in Japanese society, which downplays and at times, blatantly rejects the fact of Japan's wartime atrocities, deepens those scars.

This essay examines how the United States' role in the International Military Tribunal for the Far East or the Tokyo Trial may be linked to the revisionist views about the Second World War that are prevalent in Japan today.

I argue that the perception of an overpowering American influence over the Tokyo trial feeds into the “Anti-Western colonialism” stance of current-day revisionists. In particular, I will discuss how the United States’ decision not to hold the emperor of Japan accountable for war crimes also contributed to the continued invocation of the emperor’s divinity – a belief that has always been historically central to ultra-nationalist movements in Japan. Finally, I revisit the charges of “victors’ justice” levelled against the IMTFE and hone in on one particular shortcoming of the trial – its inadequacy to deal with imperialism (Japan’s as well as other Western powers’).

I conclude that ultra-nationalists and deniers’ perception of the United States’ influence over the IMTFE is quite selective, and largely fits the ideological agenda of revisionism and denial. This is demonstrated by deniers’ selective blindness to the other aspects of the Tokyo Trial, in which the exercise of American influence benefited Japanese war criminals including the emperor himself.

THE EMPEROR’S DIVINITY IS A BELIEF THAT HAS ALWAYS BEEN HISTORICALLY CENTRAL TO ULTRANATIONALIST MOVEMENTS IN JAPAN



# 28 JAP WAR LEADERS INDICTED

Arraignment Will Take Place Friday

**STARS AND STRIPES**  
PUBLISHED DAILY IN TOKYO  
FOR U.S. FORCES  
IN JAPAN AND KOREA  
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TUESDAY, April 30, 1946

### CIVIL WAR IN CHINA BRINGS NEW MEETING

Marshall-Chiang Confer As Communists Gain New Leads In Public Favor

CHUNGKING, April 29 (AP)—Karl E. Meyer, chief of the U.S. military mission here, met with the Chinese Communist leader, Mao Tse-tung, today to discuss the situation in China. The meeting was the first since the Communists' victory in the Nanking area last month. The Communists are now in control of the Nanking area and are making gains in other parts of the country. The Nationalist government is now in a difficult position in the Nanking area. The Nationalist government is now in a difficult position in the Nanking area.


### Sneak Pearl Harbor Raid, 'Rape Of Nanking' Cited

Tojo Heads List of Defendants; Legal Papers Now Being Served

By H. AMERICO PARKER, Staff Writer

WASHINGTON, April 29 (AP)—The names of 28 Japanese military and political leaders were indicted Monday for crimes against peace, conventional war crimes and crimes against humanity.

The accused will be arraigned before the International Military Tribunal for the Far East in Tokyo Friday, it was announced today.

Indictments were handed to the Tribunal by Joseph B. Keenan, chief counsel of the prosecution at a private meeting of the Tribunal at 11 a.m. Monday. The meeting was held in the former office of the Pacific Block Trial, on the second floor of the War Relocation Authority building where the trial will be held.

The 28 are charged with "planning, preparing, initiating and executing" the surprise attack on Pearl Harbor on Dec. 7, 1941, and the " Rape of Nanking." The charge of " Rape of Nanking" is also included, as is the charge of "planning, preparing, initiating and executing" the surprise attack on Pearl Harbor.

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## Japanese War memory: The Tokyo Trial

The roots of modern-day revisionism in Japan can be traced to Japan's post-war transition, which not only gave rise to its current form of government but also shaped its institutions. The International Military Tribunal for the Far East (IMTFE, or "Tokyo Trials"), a military tribunal that tried Japanese war criminals from 1946 to 1948 in Tokyo, was a key component of Japan's transition. The tribunal was headed by judges appointed by U.S. General, Douglas MacArthur, Supreme Commander of the Allied forces, while the prosecution of cases at the trials involved the participation of eleven Allied powers.

A similar court had been established in Nuremberg, Germany, which tried Nazi war criminals from 1945 to 1946. But, unlike the Nuremberg court, which was created through a treaty, the IMTFE was created through a special proclamation issued by one man: General Douglas MacArthur.

The Tokyo Trial was the first time for the Japanese people to confront their wartime past. Recent polls have suggested, however, that a majority (around 60-70%) of the Japanese population today lack knowledge of the Tokyo trial (Futamura, 2011). This alarmingly high level of ignorance about the trial offers a partial explanation for the persistence of Japanese denial today.

Denial has, time and again, damaged diplomatic ties between Japan and its Asian neighbors, particularly, China and South Korea. But denial has also fueled and fed nationalist sentiments on both sides.

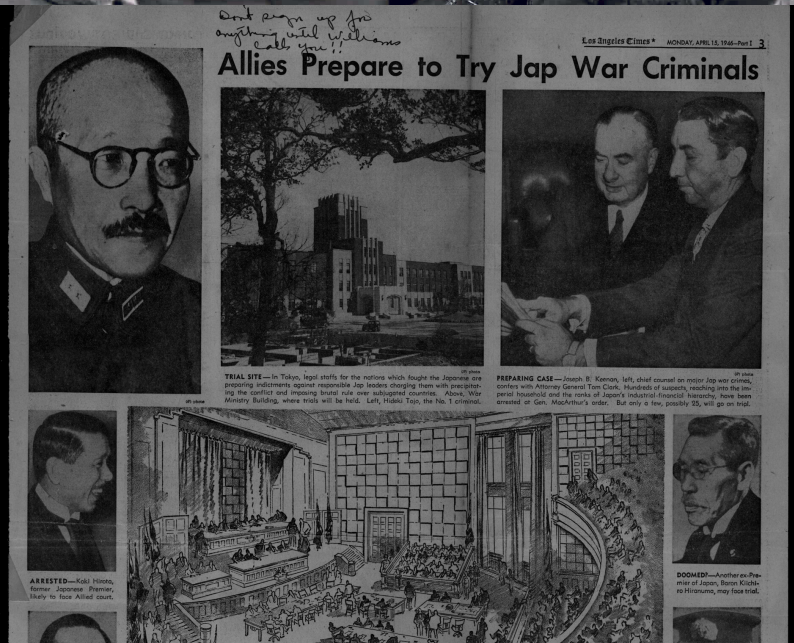
Today in China, where the devastation that the country endured during World War II is often framed by the state as its humiliation by Japan, rising nationalist sentiments are often laced with strong anti-Japanese sentiments. In turn, these sentiments figure in ongoing disputes between the two countries, such as the Diaoyu/Senkaku Islands conflict (Yang, 2013).

On the 50th anniversary of Japan's surrender in 2015, instead of an apology, Prime Minister Abe, of the ruling right-wing Liberal Democratic Party issued a speech laden with justifications for Japan's wartime acts. Abe's stance completely contradicted the relatively straightforward apology by Tomiichi Murayama of the Socialist Party just twenty years earlier in 1995 – an apology that scholars note reflected regret and self-reflection (Stockwin, 2016). Abe's support for the revision of the Japanese Constitution, seen as a move to re-arm Japan and to enable Japan to partake in international conflicts, along with his visits to the controversial Yasukuni Shrine, where Japan's war criminals are memorialized, have brought attention to his right-wing politics (Mochizuki and Porter, 2013).



In Japan, deniers – even among respected intellectuals abound, and many of them have challenged previous accounts of the Asia-Pacific War. While historical revision in the face of new evidence is reasonable, however, deniers tend to focus on debates about precise headcounts such as in the case of the total number of casualties in the Nanjing Massacre. Deniers not only downplay the death toll, or casting doubt on the number of civilians killed (Hicks, 1998), but also go as far as denying that such atrocities took place.

Japanese views about the IMTFE, as the central institution for Post-War justice, were initially refracted through the frame and rhetoric of victimization. Ienaga Saburo, a Japanese historian who is known to have challenged the Japanese Ministry of Education over the way textbooks downplayed Japanese wartime atrocities, points out that public support for the IMTFE in Japan was widespread after the war (Ienaga, 1978). Having lived through the war and Japan’s defeat, many civilians had acknowledged the IMTFE as a way to restore order for Japan to transition into a post-war administration. However, the Japanese also tended to approach the IMTFE as a tool for “self-reflection” and a reminder of their outright defeat. This acceptance of defeat and the IMTFE as an institution comes alongside of the the understanding that Japan was primarily a victim.



This view is said to be the prevailing narrative not just in official sources, but also representative of collective memory (Berger, 2012)

Thomas Berger sums up this internalization of victimhood succinctly:

*“While the Japanese people remember in excruciating detail their sufferings during the war, especially the atomic bombings of Hiroshima and Nagasaki, they are said to overlook the immense suffering their country inflicted on other peoples.”*

However, while the destruction wrought by the atomic and fire-bombings of Japanese cities certainly shaped this view, the shortcomings of the IMTFE, particularly the general impression of the proceedings as one of “victor’s justice,” (because it only tried Japanese wartime atrocities, but not those committed by the Allied forces) contributed to it.

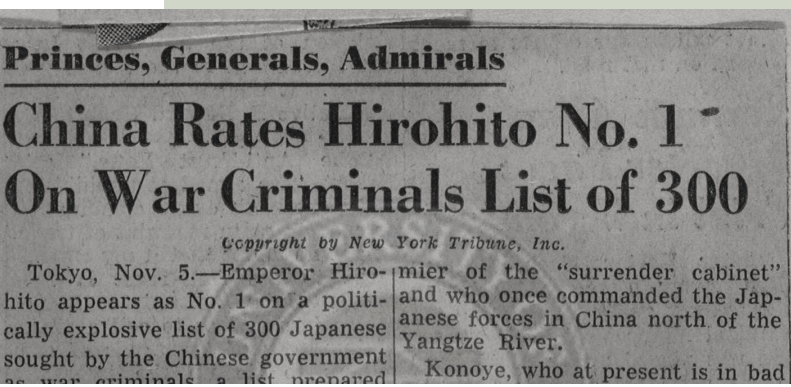
This changed somewhat in the 1980s when documents on the Tokyo Trials were eventually declassified. In this way, declassification sheds light on the role of countries, such as the United States, in withholding information. A new generation of Japanese born after the war adopted more nuanced views of the IMTFE, moving away from the rhetoric of Japanese victimization. IMTFE scholar, Totani Yuma notes that this gave way for the Japanese to view the Tokyo Trials more critically.

Japanese historian Awaya Kentaro observed that while the Tokyo Trials did disclose Japan’s war crimes, this came alongside of the realization that American obstructionism had prevented the Tokyo Trials from truly bringing justice (Totani, 2008).

But, different interpretations of the declassified information also spurred divisive views of the legitimacy of the Tokyo Trials. Today’s deniers believe that American obstructionism affected the court’s efficiency, but some go as far as to argue that it negates the validity of the trials. This is also why the views of Judge Pal, the sole dissenting judge who voted to acquit Japanese officers and officials at the Tokyo trial, have garnered support from Japanese deniers. In this way, deniers believe that the trial is just another imposition of Western colonialism.

### **Japanese Nationalism and the Emperor**

Japan’s post-war constitution is said to have turned Japan into a pacifist nation as well as transformed the position of the emperor. Today, Japan remains a constitutional monarchy under peace and democracy. However, revisionist views couched in the rhetoric of ultra-nationalism have managed to persist into the 21st century. Because the emperor (particularly as a divine figure) remains a central figure in revisionist politics, the position (often more than the actual person)



continues to shape Japanese nationalism, especially the ultra-nationalism of deniers of Japanese atrocities.

Notably, Benedict Anderson observed that the "Japanese-ness" of the emperor in Japan (a throne that is the only one in the world to have been monopolized by a single dynasty) throughout its recorded history made the exploitation of the position of the Emperor for nationalist purposes rather simple (Anderson, 2006).

Before and during World War II, Emperor Hirohito was the military's supreme commander which meant that the war was not just fought under his name, but also his command. At the time, Hirohito's investigation by the IMTFE Prosecution seemed imminent.

However, like the members of Unit 731, the infamous military unit that conducted all manner of horrific human experimentation under the auspices of Japan's biochemical warfare program, Hirohito was never charged for any war crimes.

Ultimately, the Emperor was deemed an important figure in post-war Japan by the Americans. Totani Notes that deciding Hirohito's fate had to be considered "not only in pursuit of justice but also for the maintenance of security in Japan." With the ensuing cold war, the United States needed Japan to become a bulwark against communism in the region. This meant that the Americans believed that the Emperor's downfall which could potentially destabilize Japanese society and jeopardize its post-war development, was not an option

There are a variety of theories about how the emperor figures in revisionist politics. While some believe that “(T)he Constitution of Japan, symbol and fount of Japan’s post-war democracy, was stained from its inception by the emperor system and the consequent politics of national symbolism” (Tetsuya, 2003), others have attempted to trace the rise in revisionism following Hirohito’s death in 1989. According to such an account, the emperor’s death stirred dissociation among the Japanese people and post-war ideals of peace, which the emperor Showa (enlightened peace) had come to represent (Gerow, 1998). Still, many scholars have pointed out how Hirohito’s lack of accountability for the war entrenches an inherently undemocratic mindset by allowing both the State and the Emperor to define victimhood in post-war Japan (Kersten, 2000). Most, however, agree that revisionist politics tied to around strong beliefs about the continued divinity of the Emperor in post-war Japanese society.

### **Revisiting the question of Colonialism and the IMTFE’s shortcomings**

Even though the Tokyo Trials prosecuted only a few (and not all) Japanese officials who committed war crimes, and even though the Trials took place within Japan, the fact that the trials were largely organized under Allied control during the American occupation of Japan tends to

underscore the US’ influence. Because of this, the prevalent perception of the Tokyo trial as essentially “victor’s justice,” or as an arbitrary judgment by victors within a conflict on defeated parties (Minear, 1971), has been difficult to overcome.

Today, legal scholars recognize that the Tokyo Trial and the Nuremberg Trials helped to establish the international law prohibition on the waging of aggressive war on peaceful countries (Totani, 2008), or what was classified under the trials as “Crimes against Peace” (CAP). In addition to CAP, the trials also prosecuted “Crimes against Humanity” (CAH), which pertained to regular war crimes (systematic widespread attacks on the civilian population).

Scholars note that the fact that the Tokyo trial only tried crimes committed by Japanese officials, and thereby seen as extending immunity to the Allied powers further feeds the perception of “victor’s justice” (Minear, 1971; Cantor, 1972). Critics of the trial who noted that it lacked impartiality also frequently point out the following appointments as proof of this: Joseph B. Keenan (of the United States) as the lead prosecutor over ten prosecutors (from other Allied powers), Jaranilla, who was a survivor of the Bataan Death March as the Philippine Judge, as well as Judge Webb, who before his assignment to the IMTFE, prosecuted Japanese war crimes in

Australia as the President of the tribunal.

The legal foundation of the crimes for which the Japanese were tried, was at the time, also quite tenuous. For example, “conspiracy to start and wage war” and “aggressive war” had not yet been clearly defined in international law albeit the Kellogg-Briand Pact (1928), a treaty that Japan had ratified before the war, including the renunciation of war as an instrument of national policy. This particular legal issue was raised by Radhabinod Pal (India), who argued that charging Japanese officers and officials was tantamount to a retroactive application of laws that had not yet come into force. Pal went as far as to question the bases of international law, which he viewed largely as a mechanism for great powers to “protect their expansionist claims and gains at the expense of the weak.”

While Pal’s observations about the function of international law resonates with critical accounts of its colonialist origins, however, his conclusion (and finding) on the side of Japan’s accused war criminals overlooks how Japan was itself a colonizer that benefitted from the protection of international law, in particular, through unequal treaties with weaker countries before the war. It also ignores the fact that Japan’s war was, in fact, an expansionist war. Long before it waged its war for expansion in Asia, Japan had already colonized



Taiwan and Korea and perpetrated abuses upon the colonized populations. As such, Pal’s opinion appears to rest on the view that imperialism was exclusively a “Western” practice” and writes off Japanese imperialism.

As Totani points out, “(T)he Tokyo Trials, as a trial that tried perpetrators of war crimes, was ill-equipped to deal with problems associated with Japanese colonialism”. We could further argue that none of the post-war trials were in any way meant to deal with colonialism as a problem in the first place. The fact that most of the colonial powers attempted to re-establish their claims over the territories they once held after the war attests to this fact.



And although Japan was obliged to give up its occupied territories, including its two major colonies, Korea and Taiwan, under the terms of the San Francisco Peace Treaty, Koreans and Taiwanese who were enlisted in Japan's war did not escape prosecution. Conscripted soldiers from both countries were tried for their crimes as legal subjects of the Japanese empire. There is no contradiction here since the basis for obliging Japan to give up its former colonies was not based on the illegality of colonial rule per se. Divesting the "losing" party of its territories (including its colonies) was a common practice among warring colonial powers after a conflict. As a close ally of Britain, this is how Japan came to take over Germany's possessions in the Asia Pacific after the First World War.

What is more, the system of sexual slavery perpetrated against Korean and Taiwanese women (among others) was not prosecuted as a 'crime against humanity' at the Tokyo trial. We now know that the Allied forces, particularly the Americans knew about this widespread practice (Chan, 1986; Yoshimi.) In fact, only the Dutch tried Japanese officers and civilian military employees of the crime of "forced prostitution" at a military tribunal in Batavia in the former Dutch East Indies (Borsch, 2018).

## PEDRO LOPEZ WILL ASSIST IN TRIALS

### Filipino Lawyer Named To Join Prosecution

LONDON (UP)—Pedro Lopez, who headed the Philippines United Nations Organization delegation, told the United Press that he will proceed next week via the United States to Tokyo to represent the Philippines as a prosecutor in the forthcoming trials against major Japanese war criminals.

Lopez, a 40-year-old lawyer, was a resistance leader during the Japanese occupation of the Philippines. He drew attention to the UNO Assembly by his forthright and determined stand for freedom of the



Recent studies have pointed out that “During WWII, as many as one in eight US soldiers were court-martialed for crimes committed while in the service” (Svoboda, 2009). Interestingly, the strict policy of the US military to keep such cases under wraps (even to the frustration of the US Congressional Military Affairs Committee) means that records of such cases have been hard to access. While these things do not serve to debunk the charge of “victors’ justice” on the part of the Tokyo Trials completely, they do put some of the perceived shortcomings of the IMTFE into a broader perspective.

## Conclusion

Perceptions about the United States' involvement in the Tokyo Trials continue to figure in modern revisionist views in Japan today. Revisionists tend to over-represent the American influence over the judges and the prosecutors and mostly focus on raising issues about the purported blanket immunity granted to allied forces. Recent studies have revealed that American soldiers were court-martialed for their crimes, but the US military has consistently kept such records under wraps, and by doing so inadvertently strengthen the perception of Allied forces' immunity from post-war justice.

Ultimately, a close analysis of deniers' criticism of American influence over the outcome of the IMTFE reveals that it is highly selective. Deniers ignore how the IMTFE overlooked the widespread military sexual slavery perpetrated by the Japanese military, as well as how the scientists and officers responsible for Unit 731, Japan's military arm for scientific and medical experiments, were never prosecuted for the atrocities they committed. More importantly, the deniers ignore the historic ties between the United States and Japan that have endured from the Cold War up to the present day. Japan's emperor, who remains the central (divine) figure in current day ultranationalist rhetoric, was at the time another beneficiary of American political considerations during the Cold War.

Today, Japan and the United States are still considered to be strong allies. Meanwhile, rising nationalist sentiments in Japan as well as in neighboring countries (China and Korea) continue to impact ongoing tensions between these countries. A more holistic study of history unfettered by the narrowing tendencies of “nationalist” mindsets goes a long way towards the struggle for sustainable reconciliation. With it, the quest for regional stability shows promise for future generations.

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Photo Credits: Pages 1-7 & 9 Gen.Douglas MacArthur with George Keenan, Chief Prosecutor for the IMTFE, Stars and Stripes April 30, 1946, Defense Lawyers, Courtroom, Los Angeles Times, April 15, 1946, NY Tribune (undated) on Hirohito, Time, January 7, 1946 on Konoe's suicide, head shots of the accused, United Press (undated) on Filipino Prosecutor. **All Photos are from the University of Virginia Law IMTFE Archive: <https://imtfe.law.virginia.edu/collections>**

Pages 2, 4, 8 & 9 The Judges of the IMTFE in Court, the accused being transported to the trial (**US National Archives**), Judge Radhabinod Pal of India (**no source available**), ruins of the legislature building in Manila 1945 (**Hugh Morton Collection of Photographs and Films, University of North Carolina at Chapel Hill, Wilson Library**)

## SUPPLEMENTARY MATERIAL

*The Tokyo Trial has been the subject of feature films in different languages (Chinese, Japanese and English). The following films use archival footage and existing research on the trial:*

**The Tokyo Trial, 2016** (4-Part Mini Series) by Canadian Director/Screenwriter, Rob W. King and Dutch Director, Pieter Verhoeff, Available on Netflix (ENGLISH with subtitles)

(IMDB: <https://www.imdb.com/title/tt4040530/>)

**The Tokyo Trials, 2015** (3-Part Documentary) by the International Channel Shanghai (ICS), (ENGLISH with subtitles)

Available on You Tube: <https://youtu.be/OS9sKauYNo>