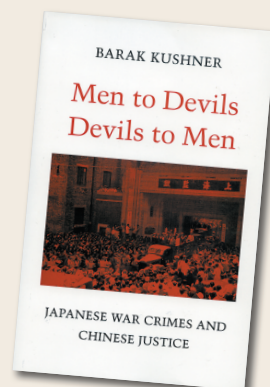


BOOK REVIEW

*Men to Devils, Devils to Men:
Japanese War Crimes and
Chinese Justice***Barak Kushner**Harvard University Press, 2015
416 pages.

While the study of war still seems to be approached largely from a strategic or military angle, the last twenty years have been marked by increasingly reliable and useful accounts of the aftermath of hostilities, with Toby Judt and Ian Kershaw providing exciting templates for this approach to European history and Hans van de Ven and now Barak Kushner bringing this line of sight to East Asia, both with a focus on the Chinese postwar.

In this absorbing study, Kushner has chosen to examine the political and diplomatic manoeuvring around the Chinese communist and nationalist trials of Japanese war criminals held between 1947 and 1949 and to compare them with the management and similar manoeuvring around the better-known trials managed by the U.S. and its allies in Japan and elsewhere from 1945 to 1949–1950.

Kushner brings to this assessment a keen awareness of the special difference of the Chinese postwar resumption of hostilities in the last quarter of what would become a twenty-year war between exhausted rivals in a failing state, an outcome that would realign transnational influences and rearrange the stage for the Cold War in East Asia, even as these extended hostilities brought China to the very edge of destruction.

In the competition for the high ground in the battle not only for China but for all of the Asia that Japan's phenomenal agenda had aspired to control, every aspect of China's war of resistance against the Japanese invader was contested, not only between the two Chinese factions and the Japanese defendants, very few of whom had been tried at the International Military Tribunal for the Far East (IMTFE) in Tokyo, but also between the Chinese factions and Japanese national interests beyond the courtroom.

These trials would have been difficult to manage at any time. To hold them throughout an ongoing civil war was a logistical triumph on all sides. As Kushner shows, the shortage of Chinese troops meant that the surrender of Japan did not always mean the retreat or capture of Japanese troops. The end of the Fifteen Years War and the beginning of the postwar did not have clear cut-off points. Rather, the period from August 1945 to October 1949 saw the culmination of historical processes long delayed by a mix of imperialisms and finely-tuned collaborations. In a little over four years the pent-up battle for China would see centuries of chaos and misrule erupt into an urgent, vicious return to all-out civil war. The war crimes trials were held in the midst of these hostilities, with the prisoners guarded by soldiers who could hardly be spared from the fighting field.

The Communist Party would emerge from this scrum in somewhat bewildered and exhausted possession. The conventional narrative has it that the Nationalists made a dash for the exits, via the banks, but Kushner's account now adds the courts to this escape route and brings another layer to the reinterpretation of the nationalist role in these conflicts.

Three unforgiving years would pass before either side in the civil struggle could even begin to lay claim to the failed state and unhappy boltholes of October 1949. On the cusp of the seismic reordering of Asia, both the Chinese Nationalists and the Chinese Communists had to deal with the legacy of the Fifteen Years War with Japan, and not only fight for China but also compete for the title as "just war" and establish ownership of the China brand. Out of this chaos, with the world wondering which China was waving and which China was drowning, the future demanded that each safeguard their potential national integrity by demonstrating their superior adherence to international legal and diplomatic standards. The war crimes trials provided a forum for these competitions and for the display of competing demonstrations of justness.

In the Chinese postwar, following the defeat, messy retreat, and the mass capture and re-enlistment of Japanese forces, both the Communist and Nationalist factions and interests within China invested hard-earned political and military capital in managing these trials and in collecting the bona fides for a national integrity that was still far from assured. From Tokyo, SCAP effectively represented Japan in this three-cornered battle for the ethical leadership of East Asia, with a focus on trying the category "A" prisoners charged with planning and directing the war.

Managing a formidable mass of what he describes as "an entirely new body of data" in recently opened vernacular archives of East Asia (p. 20), Barak Kushner has provided a reliably synthesized account of the Communist and Nationalist Chinese effort to bring international legal accountability to bear on the "B" and "C" categories of "conventional" war criminals in a long series of trials whose scale and complexity far exceeded the caseload managed by the IMTFE.

As Kushner shows, Japan and the two Chinas had too much political capital invested in the war crimes trials for resolution to be possible or, the impression remains, even desirable. Beyond Sugamo, the Japanese seized on democracy with an avidity that helped cement the relationship with their new masters, but outside the courtroom the Tokyo Trials were framed in such a way as to allow ample public space for the debate about their legitimacy that continues to this day.

Before and after MacArthur had left to belittle his Japanese admirers in Congress, Japan leaped into the ring with Communist China and Taiwan, fighting a propagandized legal battle even as, in "mainland" China, as Kushner shows in his introduction, "the form and function of law virtually disappeared from Chinese consciousness" (p. 9) while in Taiwan open discussion of Japanese war crimes was stifled by martial laws that would not be lifted until 1987.

Men to Devils, Devils to Men is a considerable and valuable achievement in historical scholarship. It opens up a little-noticed area of contention in a way that not only provides a template for further work on the transnational complexities of the early Cold War in Asia but also returns our attention to the huge sacrifices made by both China factions between September 1931 and October 1949.

Reviewed by Peter O'Connor