



University of Salford
A Greater Manchester University

Number 8

ISBN 978 1 902496 60 3

Working Papers in

Military & International History

Nuremberg, Rome, Tokyo: The Impact of Allied War Crimes Trials on Post-War Memory and Identity in Germany, Italy and Japan after 1945

Kerstin von Lingen

Working Papers in
Military and International History

Paper No. 8

**Nuremberg, Rome, Tokyo:
The Impact of Allied War Crimes Trials on Post-War Memory
and Identity in Germany, Italy and Japan after 1945**

Kerstin von Lingen

University of Salford
European Studies Research Institute
December 2009

University of Salford
European Studies Research Institute

**Working Papers in
Military and International History**

Series Editor:
Dr Alaric Searle

For further details on how to obtain copies of the Working Papers in Military and International History, please contact:

The Editors, ESRI Working Papers, European Studies Research
Institute, Crescent House, University of Salford, Salford, Greater
Manchester, M5 4WT, UK.

FOREWORD

This European Studies Research Institute Working Paper in Military and International History, Paper No. 8 in the series, undertakes a comparative assessment of the impact of Allied war crimes policies in Italian, German and Japanese national memory and identity after 1945. As Kerstin von Lingen points out, few if any historians have risked drawing comparisons between the fate of the memory of war crimes in Germany, Japan and Italy after the Second World War. This is not only because there was no International Military Tribunal in Italy after the war: it is also because the challenge of comparing perceptions of war crimes and their impact on national and transnational memory is a daunting one. Yet, as the most recent research has started to expand scholarly knowledge of Japanese and Italian war crimes, it is a comparative exercise which is well worth undertaking.

Dr von Lingen is, in fact, extremely well qualified to attempt this difficult task as she not only a respected scholar on the debate in Germany over war crimes, memory and national identity, she is as knowledgeable on the on-going debate in Italy over both German crimes committed on Italian soil during the Second World War and Italian war crimes before and during the war, the latter field only now coming to the fore in Italian historiography. While it is unlikely that every reader will accept all her conclusions, I am certain that the majority of readers will agree that she has provided a very useful overview of several on-going debates, as well as a trenchant summary

of the most recent historiography on the whole subject of war crimes, memory and identity.

Sadly, this will be the final paper in this series which will appear under the auspices of the European Studies Research Institute, as ESRI is due to be officially dissolved on 31 December 2009. The University of Salford has made the decision to close research institutes in favour of research centres, which will be based in schools rather than – up until now – in independent research institutes. However, this restructuring may have, in practice, little concrete impact upon this Working Paper series. It is to be hoped that this series will be continued by the new Centre for European Security which will come into existence on 1 January 2010. While no promises can be made until the Centre has held its first constitutive meetings, as editor of this series I would certainly welcome it if the membership of the Centre agreed to the continuation of the Working Papers in Military and International History series, albeit under the auspices of a new centre.

Dr Alaric Searle

Alternate Director

European Studies Research Institute

University of Salford, Greater Manchester, UK

Nuremberg, Rome, Tokyo: The Impact of Allied War Crimes Trials on Post-War Memory and Identity in Germany, Italy and Japan after 1945

KERSTIN VON LINGEN

(University of Tübingen)

When it comes to anniversaries, public speeches and historical exhibitions, the images used most frequently to emphasise the violence employed in the Second World War are the atomic bomb and the Holocaust.¹ However, the war also unleashed unlimited violence on the civilians of occupied nations, who suffered maltreatment, hunger, enforced military service, slave labour, and forced prostitution. In contrast to today's perception, it was those crimes which were at stake at the international war crimes trials. But why and when did the record of a majority of those 'crimes against humanity' and how they were framed become forgotten? It is the aim of this paper to discuss the way in which the Allied, and especially US, intentions of punishing war criminals may have actually hindered the original trials' strategy which was directed towards the crimes becoming rooted in national memory. Through an examination of the interaction between transnational justice and public

memory, especially from the dual perspective of Europe and Asia, it will seek to compare the underlying patterns of identity formation which ensued as a result of war crimes policies.

After the conclusion of the conflict, the first Allied measures became decisive for the development of a war narrative as they framed the development of a new, accepted collective memory of the respective vanquished nations which, after defeat, were searching for a new post-war identity. In this regard, the international military tribunals as well as other Allied retribution measures against the Axis powers deserve particular attention.

The Berlin–Rome–Tokyo Axis was formed in the 1930s. Due to their similar concept of governance and politics, Germany, Italy and Japan had formed the ‘Three Powers Pact’ in 1940, a political and military alliance and a division of the world into spheres of interest. It was agreed Japan would govern the East Asian countries, Italy claimed the Mediterranean, while the German Reich regarded the East European countries as the Nazi zone of dominance. The division of the world was motivated by the idea of installing a new world order in greater East Asia and Europe under the leadership of the signatory powers. In justifying the occupation of their neighbouring countries, all three powers were, albeit to a different extent, motivated by a concept of the supremacy of their own race.²

As a reaction, Allied post-war plans as they were directed against the Axis powers were initially coordinated with each other. All three ‘Fascist dictatorships’ had already been indicted during the war by the UN War Crimes Commission and accused of large-scale violations of the Laws of War.³ The Western Allies, together with European governments in exile, agreed to an International Military Tribunal at Nuremberg, which served as a pattern for the later International Military Tribunal (IMT) at Tokyo in August 1945.⁴ The

IMT of Nuremberg and Tokyo were both attempting to re-educate society according to two main strategic aims: establishment of the historical record of crimes; and, the allocation of responsibility for those crimes to individuals, termed the 'individualisation of guilt'. The trials aimed at endorsing the wider Allied principles vis-à-vis post-war Germany and Japan to ensure both demilitarisation and democratisation. The differences in the conduct of the two IMT trials will be discussed below.

As for the Italian case, however, initial Allied plans to hold an IMT were bypassed due to political needs that forced a change in strategy. In consequence of the Italian war effort on the Allies' side from 1943-45, and its subsequent suffering under German occupation, Italy was treated in the same way as other European victim nations; as a result, plans to hold Fascist war criminals accountable were finally abandoned in the summer of 1945.

The main hypothesis of this paper is that the impact of different Allied retribution policies in Germany, Italy and Japan, and the conduct of the war crimes trials themselves, were decisive in the formation of post-war memory in each of the three countries, as they were framed their post-war societies by classifying the nations' citizens into the guilty and not guilty. Criticism of the international trials or, in the Italian case, the omission of the Allies to hold Fascist leaders accountable at all, resulted in all three cases forming the basis for a selective memory which remembered only a few crimes of the war and suppressed memory of others, while emphasising events during which the nation itself had suffered. This attitude hindered not only reconciliation with the victims of that policy, but also coming to terms with their own past. It will be argued here that the content of a collectively accepted memory is to large extent intertwined with Allied retribution politics, indeed may even be defined by retribution politics, and not only – as earlier studies have claimed – be a

result of national, cultural or philosophical predispositions in dealing with guilt and shame.

The interactive process between retribution, the politics of memory and public debate has been labelled 'Transitional Justice' in order to describe the transformation of post-conflict societies by analysing the legal, social and political parameters.⁵ This concept is very useful for this study, as the rebuilding of states after armed conflict is understood as a process in which retribution strategies such as trials, expropriation or expulsion are adopted by political elites or dominant social pressure groups. The success of inclusion or exclusion of citizens due to their behaviour during times of conflict, and the distinction between aggressor and victim groups, is a determinant for the stability of the post-conflict nation. This process of the composition of new elites after 1945 marched in parallel with the reframing of national identities based on a post-war consensus of collective memory; the consensus was transmitted to society in a 'master narrative' about the war period. 'Master narratives' are thus the backbone of the new state. In short, the content of a collectively accepted memory is to a considerable extent intertwined with retribution politics, indeed may even be defined by these politics, and not only be, as some early scholarship has argued, a result of national, cultural or philosophical predispositions in dealing with guilt and shame.

I. Historiographical Overview

Retribution until today has mainly been understood as a judicial definition of crimes and punishment, and studies have therefore concentrated on the history of court cases and the prosecuted and the convicted. Leading US scholarship has started shifting the focus of scholarship from retribution measures to the concept of 'Transitional Justice', linking public memory of war experience with the formation of national identity in the post-conflict period. However,

war crimes trials policy still forms the basis for much of the research. There have been a considerable number of studies on both Allied politics and the formation of memory in the former Axis states, but scholars have only recently started to make connections between the results of war crimes trials programmes and memory in all three countries.⁶

For every each of the three countries, however, much work has been completed. In Germany, in 1996 Norbert Frei was the first to analyse Adenauer's *Vergangenheitspolitik*,⁷ Kochavie followed with a account of Allied retribution concepts for Germany.⁸ In 2001 Donald Bloxham and Peter Maguire started to intertwine the findings of research on Allied war crimes policy with the reaction of the societies at which they were aimed.⁹ Lately, the question of transitional justice and the healing of crimes within a national context (in terms of memory) have been widely discussed.¹⁰

For Italy, Michele Battini was amongst the first to take a look at both trial policies and the formation of memory, and emphasised that the decision not to hold an IMT at Rome was an omission that proved fatal in regard to coming to terms with the Fascist legacy.¹¹ Nonetheless, studies focussing on the Allied impact on the formation of memory in post-war Italy are still rare,¹² or unavailable in English translation.¹³ More interest has been displayed by Italian scholars in trying to discover the truth about Fascist massacres, war crimes in the Mediterranean¹⁴ and Italian memory culture in general.¹⁵ Recently, scholars have gone as far as to compare the Italian aggression in Africa with the Nazi war in the East, talking about a 'Fascist war of annihilation in Ethiopia'.¹⁶

For Japan, John W. Dower took the lead in 1999 with his overview of Allied measures and the influence of demilitarisation and re-education policies in post-war Japan.¹⁷ He based his account on Pritchard's edition of the IMT at Tokyo¹⁸ and discussed findings on war crimes trials policy with studies on the

formation of memory in Japan. Sebastian Conrad was amongst the first to compare Germany and Japan in this respect.¹⁹ Since 2000, substantial work, although sometimes controversial – for example, Minear's *Victors' Justice*²⁰ – has been undertaken on the interaction between the Allied war crimes programme and the re-education of Japanese society; Harvard University's East Asian Centre has taken the lead, as the work of Franziska Seraphim, Rana Mittler and Shiela Myoshi clearly shows.²¹ Research has also enquired into the question of reparation and social healing²² and has analysed the impact of earlier retribution measures on contemporary political life.²³

Recently, substantial detail has been added to the question of Allied intentions within the IMT at Nuremberg and at Tokyo. Yuma Totani's book breaks new ground in that she has corrected earlier findings on Allied policy and trial strategy in extensive detail.²⁴ The study by Madako Futamura has focused on the political implications of the IMT and its legacy for contemporary war crimes trials, for instance in Ruanda.²⁵ The other Allies' war crimes policies – such as those of the British – have also been assessed.²⁶

To discuss the different narratives of memory in Germany, Italy and Japan, it is necessary to take a closer look at the possibilities for prosecution of representatives of the three Axis powers, based on the documentary record. By analysing the preparation and outcome of the IMT trials, it is possible to look for parallels and differing strategies within the international war crimes trials in Europe and the Far East. Furthermore, it is important to analyse the role of the victims during the trials and likewise after the proceedings had ended, not to mention taking into account Cold War expectations. Last but not least, it is worth discussing the different legacies of the IMT trials on memory, by addressing concepts such as 'guilty' or 'victim' nations.

II. War Crimes Trials

The defendants list of the United Nations War Crimes Commission, which was one of the key documents for the preparation of the IMT trials, must be considered one of the Allies' 'definitional tools' for what constituted war criminals. It was due to the pressure exerted by the European countries who had previously been under occupation that the policy of punishing German war criminals was drafted in the first place. By signing the London Declaration of St. James in 1941, nine European exile governments had accused Nazi Germany of crimes against their nations. China, who had been invited to attend the signing of the Declaration, added the wish that Japanese war crimes would be brought to justice with equal effort. The Chinese Minister claimed: 'The Chinese Government believes that the elementary principles of justice and morality cannot be vindicated unless the wrongs thus done to the Chinese people as those to other peoples are equally righted and the guilty persons equally dealt with according to law.'²⁷

The exile governments raised charges against the Axis powers on the grounds of maltreatment of civilians and Prisoners of War (POWs), of slave labour, forced prostitution and a policy of deliberate starvation in the occupied territories, and of genocide, charges for which all three countries could all have been indicted. The term 'Genocide' has recently given more weight in scholarship, used in the sense of the later definition given by the UN in 1948 and understood as 'acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group.' While the German genocide of the Jews of Europe is unquestioned by historians, studies to identify Japanese wartime behaviour in Manchuria and Northern China as genocide, or the Italian treatment of Libyan and Ethiopian civilians in Northern Africa, have only started to be published in recent years and are still few and far between.²⁸

Crimes of the Axis powers display comparable features, if not in the number of their victims, at least in some cases in their essence. The German occupation of Europe led up to 12 to 14 million victims of occupation policy, amongst them nearly six million Jews and three million Soviet POWs. In comparison, Japanese aggression between 1940 and 1945 caused 'Death from genocide, barbarity, forced labour and [those] caught in combat for 7 million people' throughout East Asia.²⁹ Japanese POW policy was comparable to Nazi treatment of Red Army personnel and resulted in a huge number of deaths. Other sources on the losses in the East Asian theatre of war include, besides war crimes, also death by starvation and maltreatment: if calculated in that way, the result of Japanese aggression within the 'Great Asian War', which had already started in 1931, caused the deaths of 9.3 million people in China.³⁰

Italy fits into this framework to a much lesser extent, as they were limited to Northern Africa, the Balkans and Greece, but it did involve the imposition of many violent forms of control and repression over enemy territory.³¹ In Yugoslavia, up to 200,000 people were murdered, in Greece the Italian occupation cost 100,000 lives,³² and the occupation period in Northern Africa led to a final total 60,000 victims,³³ executed in a series of massacres of civilians, or during the gas experiments of the Fascist army, a deed which clearly constituted a war crime.³⁴

The occupied European nations were among the first to demand justice for war crimes. Joint Allied retribution policies commenced nearly two years after the St. James Declaration with a call to prosecute the presumed war criminals. At Moscow, joint Allied retribution politics started when the secretaries of state of the three Allied nations, the United States, Great Britain and Soviet Union agreed in October 1943 to prosecute war criminals immediately after the end of war. Nazi Germany in particular was addressed and threatened with harsh retribution measures. As a result of the Moscow

declaration, the UN War Crimes Commission's work was reconsidered and intensified. During the last two years of armed conflict, several versions of lists of war criminals were drafted, altered and recompiled, due to practical assumptions as well as due to political guidance.

As the Moscow declaration was issued shortly after the Italian armistice of September 1943, it also marked the beginning of a process of exonerating the Italians. Within this declaration, the Allies stressed that they were fighting for Italy's liberation from Fascism and the Italian people were invited to join the community of free nations.³⁵ As a consequence, earlier drafts of an Italian defendants list of Fascist war criminals, prepared by exile politicians, was abandoned and substituted by a list of German aggressors against Italian civilians. The new war crimes list for Italy now merely documented the German crimes against Italian civilians and Allied personnel. Through this change in policy, a whole nation was offered exemption from retribution, as long as they united in the struggle against Nazi power in Europe.

Japan was not included in the Moscow Declaration which referred only to Europe. At a joint Sino-British-American Conference at Cairo some four weeks later, however, the Allies together with China declared they would join to fight their 'brutal enemy'; and, they claimed to be 'fighting this war in order to restrain and punish the aggression of Japan', in order to free the Pacific from Japanese rule and the people of Korea from 'enslavement'.³⁶

III. Nuremberg and Toyko: A Comparative Perspective

At the end of the war, the public announcement of the Allies with respect to the future treatment of the Axis had already begun to show signs of certain distinctive features which were to continue during the 'retribution period'. Germany was addressed as the principal aggressor nation, which had committed the most evil crimes, Italy was seen as a 'victim of war', having

suffered German occupation, and Japan as well was viewed as a victim nation which had been ruled by an unscrupulous group of ultra-militarists which forced her people into a war, which brought violence and suffering back to Japan in form of the atomic bomb.

This perspective can be traced in the opening speeches of the trials, but finds precursors also in military orders on the occupation of the defeated nation, or within the context of UN war crimes policy. Due to the lack of an opening speech at an IMT trial for Italy, here only military orders can be referred to. In its directive of July 1943, the Combined Chiefs of Staff revealed Allied perceptions.³⁷ The ruling party was seen as outside the body of the Italian people and identified as having been run by Fascist 'gangsters' who had exerted a bad influence on the 'good Italian boys'.³⁸ If carefully led by an Allied Occupation Government, the 'little brother' could be dragged away from the bad influence of its elder brother, the 'criminal German', and be turned into a reliable democratic state.³⁹ It is clear from that statement that the strategic importance of Italy at the end of the war and the need to integrate Italy into the Western sphere of influence lay behind the strategy to pursue a comparatively mild retribution policy. Given the need for a speedy stabilisation of the post-conflict states in Europe, focussing on Germany as the main culprit was the best method of integrating Italy into the Western sphere.

As Totani has demonstrated, there was no initial concept of a *different* Axis approach at Nuremberg and Tokyo, but it was rather post-war political interest which lay behind important changes in retribution policies.⁴⁰ In this regard, the different concepts of post-war administration for the three Axis states need to be taken into consideration. Germany was divided into four zones and subsequently separated into a western and an eastern part which remained dependent on the indirect control of the two superpowers, the United States and the Soviet Union. Japan's government remained mainly intact

under US occupation until sovereignty was returned in 1952, and the same was true for Italy, which was sustained by the British Military Administration until only 1947.

In strictly legal terms, Nuremberg was the only real *international* trial.⁴¹ The IMT at Nuremberg consisted of four judges representing the four Allies, who also sent their own national prosecutors and were accountable to their respective governments, not to a military commander representing Allied power.⁴² The Nuremberg charter which set the agenda for the IMT in August 1945 had been drafted by the four Allied powers in Europe, while the Tokyo charter followed earlier American drafts from the State-War-Navy Coordinating Committee and was later approved by all eight Allied nations taking part in the trial and sending in their judges and staff. On the other hand, the Tokyo judges were to be formally appointed by General Douglas MacArthur himself, who likewise chose the president of the court and had the right to review the judgement, although he was required to follow advice from Washington. The difference to Nuremberg lay in the division of power when composing the court: the four Nuremberg Allied governments had the right to nominate *and* appoint judges.⁴³ However, MacArthur's power was only nominal, as the latest research has shown: the US submitted its policy to the Far Eastern Commission to assure formally joint Allied control of the war crimes programme in the Pacific, from where he had to accept directives regarding the Tokyo trial.⁴⁴

The IMT trials at Nuremberg and Tokyo aimed to create a record of the monstrous nature of the crimes which had been committed and attribute responsibility to individuals for them.⁴⁵ According to its advocates, one of the strengths of individual punishment of criminals is said to be the achievement of justice for the victims while avoiding the 'collectivisation of guilt'. A trial of this nature has, therefore, the effect of endorsing the transformation of the

nation by freeing it from the burden of collective guilt while detaching those responsible for war crimes from the society concerned and eliminating their political influence.⁴⁶

At Nuremberg, the prosecution by all four Allies relied as much on documentary evidence as on witness testimonies. In terms of 'the politics of memory', first assessments of Nazi occupation policy in Europe stemmed from the wide press coverage of witness statements. Victims from Eastern Europe testified at length about Nazi atrocities during the occupation, and their use of slave labour, and on the medical experiments and the extermination of European Jews, even if those crimes were not named as unique or isolated actions, but seen as only one part of Nazi atrocities in Europe. They were referred to mainly as 'crimes against humanity'.

At Tokyo, prosecution teams from different Allied nations were eager to prove the organised nature of Japanese atrocities when presenting cases closely related to their countries. On the other hand, the differences in priorities and presentation methods proved a failure with regard to the war crimes record.⁴⁷ For example, prosecution teams did not rely, as for example the Nuremberg prosecution largely did, on witness testimony but on documentary evidence, often presented to the court in a form of summary which was not read out. As Totani shows, the method of synoptic evidence at the Tokyo trial proved very problematic in terms of the subsequent forming of national memory. As the atrocities were not discussed in detail, important facts relating to the maltreatment of Asian civilians, including forced prostitution, did not penetrate public consciousness at any deep level.⁴⁸ Not only trial observers, but even some historians have failed to acknowledge that the Asian element at Tokyo was not actually under-represented, and that even the role of 'comfort women' was raised,⁴⁹ although the prosecution failed to impress the judges of the widespread nature of the practice.⁵⁰

Given that one of the main aims of the international trials in Nuremberg and Tokyo was the *individualisation of guilt*, that means, to hold individuals responsible for state criminality, the Japanese case in particular must be adjudged to have been a failure. The responsibility for the war was attributed to a comparatively small group of men who seemed to have committed all the crimes in secret and without the knowledge of the Emperor. As a consequence, the majority of the Japanese people could feel free from the burden of guilt.⁵¹ This public perception was underlined by the list of defendants which concentrated on political leaders (four prime ministers), cabinet members and military officers. The crimes committed were seen as 'conventional war crimes', in other words as strictly military excesses, not connected in any way to the Japanese belief during the war in their own racial superiority.

In Nuremberg, the pattern of 'conventional war crimes' could not be applied, as the nature of the crimes was rooted in political and racial attitudes of supremacy towards vanquished European nations, the Jews and political opponents and social groups inside German society. As a consequence, there were only three military defendants; the other 18 defendants came from party organizations such as the SS and other political bodies. Defendants were also named from other state elites, such as banks, the press and industry.⁵² Through this selection process, the prosecution underlined the overall commitment of German society to Nazi politics. In turn, at Tokyo, the complicity of public elites (for example those using cheap slave labour) did not figure among the charges at the trial. The United States' will to use the economic power of the old elites to rebuild the country hindered the indictment of the industrial and public elites which had sustained the Japanese war effort. Hence, the degree of involvement of economic elites became known to the public to a far lesser extent than in Germany.

Another problematic point at Tokyo was the non-indictment of Emperor Hirohito. Although initially there was no political will to spare the titular Japanese leader, none of the Allied authorities involved had formal authority to take the lead on this sensitive matter,⁵³ as it would have meant an abolishment of the office of Emperor as a state principle as well. Thus, no decision was taken between the Far Eastern Commission, Douglas MacArthur and the United States government until it was too late. This policy of non-commitment left the Japanese people with the task of developing its own understanding of the role of Hirohito and the war in general.⁵⁴

If we compare the *opening speeches* of the prosecution at the IMT trials in Nuremberg and Tokyo, we can trace the differences in approach within United States policy. In Nuremberg, Justice Jackson emphasised with one eye on the mass movement that had supported Nazi power, that the whole German nation bore responsibility for the crimes.⁵⁵ The notion of guilt fell therefore on every individual who had held a higher position in Nazi Germany. This impression was emphasised by the twelve subsequent war crimes trials at Nuremberg: the involvement of, for instance, doctors, judges, diplomats and leaders of industry in Nazi policies became apparent during those trials held between 1946 and 1948.⁵⁶

In Tokyo, the opening speech reveals the complete opposite. Since experts on Japanese culture had taken into account the traditional separation between government and people, the Japanese people were addressed as victims. US Prosecutor Joseph Keenan said in his opening speech, the trial was aimed at a 'handful of individuals responsible for war'. The Japanese nation, in this American version, was free from guilt, as Keenan continued: 'We must reach the conclusion that the Japanese people themselves were utterly within the power and forces of these accused, and to such extent were its victims.'⁵⁷

Clearly, the United States prosecution followed different strategies in both trials. With regard to the charges, the main focus at Tokyo was given to the 'war of aggression', as all defendants were labelled 'Class A' which was restricted to 'crimes against peace'.⁵⁸ This caused the creation of a war crimes record at Tokyo to be unbalanced: apparently, the US prosecution had not mentioned the Japanese bacteriological experiments in Manchuria, to make further use of its findings and avoided disclosing them to the Soviet Union.⁵⁹

IV. The Victims' Perspective

With regard to the *formation of memory*, it would have been conceivable that victims might have tried to influence post-war opinion about the nature of crimes and seek justice outside of the framework of the IMT trial. As the American viewpoint had set the agenda, victims' groups or their nationals living inside the US could have exerted some influence on the formation of the memory of those crimes. Considering the German case, Jewish pressure groups as representative of most victims played an important role. Those Jewish pressure groups living in the United States demanded punishment for the perpetrators of the Holocaust, even in the immediate post-war years when it had not yet come to centre of public attention. Their lobbying led to an increasing number of trials against perpetrators in the 1960s and growing insights into the uniqueness of the industrial killing carried out under German rule; this resulted arguably in the so-called 'Americanisation of the Holocaust' in the 1970s.⁶⁰

Looking at the Japanese case, we have no comparable victims' group inside the United States which could have started a similar series of initiatives. Compared to Jewish immigrants, fewer Chinese or Koreans lived in North America, and since they did not belong to the traditional middle class elites, they were not able to exert political pressure.⁶¹ As a result, there was no

powerful internal pressure and, consequently, no need for American policy to change in regard to Japan.

The political situation of victim nations and neighbouring countries in the post-war world is also different when Germany and Japan are compared. In the case of Japan, in the immediate post-war period the main victim nations suffered a time of political instability. China underwent a transformational process into a Communist society from 1949 onwards, and Korea struggled with the challenges of decolonisation. This made claims for restitution comparatively weak, as no common retribution strategy after the Tokyo trial could be agreed upon.

In the European context, Germany's neighbours, such as Poland and the Soviet Union, not only pushed during the IMT for the conviction of the defendants, but instigated national trials against German perpetrators within their own countries.⁶² In terms of domestic politics in the respective countries, there was a desire that 'justice should be done', often by expelling the German minorities from national territory.⁶³ The Eastern European countries under Soviet rule were eager to start campaigns against Adenauer and his government, labelling them 'Nazi politicians'. They used the retribution claims mainly to discredit the West German government, politically as well as ideologically. It is apparent, however, that in both the Eastern European and in the East Asian context demands for retribution made by Communist states were ignored by the Western powers. Instead, after the issue of sovereignty had largely been resolved in 1952, the US started to re-align with Germany and Japan as reliable anti-Communist forces.

Even the trial itself at Tokyo was far more susceptible to the Cold War situation than its predecessor at Nuremberg, which had ended in 1946. United States policy was directed towards a new political relationship with Japan and a rapid reconstitution of its economic strength. At the moment when the trial

had just started, political developments in China, the struggle of other Asian nations such as Indochina and Indonesia to rid themselves of Western colonialism, and the advance of Communism in the region, frightened the American occupation force, especially its head, Douglas MacArthur, to such an extent that the discussion of Japanese war crimes was deemed a factor which would weaken the United States in the region; and, hence, it was to be avoided. Thus, 'the IMT did not offer a forum for victims justice and reconciliation between Japan and people in her neighbouring countries', Madako Futamura concludes.⁶⁴

In the case of Italy, no Allied court has ever convicted an Italian officer for war crimes in Libya, Ethiopia or the Balkans, and extradition demands from Communist Yugoslavia to have Italian war criminals deported were turned down. The victims of Italian war crimes in North Africa, especially, did not form pressure groups during the Nuremberg trial, and their claims were turned down by the Allies. Mattioli reveals the whole struggle of the Ethiopian leader, the Negus, to install an IMT for Fascist War Crimes committed in Ethiopia,⁶⁵ and its subsequent failure, due to considerations of the Western powers USA, Great Britain and France to spare Italy and win it over to the side of the West.⁶⁶

V. National Memory

Transitional periods render insight into the evolution of competing memory narratives and their dissemination between societies and cultures. Master narratives are being contested as a society evolves from the transitional into a phase of greater stability. The content of memories, the nation's decision what to remember and what to forget, is illuminating and forms one form of interpretation of the past. By tracing changes in this memory consensus over a longer time period, and analysing its stability in relation to external 'shocks',

the formative notion of pressure groups undergo alteration, which is especially true for the former aggressor states and former members of the Fascist Axis respectively. According to some interpretations, post-Fascist states faced more violent students' protests due to the burden of silence about the aggressor's past during the war than in other countries.⁶⁷

If the background of national retribution strategies is a national foundation myth, formative of national identity, then identity is directly linked to retribution processes. The variations in treatment by the Allies, which diverged dramatically from the policies formulated during war-time planning conferences, had a deep impact on the formation of memory, as memory was formed by both wartime and post-war experience. In other words, not only the crimes of their own people, as revealed during the trials, had an impact on the formation of post-war memory, but also the conduct of the IMT itself. If we recall the earlier definition of memory understood as framed by the perception of 'identity' and 'nation', then the differing Allied treatment of the Axis powers seemed to form a type of index as to the remaining 'value' of the country on the international stage. The concept of being recognised as a 'victim nation' was very important; and, crucially, Japan was successful in claiming that status.

Memory varied in the three post-Axis countries. On the one hand, there was the official acceptance of German guilt in the perpetration of the Holocaust in the Federal Republic of Germany, even though this was attributed to 'faceless' perpetrators.⁶⁸ As can be seen when analysing West German trials conducted during the 1960s and 1970s, the punishment of crimes committed in concentration camps registered only a low level of interest in society,⁶⁹ while at the same time statements about the shame of 'crimes committed in Germany's name' were frequent in public speeches. If a perpetrator was sentenced, often judges recalled the dilemma of obedience to

orders for these low-ranking individuals, giving them comparatively mild sentences as accomplices of Hitler, but not culprits. Only with the parliamentary debates on the uniqueness of genocide against the Jews at the end of the 1960s, and the decision to hold statutory limitation (*Verjährung*) for these crimes, a substantial change in German politics could be achieved which did, in fact, influence the culture of memory. The Eastern part of Germany, the GDR on the other hand, refused every reference to the perpetrators and their legacies by claiming to be the state of anti-Fascist fighters against Nazism. This paradigm dominated within public speeches and memory culture.⁷⁰

Italy witnessed a complete shift from collaboration to the creation of a national myth of large-scale participation in the resistance movement. In the Italian perception, foreign occupation by Germany caused such a fracture in national self-esteem that the fight against the occupiers sufficed to restore national honour and the entire nation suppressed its involvement in Fascism. It assumed the dimensions of a childhood illness which had fortunately been survived. National self-cleansing was deemed unnecessary.

In Japan, the IMT was seen mainly as a consequence of having lost the war; the concept of 'war guilt' was therefore not directly linked with war crimes but largely understood as the guilt of having *lost* the war; this perception is mirrored in the Japanese monument for the war dead, the Yasukuni Shrine, where also convicted war criminals are remembered. In Japan, the Tribunal's punishment of wartime leaders produced an ambiguous effect on the Japanese people's sense of war guilt and responsibility⁷¹ which, in turn, became an obstacle for the nation to achieve reconciliation not only with its former victims but also with its own past.⁷² Futamura labelled this ambiguous sense of frustration within Japanese society about the true nature of the war crimes a combination of 'individual responsibility pursued' and 'collective responsibility perceived'.⁷³

In all three cases, however, large parts of society engaged in critiques against the Allied war crimes policy as a whole, and saw themselves as 'victims' instead of giving the victims a sense that justice was being pursued by hunting the perpetrators. As a result, the crimes themselves fell into oblivion in Japan and in Italy and, even to a certain extent, in the Federal Republic of Germany. It was not until scholarly research and the subsequent belated trials of the 1990s that the crimes were brought to wider attention and discussed in Germany, Italy and Japan.

VI. Retribution: The Transnational Perspective

The end of the Cold War marked a moment of change also in terms of memory culture. Since the transition period around 1990, common principles and a consensus about how to come to terms with the past have been blended into a supra-national perspective. One can also observe a change in paradigm in terms of the experience of war and the narrative of identity, which is increasingly taking account of national traumas and the role of perpetrators: in other words, efforts are being made in the direction of both the institutionalisation and nationalisation of negative commemoration.⁷⁴ This process, through an increasing hegemonialisation of the remembering of the Holocaust, has led to codification of global values, such as 'human rights' and 'justice'.⁷⁵

The United Nations' position has been enforced and its influence has been expanded into formerly exclusively national domains, such as justice, foreign policy and military or security agreements. Generally, the growing independence from the leading powers (the United States and USSR/Russia) has strengthened the national discourses in Europe and Asia signalling also the beginning of sovereignty in memory. It is widely accepted, in Europe as well as in Asia, that the past should not be a hinderance to future cooperation. In

consequence, retribution politics today means public debates about the past of one nation, about possible guilt towards 'forgotten victims' and ways of reconciliation, although mainly within one's own society.

It is not uncommon that economic arguments, or the threat of boycotts against states, serve as a vehicle for changes in the field of memory politics. The efforts and demands for public apologies or financial restitution made by non-governmental organisations and groups of citizens, whose activities have had a transnational impact, led to processes of reconsideration, which could not have been achieved through trials alone. This indirect pressure of a 'memory imperative' consisted of declarations of obligation, warnings for the future, educational projects directed towards a group's own society and a political attitude which was transnational in perspective but also conciliatory in tone.⁷⁶

Even today we can observe conflicts relating to the consequences of long-term retribution measures, such as, for example, in Europe between Germany and the Czech Republic over the question of the condemnation of the expulsion of ethnic Germans. Recently Poland has expressed the intention to revisit the allocation of voices within the European Parliament by pointing to its victim status during the war and the compensation by its neighbours which is still perceived as incomplete. The growing impact of war memories on political or economic decisions and relations between states became apparent during the course of the last decade, for instance during the Swiss 'Nazi Gold Affair' of 1995, or in the threat of an economic boycott on Japan due to its reluctance to offer public apologies later that decade. In Italy, discussion about the war in Libya has re-commenced after Silvio Berlusconi renewed economic ties with Ghaddafi in 2009.

In Asia we encounter the tendency towards symbolic trials rather than real court proceedings. The symbolic tribunal on war crimes against so-called

'comfort women' in 2000 triggered a debate about the unsettled Japanese war crimes committed on its neighbours in the war. The tribunal was soon connected with other dimensions to retribution politics, such as the discussion which has been on-going since the mid-1980s on the unpunished bacteriological medical experiments carried out by Japan, as well as the missing references to Japanese war crimes in school books, which have been repeatedly requested by China.⁷⁷ The outcome of this discussion assisted in defining a stronger national identity within a common Asian sphere of interest. The debate likewise shaped the efforts made towards achieving a global ban on mass rape by identifying it as a war crime.

Assuming that identity can contribute to the stability not only of single nations but also for confederations of states, it is important to study how retribution strategies are put into practice, which groups can impose such measures, and how the concomitant public debate triggers the formation of identity. The impact of still missing victim groups will be of importance in this context, those groups which could potentially claim interests at a later stage and thus weaken the stability of the state, forcing a confrontation with the deeds of the past.

At first sight, post-war Germany seems to have reacted differently to the IMT than Japan. The population in occupied Germany discussed the trial and, although there was harsh criticism of some of its aspects, such as the sentences and punishment of some individuals, it was not deniable that Nuremberg had drawn a line – to ignore Nazi crimes was simply not possible following the evidence which was presented, including the witnesses and even defendants' statements made during the lengthy proceedings, all covered in depth by the press and newsreels. As the Tokyo trial started later, it did not receive the same press coverage as Nuremberg and did not trigger a public discussion

about the conduct of war, or the treatment of neighbouring countries. The trial was not mentioned in Japan for decades.

But the legacy of Nuremberg in Germany is at least twofold. The IMT generated a culture of official acceptance of guilt, in order not to endanger possible German re-unification. In the case of Germany, the division of the country into American and Soviet dominated zones weakened nationalistic rhetoric for decades. But it is clear that only due to the clever reconciliation politics of the Federal German government, questions of compensation to the victims were addressed – yet, the nation showed no inner willingness to confront the issue. Inside Germany, the process of confronting information about war crimes openly within the public sphere into an accepted part of national consciousness is still under way.

In Japan, the Tribunal's punishment of wartime leaders produced an ambiguous effect on the Japanese people's sense of war guilt and responsibility,⁷⁸ which in turn became an obstacle for the nation to achieve reconciliation not only with its former victims, but also with its own past.⁷⁹ The controversies about school text books and the 'comfort woman system' within the Japanese Army raised considerable emotions in Japan and its neighboring countries during the 1990s.⁸⁰ The entire nation questioned why they had never heard of all the Japanese crimes before, although the reluctance to confront them must also be attributed to post-war US policy. In the interests of the maintenance of their occupation regime, they did not permit a complete record of the crimes to be discussed in court; several decades later it was too late as the political situation had changed, and Japan was required as a stabilising force in the East Asian region.

In Germany as well as in Japan, the IMT was only one part of the Allied retribution strategy; a much wider impact on society was achieved through administrative policies and particularly the removal from office of thousands

of former civil servants which, it must be pointed out, increased criticism of the Western Allies.⁸¹ But as a consequence of non-indictment within the IMTs, social groups which were not affected by Allied retribution measures (or only for a limited time) refused to question their role in the former regime. The same pattern of ending trial policy can be traced in European countries formerly under German occupation: first trials were instituted by the Allies, focussing on German perpetrators, and to a much lesser extent on native collaborators, in order to strengthen the post-war states.⁸² Even when these countries regained sovereignty, retribution policy was viewed as a foreign concept, far removed from national interests, which was publicly rejected. From the Allies' point of view there was no need to intervene further.⁸³

Inside Italy, the narrative of the joint national resistance formed the moral basis of the new state: this also avoided addressing the legacy of Fascism or the issue of collaboration. The German period of occupation in Italy managed to expunge 22 years of Fascist rule and its crimes from the collective Italian memory almost completely.⁸⁴ The price of a memory of the war which excluded not only the crimes but also the victims within the Italian nation was high. Within this frame of reference, there was no public space for mourning fallen Italian soldiers at Stalingrad, Italian slave labour workers in the German *Reich* or the discussion of the German crimes against Italian civilians. The silence about the past has given rise to a form of dual or split memory – known as *memoria divisa*, or divided memory – of the war and Fascism.⁸⁵ It will be a challenge for future research to address the problem of the suppressed memories of war likewise with respect to Germany and Japan.

VII. Conclusion

The course of legal measures and prosecutions, as well as the engagement of societies with the new beginnings as well as the continuities of certain

professional groups and their roles after 1945 (perhaps most intensively researched and debated in the Federal Republic of Germany) has shown that a lasting reconciliation between perpetrators and victims cannot be achieved in the courtroom. It is only through the recognition of guilt through symbolic acts or through compensatory gestures such as memorials, remembrance ceremonies and personal encounters can this goal can be achieved. Since 1990, *Wiedergutmachung* has become an important factor in cooperation across Europe and has come to serve increasingly as a reference point for democratic values. Indeed, it has come to be recognised, in political and economic terms in equal measure, as evidence of the capacity to engage in constructive partnerships within the community of nations.

Memory, however, is not only a factor inside a society, but has also come to exert influence on external perceptions on a global level. It is true that the concept of 'crimes against humanity' played a more minor role during the Tokyo trial than at Nuremberg, as it had been employed exclusively with regard to Nazi atrocities against the European Jews – and the Japanese crimes apparently did not fit that pattern, nor did the Italian crimes. These two nations' crimes were seen as part of 'normal' military aggression in war, not as part of a politicised will to genocide. It is exactly that perception of German uniqueness that formed post-war memory and has led to the current perception that the Second World War was mainly the war which generated the Holocaust.

Notes

¹ The Dutch Judge at Tokyo, Bernard Röling, as quoted in Richard H. Minear, *Victors' Justice: The Tokyo War Crimes Trial* (Michigan, 2001), p. 101.

² Manfred Kittel, *Nach Nürnberg und Tokio. „Vergangenheitsbewältigung“ in Japan und Westdeutschland, 1945 bis 1968* (Munich, 2004), p. 16.

³ *History of the United Nations War Crimes Commission and the development of the laws of War*. Compiled by the United Nations War Crimes Commission (London, 1948).

⁴ Yuma Totani, *The Tokyo War Crimes Trial: The Pursuit of Justice in the Wake of World War II* (Cambridge, Mass., 2008), p. 21; Madoka Futamura, *War Criminal Tribunals and Transitional Justice: The Tokyo Trial and the Nuremberg Legacy* (London, 2008), p. 56.

⁵ Neil Kritz (ed.), *Transitional Justice: How Emerging Democracies Reckon With Former Regimes. Laws, Rulings and Reports*, United States Institute for Peace, 3 vols., (Washington, 1995); Ruti G. Teitel, *Transitional Justice* (Oxford, 2000); and, Jon Elster, *Closing the Books: Transitional Justice in Historical Perspective* (New York, 2004).

⁶ Christoph Cornelißen, Lutz Klinkhammer & Wolfgang Schwentker (eds.), *Erinnerungskulturen. Deutschland, Italien und Japan seit 1945* (Frankfurt/M., 2004).

⁷ Norbert Frei, *Vergangenheitspolitik. Die Anfänge der Bundesrepublik und die NS-Vergangenheit* (Munich, 1996).

⁸ Arieh J. Kochavi, *Prelude to Nuremberg: Allied War Crimes Policy and the Question of Punishment* (Chapel Hill, NC, 1998).

⁹ Donald Bloxham, *War Crime Trials and the Formation of Holocaust History and Memory* (Oxford, 2001); and, Peter Maguire, *Law and War: An American Story* (New York, 2001).

¹⁰ Aleida Assmann, *Der lange Schatten der Vergangenheit. Erinnerungskultur und Geschichtspolitik* (Munich, 2006).

¹¹ Michele Battini, *Peccati di Memoria. La mancata Norimberga italiana* (Rome, 2003).

¹² Lutz Klinkhammer & Filippo Focardi, 'The Question of Fascist Italy's War Crimes: The Construction of a Self-acquitting Myth', *Journal of Modern Italian Studies*, 9, No. 3 (2004), pp. 330-48.

¹³ Paolo Pezzino, 'Gli Alleati, l'Italia e i processi ai criminali nazisti', *Storia e Memoria*, 10/2001, pp. 9-72; Hans Woller, *Die Abrechnung mit dem Faschismus in Italien 1943 bis 1948* (Munich, 1996).

¹⁴ Davide Rodogno, *Il nuovo ordine mediterraneo. Le politiche dell'Italia fascista in Europa 1940-1943* (Turin, 2003), English trans. *Fascism's European Empire: Italian Occupation during the Second World War* (Cambridge, 2006); Lidia Santarelli, *Guerre e occupazione in grecia 1940-1943* (Rome, 2005); Giorgio Rochat, *Guerre italiane in Libia e in Etiopia. Studi militari 1921-1939* (Treviso, 1991, new ed. 2008).

¹⁵ Filippo Focardi, *La Guerra della Memoria. La Resistenza nel dibattito politico italiano dal 1945 a oggi* (Rome, 2005).

¹⁶ Asfa Wossen-Asperate & Aram Mattioli (eds.), *Der erste faschistische Vernichtungskrieg. Die italienische Aggression gegen Äthiopien, 1935-1941* (Köln, 2006).

¹⁷ John W. Dower, *Embracing Defeat: Japan in the Wake of World War II* (New York, 1999).

¹⁸ R. John Pritchard, *The Tokyo Major War Crimes Trial. Complete Transcripts and Annotated Bibliography*, 22 vols. (London, 1981).

¹⁹ Sebastian Conrad, *Auf der Suche nach der verlorenen Nation. Geschichtsschreibung in Westdeutschland und Japan 1945 – 1960* (Göttingen, 1999).

²⁰ See Minear, *Victors' Justice*, passim.

²¹ Sheila Miyoshi Jager and Rana Mitter, *Ruptured Histories: War, Memory and Post-Cold War in Asia* (Harvard, 2007); Franziska Seraphim, *War Memory and Social Politics in Japan, 1945-2005* (Harvard, 2007).

²² Feifei Li, Robert Sabella & David Liu, *Nanking 1937: Memory and Healing* (New York, 2002); David Andrew Schmidt, *Ianfu – The Comfort Woman of the Japanese Imperial Army of the Pacific War. Broken Silence* (New York, 2002).

²³ Marc Gallicchio, *The Unpredictability of the Past: Memories of the Asia-Pacific War in US-East Asian Relations* (Durham, NC, 2007); Takashi Fujitani, Lisa Yoneyama & Geoffrey M. White, *Perilous Memories: The Asia-Pacific Wars* (Durham, NC, 2001).

²⁴ Totani, *The Tokyo War Crimes Trial*, passim.

²⁵ Madoka Futamura, *War Criminal Tribunals and Transitional Justice: The Tokyo Trial and the Nuremberg Legacy* (London, 2008).

²⁶ R. John Pritchard, *British War Crimes Trials in the Far East, 1945-1948* (London, 2008).

²⁷ See 'Inter Allied Declaration Signed at St. James Palace London on 13 January 1942' and other relevant documents, in *A Document Issued by His Majesty's Stationery Office, 1942* (London, 1942), p. 16.

²⁸ Aram Mattioli, *Experimentierfeld der Gewalt. Der Abessinienkrieg und seine internationale Bedeutung, 1931-1941* (Zürich, 2005).

²⁹ Figures quoting Werner Gruhl, 'The Great Asian Pacific Crescent of Pain: Japan's War from Manchuria to Hiroshima, 1931 to 1945', in Peter Li, *The Search for Justice: Japanese War Crimes* (New Brunswick & London 2003), pp. 243-58, here 256.

³⁰ Kittel, *Nach Nürnberg und Tokio*, p. 13.

³¹ Klinkhammer & Focardi, 'The question of Fascist Italy's War Crimes', p. 330.

³² Focardi, *Besatzungsmacht*, pp. 164-5.

³³ Giorgio Rochat, 'Una ricerca impossibile: Le perdite italiane nella seconda guerra mondiale', *Storia Contemporanea*, No. 201 (December 1995), pp. 687-700, here 691.

³⁴ Aram Mattioli, 'Lybien, verheißenes Land. Völkermord im Wüstensand: Über dreißig Jahre dauerte die Terrorherrschaft der Italiener in Nordafrika. Im Mai 1943 ging sie zuende', *Die Zeit*, No. 21, 2003.

³⁵ *Foreign Relations of the United States (FRUS): Diplomatic Papers 1943, Vol. I. General* (Washington 1963), 'Moscow conference papers', 30 October 1943, Appendix 4, 'Declaration on Italy', pp. 768-9.

³⁶ *FRUS: Diplomatic Papers 1943, Vol. I. General*, 'The Conference at Cairo and Teheran', Washington 1943, 'First Cairo Conference communiqué', 1 December 1943, pp. 448-9.

³⁷ Woller, *Abrechnung mit dem Faschismus in Italien*, p. 38.

³⁸ Regarding the Allied post-war policy for Italy, see the CCS Directive of 28 June 1943, in Harry L. Coles & Albert K. Weinberg, *Civil Affairs: Soldiers Become Governors* (Washington DC, 1964), p. 177; Gregory D. Black, *United States and Italy, 1943-1946: The Drift towards Containment* (Lawrence, KS, 1974), p. 13.

³⁹ Hans Woller, "‘Ausgebliebene Säuberung?’ Die Abrechnung mit dem Faschismus in Italien", in Klaus-Dietmar Henke & Hans Woller (ed.), *Politische Säuberung in Europa. Die Abrechnung mit Faschismus und Kollaboration nach dem Zweiten Weltkrieg* (Munich, 1991), p. 159.

⁴⁰ Totani, *The Toyko War Crimes Trial*, p. 256.

⁴¹ Futamura, *War Criminal Tribunals and Transnational Justice*, p. 62.

⁴² Totani, *The Toyko War Crimes Trials*, p. 29.

⁴³ Ibid., p. 29.

⁴⁴ Ibid., pp. 28, 30.

⁴⁵ Klaus Marxen & Gerhard Werle (eds.), *Der Umgang mit Kriegs- und Besatzungsrecht in Japan und Deutschland* (Berlin, 2001).

⁴⁶ Madako Futamura, 'Individual and Collective Guilt: Post-War Japan and the Tokyo War Crimes Tribunal', *European Review*, 14 (4/2006), pp. 471-83.

⁴⁷ Totani, *The Toyko War Crimes Trials*, p. 151.

⁴⁸ Ibid., p. 178.

⁴⁹ Ibid., p. 178.

⁵⁰ Ibid., p. 185.

⁵¹ Ibid., p. 255.

⁵² Peter Steinbach, 'Der Nürnberger Prozess gegen die Hauptkriegsverbrecher', in Gerd R. Ueberschär (ed.), *Der Nationalsozialismus vor Gericht. Die alliierten Prozesse gegen Kriegsverbrecher und Soldaten 1943-1952* (Frankfurt/M, 1999), pp. 32-44, here 40.

⁵³ Totani, *The Tokyo War Crimes Trials*, p. 56.

⁵⁴ Ibid., p. 62.

⁵⁵ Michael Marrus, *The Nuremberg War Crimes Trial 1945/46: A Documentary History*, (Bedford, 1997).

⁵⁶ Ueberschär (ed.), *Der Nationalsozialismus vor Gericht*.

⁵⁷ Cited in Futamura, *War Crimes Tribunals*, p. 57.

⁵⁸ Totani, *The Tokyo War Crimes Trials*, p. 22.

⁵⁹ Futamura, *War Crimes Tribunals*, p. 63.

⁶⁰ For more detail on this, see Kittel, *Nach Nürnberg und Tokio*, pp. 160-1.

⁶¹ Ibid., p. 38.

⁶² Istvan Deak, Jan Gross & Tony Judt (eds.), *The Politics of Retribution in Europe: World War II and its Aftermath* (Princeton, NJ, 2000); Włodzimierz Borodziej, '„Hitleristische Verbrechen“. Die Ahndung deutscher Kriegs- und Besatzungsverbrechen in Polen', in Frei (ed.), *Transnationale Vergangenheitspolitik*, pp. 399-438; Andreas Hilger, '„Die Gerechtigkeit nehme ihren Lauf“? Die Bestrafung deutscher Kriegs- und Gewaltverbrecher in der Sowjetunion und der SBZ/DDR', in Frei (ed.), *Transnationale Vergangenheitspolitik*, pp. 180-246.

⁶³ Benjamin Frommer, *National Cleansing: Retribution against Nazi Collaborators in Postwar Czechoslovakia* (Cambridge, 2005); Jan T. Gross, 'A Tangled Web: Confronting Stereotypes Concerning Relations between Poles, Germans, Jews and Communists', in Deak (ed.), *Politics of Retribution*, pp. 74-130.

⁶⁴ Futamura, *War Crimes Tribunals*, p. 58.

⁶⁵ Aram Mattioli, 'Das sabotierte Kriegsverbrechertribunal', in Wossen-Asserate & Mattioli (eds.), *Der erste faschistische Vernichtungskrieg*, pp. 153-62.

⁶⁶ Mattioli, *Experimentierfeld der Gewalt*, p. 175.

⁶⁷ Norbert Frei, 1968. *Jugendkultur und globaler Protest* (Munich, 2008), p. 163.

⁶⁸ Peter Reichel, *Vergangenheitsbewältigung in Deutschland* (Munich, 2001); Wulf Kansteiner, 'Losing the War, Winning the Memory Battle: The Legacy of Nazism, World War II and the Holocaust in the Federal Republic of Germany', in Lebow (ed.), *Politics of Memory*, pp. 102-46.

⁶⁹ Irmtrud Wojak (ed.), *Gerichtstag halten über uns selbst. Geschichte und Wirkung des ersten Frankfurter Auschwitzprozesses*, Jahrbuch des Fritz-Bauer-Instituts 2001 (Frankfurt, 2001).

⁷⁰ Martin Sabrow (ed.), *Verwaltete Vergangenheit. Geschichtskultur und Herrschaftslegitimation in der DDR* (Leipzig 1997); and, idem (ed.), *Grenzen der Vereinigung. Die geteilte Vergangenheit im geeinten Deutschland* (Leipzig 1999).

⁷¹ Franziska Seraphim, 'Kriegsverbrecherprozesse in Asien und globale Erinnerungskulturen', in Christoph Cornelissen, et al. (eds.), *Erinnerungskulturen in Deutschland, Italien und Japan seit 1945* (Frankfurt/M, 2004), pp. 77-94, here 82.

⁷² Futamura, *War Crimes Tribunals*, p. 66.

⁷³ Ibid., p. 142.

⁷⁴ Knigge, *Abschied der Erinnerung*, p. 423

⁷⁵ Ibid., p. 437.

⁷⁶ Ibid., p. 433.

⁷⁷ Tatsumi Okabe, 'Historical Remembering and Forgetting in Sino-American Relations', in Gerrit Gong (ed.), *Memory and History in East and Southeast Asia* (Washington DC, 2002), pp. 47-64.

⁷⁸ Seraphim, 'Kriegsverbrecherprozesse in Asien', p. 82.

⁷⁹ Futamura, *War Crimes Tribunals*, p. 66.

⁸⁰ Okabe, 'Historical Remembering and Forgetting', pp. 47-64.

⁸¹ David Cohen, *Transitional Justice in Divided Germany after 1945* (Berkeley, CA, 2006). Still important on the issue of Denazification is Lutz Niethammer, *Die Mitläuferfabrik. Entnazifizierung in der amerikanischen Zone* (Munich, 1981).

⁸² Richard Ned Lebow, *The Politics of Memory in Postwar Europe* (Durham, NC, 2006); Tony Judt, *Postwar: A History of Europe since 1945* (New York, 2005).

⁸³ See, for example, the case of Hungary, as covered in Istvan Deak, 'A Fatal Compromise? The Debate over Collaboration and Resistance in Hungary', in idem (ed.), *Politics of Retribution*, pp. 39-73.

⁸⁴ Klinkhammer & Focardi, 'The Question of Fascist Italy's War Crimes', pp. 330-48.

⁸⁵ Kerstin von Lingen, '„Giorni di Gloria“. Wiedergeburt der italienischen Nation in der Resistenza', in idem (ed.), *Kriegserfahrung und nationale Identität in Europa* (Paderborn, 2009), pp. 389-408.

About the author

DR KERSTIN VON LINGEN teaches history at the University of Tübingen; she is also a Research Fellow in the European Studies Research Institute at the University of Salford. She is the author of *Kesselrings letzte Schlacht. Kriegsverbrecherprozesse, Vergangenheitspolitik und Wiederbewaffnung* (Schöningh, 2004), which was published this year in English as *Kesselring's Last Battle: War Crimes Trials and Cold War Politics, 1945-1960* (Kansas University Press, 2009). Her latest book, *SS und Secret Service: "Verschwörung des Schweigens". Die Akte Karl Wolff*, is due to be published by Ferdinand Schöningh in 2010. In addition to numerous scholarly articles in journals and edited collections, she recently edited a volume on war crimes trials and post-war memory in Europe, *Kriegserfahrung und nationale Identität in Europa* (Ferdinand Schöningh, 2009).

