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Richard H. Minear

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Richard H. Minear : Victors' Justice: Tokyo War Crimes Trial (Princeton Legacy Library) before purchasing it in order to gage whether or not it would be worth my time, and all praised Victors' Justice: Tokyo War Crimes Trial (Princeton Legacy Library):

0 of 1 people found the following review helpful. Victor's Justice -- A Brief Review By Frank Clingenpeel Although slightly biased, this is an excellent work. 0 of 3 people found the following review helpful. I guess lawyers might like it. It appears to be -like the title ... By KARL SPENCE I guess lawyers might like it. It appears to be -like the title says - a criticism of the Trial itself. There are better books on the trial available. 4 of 5 people found the following review helpful. More a polemic than a work of history By R. M. Peterson The Nuremberg Trials, at least the principal one before the International Military Tribunal, are much better known than the Tokyo War Crimes Trial. I once read an excellent account of the International Military Tribunal, "The Anatomy of the Nuremberg Trials: A Personal Memoir", by Telford Taylor, who had been the chief U.S. prosecutor. My knowledge of the Tokyo War Crimes Trial, on the other hand, was practically nil. To fill in that gap, I chose VICTORS' JUSTICE, by Richard H. Minear. I suspect it wasn't the best choice. It certainly falls far short of Taylor's book on Nuremberg. One weakness of the book, at least for my purposes, is that it has minimal historical information about the twenty-eight defendants and their respective roles in World War 2. Further, the narrative of the trial itself consists far too much in extended quotations from the opinions of the Justices and the arguments of counsel. The book reads more like a legal brief than a work of history. And,

indeed, the book ultimately is a piece of advocacy, a polemic even. Minear admits upfront that his purpose is "to demolish the credibility of the Tokyo trial and its verdict." That partisan orientation bothers me. I would rather be presented with more facts and thus be in a better position to draw my own conclusions, which may or may not coincide with the author's. Even though I hesitate to reach any firm conclusions based on Minear's book, much of what he says is disquieting. One of his chapters addresses the state of international law as of the relevant period of the 1930s and 1940s, and makes a strong case that it did NOT constitute a valid basis for the charges levied against the Japanese defendants. (The defendants in the principal Tokyo Trial were all high-level, illustrious defendants and they were charged with broad, nebulous crimes against peace and crimes against humanity as opposed to specific atrocities and more conventional war crimes.) Minear's scoffing at the notion that the twenty-eight defendants engaged in a "conspiracy" (either as conventionally understood or as defined in Anglo-American criminal law) also resonates with me. As too does, to a slightly lesser extent, his criticism of the Tribunal for its rejection of the proffered defense of "self-defense". Implicitly, Minear questions the very notion of a judicial trial against the political leaders of a defeated nation, with full provisions for the accused to defend themselves in open court (the model the United States pushed for, successfully). After reading his book, and despite its weaknesses, I am left with the impression that the Tokyo War Crimes Trial reached what was a foregone conclusion and that, in doing so, it made a mockery of the notion of judicial process. Better perhaps would have been Great Britain's preferred model for punishing the defeated: executive action, more specifically, execution without trial. (And isn't that, in effect, what the world has moved to with drones and other targeted strikes?) Two other random notes about the book: First, the Justice from India, Radhabinod Pal, distinguished himself. Second, Minear excoriates the United States for the dropping of the atomic bombs and suggests -- based on a woefully simplistic and deficient consideration of the circumstances surrounding the dropping of the bombs -- that those acts also constituted crimes against peace and humanity of the same if not greater magnitude than anything done by those Japanese convicted in the Tokyo War Crimes Trial.

The klieg-lighted Tokyo Trial began on May 3, 1946, and ended on November 4, 1948, a majority of the eleven judges from the victorious Allies finding the twenty-five surviving defendants, Japanese military and state leaders, guilty of most, if not all, of the charges. As at Nuremberg, the charges included for the first time "crimes against peace" and "crimes against humanity," as well as conventional war crimes. In a polemical account, Richard Minear reviews the background, proceedings, and judgment of the Tokyo Trial from its Charter and simultaneous Nuremberg "precedent" to its effects today. Mr. Minear looks at the Trial from the aspects of international law, of legal process, and of history. With compelling force, he discusses the motives of the Nuremberg and Tokyo proponents, the Trial's prejudged course--its choice of judges, procedures, decisions, and omissions--General MacArthur's review of the verdict, the criticisms of the three dissenting judges, and the dangers inherent in such an international, political trial. His systematic, partisan treatment pulls together evidence American lawyers and liberals have long suspected, feared, and dismissed from their minds. Contents: Preface. I. Introduction. II. The Tokyo Trial. III. Problems of International Law. IV. Problems of Legal Process. V. Problems of History. VI. After the Trial. Appendices. Originally published in 1971. The Princeton Legacy Library uses the latest print-on-demand technology to again make available previously out-of-print books from the distinguished backlist of Princeton University Press. These paperback editions preserve the original texts of these important books while presenting them in durable paperback editions. The goal of the Princeton Legacy Library is to vastly increase access to the rich scholarly heritage found in the thousands of books published by Princeton University Press since its founding in 1905.