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'WEBB'S JUSTICE': THE ROLE OF
SIR WILLIAM FLOOD WEBB IN
THE TOKYO TRIAL. 1946 - 1948.

An examination of the influence
of an Australian judge on a
political trial.

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PREFACE

The more immediate inspiration for this thesis was Richard Minear's book, Victors' Justice (Princeton, 1971). Throughout this thesis I have assumed that Minear's general argument that the Tokyo Trial was unjust is valid and correct.

But a more long standing curiosity in me led up to this examination of Webb's role in the Tokyo Trial. Born on the day the Atomic bomb was dropped on Hiroshima my earliest recollections date from around the time of the Tokyo Trial. Even as a child I believe that I vaguely perceived that the reality of the Pacific War was at variance with the propagandist view of that conflict. The post war behaviour of my father, in particular, but also that of my other relatives and friends who had participated in the war seemed, in some indefinable way, out of tune with the heroic romanticism of the popular books and films I experienced in my early youth. These seeds of doubt were re-enforced much later in my life when I came to study modern Japanese history at Adelaide University (1966). This course left me with a still somewhat undeveloped understanding of the limitations of approaching the Pacific War from a 'them' to 'us' standpoint. In the late sixties (this was the hey day of the anti-Vietnam war protest movement on the campus at Adelaide University), I began to reject a perception of the Pacific War in terms of fixed moral categories; to reject the rigid definitions of 'immoral Japanese' and 'righteous Allies'.

My interest, then, in the role of a man who, as the President of the Tokyo Trial, attempted to come to grips with the reality of the Pacific War, arose from a more general interest in 'the true story' of Australian involvement in the Pacific War. This topic provided the opportunity of examining certain aspects of the reality of the war which served, in large measure to shape the Australia in which I grew up.

The topic of the trial is bound to remain a sensitive issue while the Pacific War is still within living memory. It would be reassuring to be able to assert that the story of Webb's involvement in the trial does not pose any threat to those who suffered for 'the cause' during Australia's war with Japan. But to do so would be less than truthful. The ideas presented in this thesis, then, are of the kind likely to be offensive to a wide section of the Australian population. Although no deliberate attempt has been made in the pages which follow to turn the tables on the generally accepted view in Australia of the morality of the Pacific War, inevitably an examination of Webb's difficulty to defining aggressive war has the effect of tending to erode the comfortable, cut-and-dried notions of the 'rights and wrongs' of that conflict. My attempt to view the war from this tragic perspective, a perspective which, by standing apart and seeing the conflict in its wider historical perspective, tends to blur the moral categories embodied in the popular imagination, is no occasion for an apology. But at the same time, I would like to feel that my argument is being presented with a degree of sensitivity to the feelings of the generation who fought the war.

Finally, I wish to anticipate a possible criticism of this thesis; that it under-emphasizes the degree of external political pressure on Webb to conduct an unfair trial in Tokyo. This thesis is based upon the 'Webb Collection' of documents and certainly no evidence exists of any political pressure in the very hard sense to conduct the trial in such a way that the Japanese would be found guilty. Certainly some of the 'Webb Collection' remains closed to public access and it might be suggested that it is precisely such evidence of overt political pressure of a very direct nature that the authorities might deem fit to shield from public view. But such a suggestion would be purely speculative. My reading of Webb's character, however, is that he was the sort of man who would have staunchly resisted any very obvious and direct political pressure running counter to his judicial ethics. In the text of the thesis, I portray Webb as a self-willed man of strong character, and hence, I have placed a strong emphasis upon the subjective factor in Webb's behaviour in describing his conduct of a political trial.

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CONTENTS

PREFACE	ii
ACKNOWLEDGEMENTS	v
CHAPTER I	INTRODUCTION 1
CHAPTER II	'LET JUSTICE BE DONE THOUGH THE HEAVENS FALL' THE LIFE AND CAREER OF SIR WILLIAM WEBB 33
CHAPTER III	THE DYNAMICS OF WEBB'S ROLE IN 'VICTORS' JUSTICE' 51
CHAPTER IV	DEFINING AGGRESSION 88
CHAPTER V	CONCLUSION 118
BIBLIOGRAPHY	136
