



Workshop on 5 and 6 March 2015 at the Center for Advanced Studies, LMU Munich

Doing Law, Writing History: New Perspectives on the post-World War II Trials of Nuremberg and Tokyo

Dr Daniel Hedinger (LMU Munich), Dr Daniel Siemens (Bielefeld University)

The role of lawyers and judges in writing history by doing law has seldom been discussed. The best examples of the enormous influence legal process has had on historiography are the post-World War II trials of Nuremberg and Tokyo. Our workshop therefore aims to explore how the judiciary has shaped the historiography of the Second World War. Both international trials were globally observed events that produced a huge amount of source materials; these documents were later printed in voluminous records of proceedings and are still widely used by historians. What first served exclusively legal purposes therefore soon translated into historiography. We will ask how courtroom practices and judicial procedures affected the historiography of the Second World War: How was the material, later re-used as historical sources, affected by different legal cultures? And were there any significant differences between the events and practices in Germany and Japan?

The historiographies of the Nuremberg and Tokyo trials differ in two main points. First, Nuremberg always has been and still is more present than Tokyo – in historiography as well as in public memory. Second, whereas Nuremberg is seen as a “success story,” Tokyo has often been described as “victor’s justice.” How can we explain such different outcomes? Were they the results of differences in the regional or historical contexts of the two trials? Of differences in the legal proceedings? We hope that a new, comparative, and transnational perspective on the trials can provide some answers to these questions.

This workshop builds on a conference panel at the 37th Annual Conference of the German Studies Association in Denver in late 2013, but it extends the topic of that panel

considerably, both temporally and spatially. With regard to time, we want to distinguish more systematically between the immediate post-war period – during which the proceedings had immediate political effects – and later decades, during which questions of memory, tradition, and the ‘success story’ of human rights gained prominence. With regard to place, we aim to distinguish between local, regional, and global contexts, and we examine the extent to which these different ‘spaces’ influenced the way the history of post-war political justice happened to have been written. The overall aim of this workshop is to apply a transnational and possibly global perspective in order to situate these two major post-World War II trials in modern historiography.

Please note that the conference in Munich is intended as a ‘publication workshop’ – a workshop with relatively few, but high-profile, experts that allows not only for in-depth discussion, but also serves to prepare a subsequent publication. More precisely, in 2015/16 we intend to publish four or five contributions based on papers presented at the workshop in a special issue of one of the leading journals in the field.

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5 March 2015 (Thursday)

3:30 pm Welcome and introductory remarks (Hedinger and Siemens)

4:00 – 6:30 pm **Part 1: The Postwar Trials and the New Political and Legal Orders**

- Prof. Dr Matthias Zachmann (University of Edinburgh):

From Nanking to Hiroshima: Transitional Justice and Revisionist History in Post-war Japan, 1945-63

- Dr Annette Weinke (University of Jena):

The Post-War Trials and the Success Narrative of the Implementation of Human Rights

- Comment: Prof. Dr Klaus Vollmer and discussion

7:00 pm Conference dinner

6 March 2015 (Friday)

10:00 am – 12:30 pm **Part 2: The Nuremberg Trials and Their Impact on Legal and Historiographical Narratives**

- Dr Kim Christian Priemel (Humboldt University Berlin):

Entanglements of Legal and Historiographical Narratives in and after the Nuremberg Trials

- Dr Daniel Siemens (Bielefeld University):

Writing the History of the SA at the International Military Tribunal: Legal Strategies and Long-term Historiographical Consequences

- Comment: Prof. Dr Martin Geyer and general discussion

12:30 – 1:30 pm Lunch

1:30 pm – 4:30 pm **Part 3: Rethinking the Nuremberg and Tokyo Trials from a Global Perspective**

- Dr Daniel Hedinger (LMU Munich):

A Global Conspiracy? The Axis Berlin–Tokyo–Rome on Trial and its Impact on the Historiography of the Second World War

- Prof. Dr Devin Pendas (Boston):

Postwar Trials in Global History: The German and Japanese Cases Revisited

- Comment: Dr Edith Raim (IfZ Munich) and general discussion

- Final discussion and concluding remarks (Hedinger and Siemens)