

# The routine of atrocities

The commander of the American army unit that killed 24 civilians in the Iraqi village of Haditha was demoted from sergeant to soldier. Two members of the 'kill team' that killed Afghani's for fun are eligible for early release after 8.5 years. Louise Barnett shows how this kind of juridical leniency is not new, by examining atrocities and trials from three episodes in Southeast Asian history: the American occupation of the Philippines, the Japanese occupation of the Philippines during the Second World War, and the American war in Vietnam. She shows how the "history of official prohibition [against torture and the mistreatment of noncombatants] is accompanied by a history of repeated and often systematic violation". The first and third parts discuss atrocities ("the violent harming of known noncombatants") committed by American soldiers. The second part discusses the case of Tomoyuki Yamashita, the Japanese general held responsible for atrocities committed during the Japanese occupation of the Philippines.

Alex de Jong

Reviewed publication:

**Barnett, Louise. 2004.**

*Atrocity and American Military Justice in Southeast Asia.*

New York: Routledge,

278 pages, ISBN 0415556406 (hardcover)

## Our own

Barnett shows how the military justice system easily excuses those considered to be 'one of our own'. Even when harsh sentences are imposed, normally due to public pressure, they are commonly reversed or decreased in the following years. Lieutenant William Calley, who led his men to execute unarmed men, women and children in the 1968 My Lai massacre, was sentenced to life of hard labour after a military cover-up had failed. Calley then received a number of sentence reductions and ultimately only served three years of house arrest.

Over sixty years earlier, major L.W.T Waller had also been tried for killing nameless civilians whilst he commandeered American forces on the island of Samar, the Philippines. His commanding officer, colonel C.H. Smith, had ordered that the island, where resistance against the Americans was fierce, should be turned into "a howling wilderness". Smith stated he wanted all persons killed who were capable of "bearing arms in actual hostilities against the United States" –including boys "ten years and older". Waller did not implement Smith's genocidal instructions to the letter, but did conduct a campaign in which every Filipino was considered an enemy that could be killed, regardless of circumstances. Waller and Smith were, following public demand, prosecuted for executions of civilians and prisoners of war. Waller was acquitted, Smith retired.

The trial of Yamashita tells a very different story. Yamashita spent most of the war as military commander in Manchukuo, the Japanese protectorate in China, but was sent to the Philippines in late 1944 to organize the defence against the Americans. After Japan capitulated he surrendered. The Americans held him responsible for atrocities committed by Japanese troops during the battle for Manila. In the closing days of the war in the Philippines, Japanese troops raped, mutilated and murdered thousands of civilians in Manila. Whether Yamashita knew of these crimes or not was considered irrelevant by the American court –the troops had been his responsibility.

Barnett convincingly shows how, from the beginning, Yamashita's execution was the only possible outcome of the trial. General MacArthur, who organized the trial, did everything to make sure Yamashita would be found guilty. There is no doubt about the scale or nature of the Japanese atrocities in Manila, but most of the actual perpetrators, some 20,000 marines under the command of admiral Sanji Iwabuchi, were killed in battle. Yamashita had ordered them to evacuate Manila, but Iwabuchi and his men ignored the orders. It was never suggested that Yamashita participated in any atrocity, nor was any order ever found to implicate him in such crimes. But as a defeated enemy, Yamashita was not one of the army's own. He was hanged on 23 February 1946.

## Enemy populations

Calley, Smith and others were considered to belong to the in-group in two ways. First, they served in the army, like the members of the court. Like any other institution, the US army wanted to protect its name, and its members were protected by bonds of loyalty. Unlike regular crimes, opportunistically committed by soldiers, atrocities were usually seen by the perpetrators as part of the war effort. They were made possible by a context in which military policies, implicitly or not, had labelled an entire population to be the enemy or supportive of the enemy.

As Frantz Fanon (1967) pointed out, this process is inherent to colonialism. The colonizer is unable to understand the colonized. To see the colonized as people, with memories of crimes committed against them and a wish to live in freedom and dignity, is impossible to colonial thinking, which justifies occupation by the supposed 'savage' or 'primitive' character of the natives. The colonizers are then

General Yamashita and his defense counsel. John Dorle, Harry Clarke, Milton Sandberg, Tomoyuki Yamashita, Hamamoto, and Akira Muto during a break from court, Oct 1945; note the autographs by Yamashita, Hamamoto, and Muto. Photo obtained through ww2db.com; courtesy of the family of Colonel Harry E. Clarke, Sr. Photo taken by U.S. Army Signal Corps.

angered by the lack of gratefulness shown by the colonized, for the attempts to 'uplift' them. This resulted in, as during the Vietnam war, American soldiers thinking a "gook is a gook" and all of them the enemy.

## Atrocities invariably take place

However, this part of the book also highlights some weaker points in Barnett's narrative. She uses the example of Adolf Eichmann, the Nazi official executed by Israel for his role in the Shoah. Barnett's picture of Eichmann as a colourless bureaucrat, based on the famous book by Hannah Arendt on "the banality of evil", is incorrect; Eichmann was a fanatic anti-Semite, committed to his task, and not just a cog in the machine (Cesarani, 2006).

A more substantial problem is Barnett's tendency to give her opinion on not just the trials and questions of guilt, but also on the character of the people involved. This is unnecessary and draws attention away from the main points. It is especially problematic when she describes Yamashita in positive, even admiring terms. His trial might have been a farce, but this doesn't mean Yamashita was free of blame. Smith's orders created a situation in which all Filipinos were seen as enemies and atrocities could, and did, happen. Yamashita stated, about the war in the Philippines, that it had come down to "kill or be killed. No matter who the person is, a Filipino or not, if we hesitate we ourselves will be killed". This is the kind of language with which commanding officers contribute to situations in which atrocities can happen. Yamashita was a commander of an occupying army in a war of aggression; and as Barnett points out in her conclusion, in such wars atrocities invariably take place.

Barnett's recommendations for avoiding such atrocities include a strong commanding structure and an effective judicial system; they seem weak compared to the systematic character of atrocities in this kind of war. Rather than a breakdown of the 'regular' functioning of the occupying army, they are a disavowed yet unavoidable part of it.

**Alex de Jong studies mass violence and genocide, with a focus on Southeast Asia**  
(alexdejong@iire.org)

## References

Fanon, Frantz. 1967. *A dying colonialism*.

New York: Grove Press.

Cesarani, David. 2006.

*Becoming Eichmann: Rethinking the Life, Crimes, and Trial of a 'Desk Murderer'*. Cambridge, MA: Da Capo Press.

