

MILITARY JUSTICE IN THE MODERN ERA, 1850-1945

Conference 2022

28-30 July | Institute for Japanese Studies

Freie Universität Berlin



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Conference Organisers

This conference is hosted by the Institute for Japanese Studies, Freie Universität Berlin as part of the ERC project 'Law without Mercy: Japanese Courts-Martial and Military Courts during the Asia-Pacific War, 1937-1945'. 'Law without Mercy' uses military justice as focal point and as a highly precise lens for studying the various figurations of violence during the Asia-Pacific War. It is pioneering in analysing legal practices as an integral part of this violence and facilitator for its routinisation and escalation on the battlefield and in the occupied territories. And finally, it opens up a wholly new and large body of sources (primarily court judgments and briefs, but also memoirs, reports, policy papers etc.) that helps to overcome the notorious scarcity of documentation on Japan's conduct during the war. The project's principal aim is to advance our historical understanding of the inherent reasons and mechanisms of violence during the Asia-Pacific War and the role that law and justice played in it.

For more information:

https://www.geschkult.fu-berlin.de/e/oas/japanologie/forschung/erc_lwm/index.html

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Sub-project: *Trying the Enemy: Punishment and Justice against Japanese kept Prisoners of War, 1919-1949*

Day 1 - 28 July

09:00 - 09:15

Welcome

09:15 - 10:45

Panel 1 - Agents of the Judiciary

Chair: Nicolas Stassar

Fascist Justice: Italian Military Magistrates in the Colonies and Occupied Territories (1922-1945)

Giovanni Focardi, University of Padua

A Judge Advocate's Progress: Ogawa Sekijirō's Diary and the Standardisation of Permissible Violence on the Way to Nanjing, 1937

Urs Matthias Zachmann, Freie Universität Berlin

10:45 - 11:15

Break

11:15 - 12:45

Panel 2 - Disciplinary Justice

Chair: Kelly Maddox

Crime and Punishment? The Functioning of the Imperial Japanese Army's Justice System, 1931-1945

Tino Schölz, Freie Universität Berlin

Arbitrary Justice: Military Tribunals in Bolivia, 1905-1945

Liz Shesko, Oakland University

12:45 - 13:45

Lunch

13:45 - 15:15

Panel 3 - Developments in International and Military Justice Systems

Chair: Urs Matthias Zachmann

"How to...!": Legal Debates on the Punishment of Violations of the Laws of War, War Crimes and Crimes against Humanity in the period between the Franco-Prussian War and the beginning of the Cold War (1869-1949) [ONLINE]

Daniel Marc Segesser, University of Bern

Captivity and Military Law in Eurasia: The Ottoman and Russian Wars of the 17th and 19th Centuries [ONLINE]

Will Smiley, University of New Hampshire

15:15 - 15:45

Break

15:45 - 16:45

Panel 4 - The Politics of Military Justice

Chair: Franziska Exeler

"Reports without Basis in Facts:" The Politics of Justice in the Argentine Navy during the 1920s and 1930s [ONLINE]

Jonathan Ablard, Ithaca College

18:00 -

Conference Meal

Day 2 - 29 July

09:00 - 10:30

Panel 5 - Military Justice in Practice

Chair: Maria Fritsche

Soviet Military Law in Practice: The Prosecution and Punishment of Red Army Soldiers and Soviet Civilians During and in the Immediate Aftermath of the Second World War
Franziska Exeler, Freie Universität Berlin / University of Cambridge

The Long Arm of Military Justice in the Wehrmacht – The Arrest and Resettlement of Families of Deserters Sentenced by a Wehrmacht Military Court
Nina Janz / Sarah Maya Vercruyssen, University of Luxembourg

10:30 - 11:00

Break

11:00 - 12:30

Panel 6 - Justice and the Enemy

Chair: Anne Godfroid

Justice behind the Lines: Prisoners of War, Military Justice, and Reprisals in the First World War

Brian Feltman, Georgia Southern University

Tried by the Enemy: The Court-Martial of Lieutenant James Bottomley Bradley by the Japanese Military in 1944

Nicolas Stassar, Freie Universität Berlin

12:30 - 13:30

Lunch

Day 2 - 29 July

13:30 - 15:00

Panel 7 - An Instrument of Military Power in Occupied Territories

Chair: Justin Jackson

Military Courts as an Instrument of Occupation: Wehrmacht Justice in Occupied Norway
Maria Fritsche, Norwegian University of Science and Technology (NTNU)

Military Justice in the Belgian Occupied Zone of the Rhineland
Anne Godfroid, WHI-MRA, Brussels

15:00 - 15:30

Break

15:30 - 17:00

Panel 8 - Challenges to Military Law

Chair: Liz Shesko

Military, Law, or Military Law? The Dilemma of Militarized Justice in Modern China
[ONLINE]

Weiting Guo, Aix-Marseille Université

Enforcing Military Law: British Courts Martial during the Period of World War One
Gerard Oram, Swansea University [ONLINE]

17:00 - 17:30

Break

17:30 - 19:00

Panel 9 - Victims of Military Justice?

Chair: Brian Feltman

Death or Deliverance: Canadian Courts Martial and Executions in the Great War [ONLINE]
Teresa Iacobelli, Canadian War Museum

Worthy of Freedom: Black Jurisprudence and Resisting Disciplinary Violence in the
Courts-Martial during the US Civil War [ONLINE]
Jonathan Lande, Purdue University

Day 3 - 30 July

09:00 - 10:30

Panel 10 - Law, War and Violence

Chair: Tino Schölz

"The Final Arbiter of the Question": General Orders 100, Filipino Guides, and Military Justice in the Philippine-American War

Justin Jackson, Bard College at Simon's Rock

Law, Justice and Violence towards Civilians in Territories Occupied by the Imperial Japanese Army, 1894-1941

Kelly Maddox, Freie Universität Berlin

10:30 - 11:00

Break

11:00 - 12:30

Panel 11 - Approaches to Military Justice Archives

Chair: Nina Janz

"Brutal by Temperament and Taste": Using Military Justice to explore Violence between Soldiers in France's "African Army", 1914-1918 [ONLINE]

Claire Eldridge, University of Leeds

Colonial Violence, Subaltern Agency and Shared Archival Heritage: Towards a History of Military Courts and their Archives in the Belgian Congo

Amandine Lauro, FNRS/Université libre de Bruxelles

12:30 - 13:30

Lunch

13:30 - 15:00

Closing Discussion

Abstracts

PANEL 1

Agents of the Judiciary
Thursday 28 July 2022, 09:15 - 10:45
Chair: Nicolas Stassar

Fascist Justice: Italian Military Magistrates in the Colonies and Occupied Territories (1922-1945)

Giovanni Focardi, University of Padua

The aim of this paper is to illustrate some careers of military judges that took place mainly outside Italy during the years of Fascism in power; in this way we highlight their actions following the occupation troops, first in Libya, then in Ethiopia, Spain, Albania and, finally, on the fronts of the Second World War. However, since studies on the role of Italian military justice are not as well developed as those of other national historiographies, it is necessary to give a first and partial account of the staff of the Military Justice Corps, as established and provided for, among others, by the laws issued between 1916 and 1941. During the first half of the 20th century, the administration of Military Justice changed several times. The components *stricto sensu* of the Military Justice Corps had been militarised during the First World War (1918), demilitarised in 1923, and re-joined the ranks of the army in 1935, creating considerable differences in the recruitment and training of its members. In fact, among the military judges we find officers from other arms, men from the ordinary judiciary, from the legal profession (lawyers) and from universities (law professors). By means of unpublished and little-known archival documents (such as the personal files), I will illustrate the partial results of a registry that considers all these subjects: together with other scholars, I am surveying the places (archives, judicial offices, other locations) where the personal files of all those who exercised the role of judge and that of military prosecutor can be found. I will show some case studies of some military judges in the African colonies and in the occupied territories during the war (in Slovenia and Albania), some of whom were considered war criminals by the governments of those states.

Abstracts

PANEL 1

Agents of the Judiciary
Thursday 28 July 2022, 09:15 - 10:45
Chair: Nicolas Stassar

A Judge Advocate's Progress: Ogawa Sekijirō's Diary and the Standardisation of Permissible Violence on the Way to Nanjing, 1937

Urs Matthias Zachmann, Freie Universität Berlin

Wherever Japanese soldiers went during the Asia-Pacific War (1937-45), military jurists followed, continuing the war by legal means. During the initial phase of the war, when Japanese troops fought in Shanghai and later on marched towards Nanjing, the role of the military jurists and the "Legal Departments" within the respective armies was a classical disciplinarian one, i.e. maintain order among the ranks and keep the hierarchies of power intact through conducting investigations and holding courts-martial.

However, as is well known, already the initial phase of the Asia-Pacific War, i.e. the first months of the Sino-Japanese War, was far from being a campaign run in an orderly and disciplined fashion. In fact, the attack on Nanjing at the latest demonstrated that something was amiss in the Japanese Imperial Army and that the large-scale looting, plunder, rape and mass killings formed more of a pattern rather than constituted the exception. From a long-term historical perspective, this was unexpected, as the Japanese state and army traditionally tried to portray itself as civilised and law-abiding in previous wars.

Much has been written about the various factors that contributed to the escalation of violence during the first months of the Japanese campaign in North China, surprisingly little however on the impact of military justice as a shaping factor. This paper will draw particularly on the field diary of Ogawa Sekijirō, the military jurist who successively headed the Legal Departments of the Tenth Army and the Central China Regional Army on their way to and into Nanjing. From the viewpoint of this judge advocate, it will seek to determine the self-understanding of the legal services in the army at the time, their powers and constraints, and the reasons why military justice became complicit with the escalation of violence during this phase of the campaign and later on.

Abstracts

PANEL 2

Disciplinary Justice

Thursday 28 July 2022, 11:15 - 12:45

Chair: Kelly Maddox

Crime and Punishment? The Functioning of the Imperial Japanese Army's Justice System, 1931-1945

Tino Schölz, Freie Universität Berlin

In order to fight the notorious "culture of disobedience" (D. Orbach) and to enforce discipline, the Japanese armed forces established a differentiated military justice system in the 1880's and adapted it to the changing realities of Japanese society as well as warfare in the following decades. It consisted of courts-martial at different levels, a legal affairs bureaucracy within the Army and Navy ministries and the unit staffs, and a gendarmerie (the well-known Kenpei-tai) which functioned as military police. Around one hundred laws and ordinances set the legal framework to punish crimes and misdemeanors committed by soldiers and sailors. In addition to this formal structure, there existed a widespread practice of informal punishment by superiors and comrades, ranging from psychological to physical violence. This practice was critically discussed both within the military and in public, as it often led to violence against superiors, desertion, and numerous suicides by soldiers.

This paper explores the scope of crimes and deviant behavior as well as the punishment practice in the Imperial Japanese Army between the outbreak of the Manchurian Incident in 1931 and the end of the Asia-Pacific War in 1945. It is mainly based on an analysis of official statistics, internal reports, and court-martial judgements. The presentation addresses the following questions: Firstly, which crimes were committed by Japanese army personnel during the war? Secondly, who were the perpetrators? What do we know about their social background? Thirdly, how did superiors and the Army justice system react to crimes? What lines were therefore drawn between acceptable and non-acceptable military behavior? And finally, can we observe major changes in the course of the war, and how could we explain them?

Abstracts

PANEL 2

Disciplinary Justice

Thursday 28 July 2022, 11:15 - 12:45

Chair: Kelly Maddox

Arbitrary Justice: Military Tribunals in Bolivia, 1905-1945

Liz Shesko, Oakland University

Under the guidance of French military advisers, Bolivia developed a complex system of military justice in the early twentieth century. Drawing on military penal codes, military-justice procedures, and over two-hundred cases heard by military courts for crimes such as desertion, mutiny, abuse of authority, manslaughter, and robbery, this paper lays out the bureaucratic ideal of military justice in Bolivia and contrasts it with daily practice in the barracks. It argues that officers routinely chose to bypass the official system for many infractions, instead granting themselves the paternal power to be lenient or to mete out punishment. The inconsistent application of rules about alcohol consumption, insubordination, leaving the barracks without permission, and even abandoning a post led many soldiers who did end up in the military-justice system to express consternation and testify to the routine nature of their crime. The paper compares and contrasts military justice in the Bolivian army from before, during, and after the Chaco War (1932-1935). It shows an increase in extrajudicial treatment during the war, as desperate officers decided to quietly reincorporate most deserters and even some mutineers into the ranks whereas others faced military tribunals and even firing squads. In the late 1930s and early 1940s, who ended up in the military-justice system was still profoundly arbitrary, but the system itself functioned more smoothly and authorities showed more interest in soldiers' welfare and grievances. In contrast to courts in the early twentieth century, postwar courts took the testimony of indigenous and illiterate conscripts. This paternalistic interest in the well-being and perspectives of soldiers from the popular classes suggests a narrowing of social distance after the war. The paper thus attends to both the formal and informal procedures surrounding military justice in Bolivia, arguing that it was ultimately a personal rather than bureaucratic process.

Abstracts

PANEL 3

Developments in International and Military Justice Systems

Thursday 28 July, 13:45 - 15:15

Chair: Urs Matthias Zachmann

“How to...!”: Legal debates on the punishment of violations of the laws of war, war crimes and crimes against humanity in the period between the Franco-Prussian War and the beginning of the Cold War (1869–1949)

Daniel Marc Segesser, University of Bern

While the punishment of violations of the laws of war was completely left to the states concerned – whether the party of the perpetrator or that of the victim – in earlier times, the Franco-Prussian War of 1870/71 brought up a debate that has not come to an end completely up to the present. While the Rome Statutes of 1998 states that the International Criminal Court shall only have subsidiary jurisdiction in case that the parties concerned are not able or willing to punish persons responsible for macro-criminality in war and peace, the debate on the role that national and/or international jurisdictional bodies can play in the punishment of such crimes has been on-going ever since the last third of the 19th century. What role shall national (military) courts play? In what cases is it necessary to have an international jurisdictional body to deal with such issues and how shall such a body be organised? What is the role of civilian and military judges in such trials? What shall the relationship between national and international juridical bodies be?

Such are the questions that this presentation will deal with, focusing on the answers that jurists and part of the military gave between 1869 and 1949. Starting with the first proposal for an international criminal court brought up by the then president of the Geneva Committee (today the International Committee of the Red Cross), Gustave Moynier in 1872 the presentation will discuss in an exemplary manner the academic debate amongst lawyers and military officers that followed. Several options were on the table and jurists as well as military officers had controversial debates on the how to punish violations of the laws of war that over time became associated with the terms «war crimes» and «crimes against humanity». The use of the tool of military justice always played an important role in this context and is mirrored in the fact that the first two international courts after the Second World War that dealt with international macro-criminality, the IMT in Nuremberg and the IMTFE in Tokyo, both had a hybrid form, being at the same a military tribunal and an international criminal court.

Abstracts

PANEL 3

Developments in International and Military Justice Systems

Thursday 28 July, 13:45 - 15:15

Chair: Urs Matthias Zachmann

Captivity and Military Law in Eurasia: The Ottoman and Russian Wars of the 17th-19th Centuries

Will Smiley, University of New Hampshire

Military justice is intimately related to captivity—the captivity of enemy soldiers; the captivity of civilians; or the captivity of one's own forces for judicial punishment. The paradigmatic category of captivity today is that of the "prisoner of war"—an enemy combatant held for the duration of the conflict with the certainty of return at the end. While the category of "prisoner of war" has come under pressure in recent decades, it remains the touchstone. But its history has been examined too little, especially outside Western Europe. It is easy to assume that the emergence of "prisoners of war" as simply a corollary of humanizing warfare, and that it came entirely from European roots of chivalry or the Enlightenment. However, my paper—drawing on my recent book *From Slaves to Prisoners of War* as well as newer research—will trace a separate, non-Western path toward prisoner-of-war systems. This was based on local legal and military structures and on imperial state interests in Eurasia, especially between the Ottoman Empire and their Russian, Persian, and Austrian rivals. Step by step the Ottoman state's political and financial interests led it to assume the inevitability of prisoners' return; to de-emphasize the value of their labor; to accept their continued allegiance to their original sovereign; to reinforce their existing military hierarchies; and eventually, to take measures to improve their treatment. By the 1820s, this slow series of contingent developments had produced the basic outlines a "prisoner of war" system, recognizable to modern observers and roughly parallel with Western European practice—but not based on it. The paper draws on extensive research in the Ottoman central archives in Istanbul, as well as the Russian diplomatic archives in Moscow and the British Foreign Office archives.

Abstracts

PANEL 4

The Politics of Military Justice
Thursday 28 July, 15:45 - 17:15
Chair: Franziska Exeler

'Reports without basis in facts:' The Politics of Justice in the Argentine Navy during the 1920s and 1930s"

Jonathan Ablard, Ithaca College

During the 1920s and 1930s, the conservative press in Argentina spilled a great deal of ink about the pernicious influence of communism in all areas of the state, but especially the supposed infiltration of revolutionaries into the barracks and ships of the armed forces. Fear of communist infiltration of the armed forces was paradoxically a result of exaggerations by both leftist and conservative newspapers. Both exaggerated, but for different reasons. This paper examines a series of Naval trials and investigations that took place between 1923 to 1935. The documents come from the collections of the *Departamento de Estudios Historicos Navales* and the *Archivo General de la Armada Argentina*, two of dozens military archives that were only opened to researchers in 2018.

The cases demonstrate that while civilian politicians from center and right parties and movements expressed anxiety that Communist and Anarchist elements were destroying military discipline and esprit de corps, military judges and investigators were far more skeptical about the threat posed by conscripts and non-commissioned officers. Paradoxically, these officials felt that stories about coordinated insubordination were not only usually false but defamed the honor and esprit de corps of the armed forces. These same officials were also cognizant that poor conditions aboard ship, the low educational and "cultural" level of the average conscripts, and the men's relative short period to acculturate to life in the armed forces, made indiscipline and insubordination more likely. Naval officials, then, attempted to balance enforcing iron discipline on subordinates while also ensuring that the reputation of the service was not sullied by unflattering rumors about unfair justice or poor treatment.

Abstracts

PANEL 5

Military Justice in Practice
Friday 29 July, 09:00 - 10:30
Chair: Maria Fritsche

Soviet Military Law in Practice: The Prosecution and Punishment of Red Army Soldiers and Soviet Civilians During and in the Immediate Aftermath of the Second World War **Franziska Exeler, Freie Universität Berlin / University of Cambridge**

The paper examines the system of Soviet military justice during and in the immediate aftermath of the Second World War. It analyzes the prosecution and punishment of Red Army soldiers and Soviet citizens accused of wartime collaboration for treason (izmena rodine, literally "betrayal of the motherland"). In Soviet law, treason fell under the category of so-called counterrevolutionary crimes, which, whether committed by civilians or members of the military, whether in peacetime or in regions under martial law, were always prosecuted by military tribunals. The paper discusses how the wartime and postwar practice of Soviet military tribunals compared to that of other European armies and analyzes the reasons for shifts in punishment patterns over time.

Abstracts

PANEL 5

Military Justice in Practice
Friday 29 July, 09:00 - 10:30
Chair: Maria Fritsche

The Long Arm of Military Justice in the Wehrmacht – The Arrest and Resettlement of Families of Deserters Sentenced by a Wehrmacht Military Court

Nina Janz / Sarah Maya Vercruysse (University of Luxembourg)

The Grand Duchy of Luxembourg was de facto annexed and incorporated into the German Reich during the Second World War. The laws and ordinances of the Reich applied to the local population, and male residents were drafted into the Wehrmacht and thus subject to military jurisdiction. The main reason for Luxembourgers to be tried by the Wehrmacht courts was for disobeying orders, mostly desertion. Wehrmacht court records contain not only individual and personal information about the motives of the convicts and the findings of the court but also details about their families and backgrounds. As a result of deserting from the Wehrmacht, thousands of family members of deserters were resettled in East German territories such as Boberstein (Bobrów) in Poland, and their assets were confiscated.

Given these men's forced recruitment and non-German identity and the fact that they were being asked to fight for a foreign country that had invaded their home territory, the reasons for their desertion and disobedience are self-explanatory. However, this contribution will examine the efforts of the courts and the military justice administration to capture and arrest them, seizures made in their homeland and threats and arrests of their families. These efforts reflect the cooperation between military courts and local police forces used by the occupying authorities to terrorise the inhabitants of occupied territories and to put pressure on the men in the Wehrmacht not to defect.

The contribution examines the consequences for individual soldiers and their families in occupied territories such as Luxembourg. It aims to use court records and trials, as well as the corresponding police files related to the interrogation and resettlement of families, to establish a link between persecuted soldiers and the consequences for their families, thereby showing the impact of the Nazi military machine on individuals during the Second World War.

Abstracts

PANEL 6

Justice and the Enemy
Friday 29 July, 11:00 - 12:30
Chair: Anne Godfroid

Justice behind the Lines: Prisoners of War, Military Justice, and Reprisals in the First World War

Brian K. Feltman, Georgia Southern University

From 1914-1918, more than 8 million combatants entered enemy captivity. In enemy hands, prisoners of war were subject to their captors' codes of military justice. However, reprisals related to accusations of misdeeds by prisoners' home armies often led to prisoners being abused in retaliation for incidents in which they played no role. Prisoners' experiences with the enemy's military justice systems were therefore often shaped by external factors, and sentences could be made harsher or more lenient as a result of events occurring thousands of miles away.

Based on German and British archival materials, my proposed presentation would examine the case of Sergeant Fritz Pätzelt, a German soldier captured by British forces in Banyo, Cameroon in Nov. 1915. Following his capture, a British military tribunal sentenced Pätzelt to death for allegedly possessing illegal ammunition. The sentence was reduced to 20 years imprisonment, but Pätzelt's punishment prompted German authorities to retaliate against several captive British officers by imprisoning them, reducing their rations, and forcing them to carry out hard labor. This initiated a cycle of harsh reprisals that led to one German prisoner, Hans von Rauchhaupt, taking his own life. In the wake of Rauchhaupt's suicide, all prisoners involved in the reprisals, including Pätzelt, were returned to standard prisoner of war camps.

Heather Jones' work (2011) has demonstrated how reprisals against prisoners contributed to "cycles of violence" in the front lines. This presentation would broaden the examination of reprisals to consider how the practice influenced, and was influenced by, military justice proceedings. It will argue that although prisoners were subject to their captors' codes of military justice, reprisals carried out by a prisoners' home army could alter verdicts handed down in enemy territory and touch off cycles of mistreatment that were both physically and psychologically abusive to prisoners.

Abstracts

PANEL 6

Justice and the Enemy
Friday 29 July, 11:00 - 12:30
Chair: Anne Godfroid

Tried by the Enemy: The Court-Martial of Lieutenant James Bottomley Bradley by the Japanese Military in 1944

Nicolas Stassar, Freie Universität Berlin

International law pertinent to the treatment of POWs has increasingly tried to provide detained soldiers with protections against excessive judicial and disciplinary punishments. When discussing the issue of punishment, however, the widespread administration of ad-hoc punishments (shiteki seisai) often, for good reasons, takes the forefront, with brutal descriptions of punishments and cruel camp guards taking the forefront. When POWs enter into imprisonment, the detaining power is not only bound to supply the material needs of detainees, such as sustenance, shelter, and sanitation, but also to provide them with justice. The proper administration of judicial and disciplinary punishments often gets neglected in scholarly debates in terms of their legitimacy as well as their potential for direct or indirect violence. Hundreds of Allied POWs faced court-martial trials over offenses ranging from attempted escape, to espionage, murder, and bodily harm, with sentences ranging from short term prison sentences to the death penalty. The conditions on Japanese military prisons, additionally, were oftentimes notoriously awful with lethal outcomes even in limited sentences.

This paper discusses the case of Lieutenant James Bottomley Bradley, a former British serviceman who was captured during the Fall of Singapore (08.02.1942-15.02.1942) and found himself working in a Cholera Isolation Camp near the construction site of the Thai Burma Railway. Following a dangerous escape, Bradley and four other survivors were recaptured by Burmese hunters and handed over to the Japanese military, sent to Moulmein Jail and eventually sentenced to penal servitude at Outram Road Prison by the court-martial of the 1602 Oka Unit at Raffles College. Given the unusually extensive documentation with records from the Japanese side and from his personal documents, Lt. Bradley's verdict offers a unique insight into an understudied issue, and provides information on the legitimacy of Japanese trials against enemy combatants, its procedure, perceptions by the POWs vis-à-vis the Japanese military legal system, in addition to the potential excessiveness of similar verdicts, and attitudes by Japanese military judges.

Abstracts

PANEL 7

An Instrument of Military Power in Occupied Territories

Friday 29 July, 13:30 - 15:00

Chair: Justin Jackson

Military courts as instrument of occupation: Wehrmacht justice in occupied Norway

Maria Fritsche, Norwegian University of Science and Technology (NTNU)

During the Second World War, at least 35 Wehrmacht courts operated in Norway, some only for a limited period, others for the whole length of the five years of occupation. While their main task was to enforce discipline and suppress dissent within the German military, they also played a crucial role as instrument of occupation. The Wehrmacht courts held sole jurisdiction over Norwegian civilians in all matters concerning the occupation until the end of 1941. Although the establishment of a special SS and Police court curbed the powers of the Wehrmacht judiciary, it continued to try many cases against civilians up to 1944.

The German military courts' role in the brutal suppression of any form of resistance, both within the Reich and in the occupied territories, has been well documented. However, the day-to-day business of the German military courts was filled with more mundane tasks and lesser offences which have received hardly any scholarly attention. Studying these aspects will add to our understanding of the courts' functions and their role of in the German-occupied territories. Norway is special case, since its population ranked high on the Nazi racial hierarchy and should be won over to the Nazi cause. How did the Nazi leadership's political aims influence the courts' attitudes towards and dealing with the civilians? How did the courts resp. the judges view their role, and how did they present themselves to the Norwegian public?

In my paper, I want to analyse court cases that involved both German military and Norwegian civilians in order to find out how the courts viewed relations between the occupiers and the occupied and the defined the courts' role in the occupied country. Through a careful reading of the protocols, interviews and reports I want to show how the Wehrmacht courts assessed, defined and enforced norms of conduct and how their judicial practices were influenced by military, ideological and political aims.

Abstracts

PANEL 7

An Instrument of Military Power in Occupied Territories

Friday 29 July, 13:30 - 15:00

Chair: Justin Jackson

Military Justice in the Belgian occupied zone of the Rhineland

Anne Godfroid, WHI-MRA, Brussels

After the Armistice Agreement, the Belgian soldiers took part with French, British and American troops in the occupation of the left bank of the Rhine. During the peace talks, power remained exclusively in military hands and a state of siege was proclaimed to protect public order and guarantee the safety of the occupying army. As the treaty conditions became known in the spring of 1919, Germany protested in particular, but to no avail, against the fact that local inhabitants would be subject to military justice. Once the peace treaty was signed, the occupation became a long-term affair, and the period of face-to-face living truly began. The regime implemented by the Rhineland Agreement that was annexed to the Treaty, transferred full powers to civilian authorities, but the courts martial system remained even during peacetime.

In the Belgian zone, the civilian and military authorities didn't share the same vision of the occupation. The major stumbling block between the Belgian authorities was the exercise of justice, the definition of the repressive logic and the implementation of penal policy in the occupied territories. Both civil and military authorities saw military justice as an auxiliary to their policy: for some, it was an instrument of clemency and equity, and for others, an instrument of punishment, pressure and even oppression. In my contribution I'll try to put the spotlight on the agents, institutions and practices involved in dispensing military justice to illustrate how justice could be a tool of power or equity.

Abstracts

PANEL 8

Challenges to Military Law
Friday 29 July, 15:30 - 17:00
Chair: Liz Shesko

Military, Law, or Military Law? The Dilemma of Militarized Justice in Modern China **Weiting Guo, Aix-Marseille Université**

This article explores the dilemma of “military law” in modern China (1850–1949). During the late nineteenth century, the Qing Empire embarked on an ambitious program to sweep away criminals by heavily legalizing the practice of summary execution. While the new and assertive program revitalized the crumbling empire amidst social and political instability, it failed to ordain a central authority over capital punishment and enhanced political intervention in the judicial process. Power conflicts emerged over the regulation of authority for punishment between various levels, those of the state, local officials, and sanctioned armed groups. The Qing court attempted to restore the regular procedure for the death penalty, but financial constraints and emerging social unrest forced the court to retain the regional official’s power of quick execution. After the introduction of a Western legal system that tended to protect the defendant’s right to a fair trial, the Republican state, regardless of its political orientation in Beijing, Nanjing, and Chongqing, continued the use of summary execution in a series of campaigns. Political regimes, warlords, and regional powers respectively established “military law” for army, navy, and military school. In 1929, the Criminal Code of the Armed Forces further established comprehensive regulation on enlistment, organization, and punishment within the military system. Yet, the political regimes constantly negotiated the boundary between law enforcement and military suppression. The expanding special law system also challenged and eroded the emerging military justice system and posed challenges towards the gradually expanding civilian justice system. Using the cases from the Nationalist “Military Government” period (1917–1928), the Shanghai Massacre of 1927, and the Wartime Military System (1937–1945), this article traces the patterns and trajectory of Chinese military justice before the Chinese Communist Revolution of 1949.

Abstracts

PANEL 8

Challenges to Military Law
Friday 29 July, 15:30 - 17:00
Chair: Liz Shesko

Enforcing Military Law: British Courts Martial during the period of World War One **Gerard Oram, Swansea University**

British military law differentiated between commissioned officers and men of the ranks. The authors of the Army Act formalised these differences in courts martial processes and procedures, including sentencing. Taking this as its starting point, this paper employs a comparative methodology in its analysis of outcomes – sentencing and confirmation of these sentences in particular. A closer focus on the cases of approximately 6,000 officers together with an overview of the almost 300,000 men of the ranks, who were tried by courts martial during the First World War provides unique insight into the functioning of courts martial and the administration of military justice more generally, including interventions by the king. It further demonstrates that factors other than rank often shaped final outcomes.

Abstracts

PANEL 9

Victims of Military Justice?
Friday 29 July, 17:30 - 19:00
Chair: Brian Feltman

Worthy of Freedom: Black Jurisprudence and Resisting Disciplinary Violence in the Courts-Martial during the US Civil War

Jonathan Lande, Purdue University

During the American Civil War, as nearly 200,000 Black men fought for freedom in the US Army, a court-martial convicted Moses Smith, a formerly enslaved man. As punishment, the army forced Smith to wear a striped cotton suit with “Unworthy of Freedom” emblazoned in red across his back. The army then paraded him under armed guard through camp, displaying for the enlisted freedmen that those who violated military discipline did not deserve freedom. While Smith’s punishment was unique, thousands of soldiers who escaped slavery shortly before enlisting sat before white officers trying cases and suffered similar punishments as well as incarceration and execution. But these Black soldiers and their trials have been largely overlooked.

Most scholarship on Black troops stresses the glory coming with service while the legal history of the Civil War-era focuses on constitutional questions. Yet the emphasis on war-worn freedom and constitutional law confines our understanding of Black liberation and military law. The limitations of this scholarship are especially glaring in light of recent work by historians including Laura Edwards, Kelly Kennington, Anne Twitty, and Kimberly Welch. These scholars have shown that enslaved men and women did not enter southern courts as witless or powerless; rather, they turned to legal institutions to create freedoms or ameliorate bondage before the war. Drawing on this work, this paper demonstrates that Black soldiers hailing from slavery were not passive participants. Instead, I contend that the formerly enslaved men struggling for freedom in the army carried the prewar legal tactics into the courts-martial and augmented their techniques to suit military law. Specifically, I expose Black soldiers’ strategies to challenge the logic of military jurisprudence because its stringent discipline violated their visions of freedom. In so doing, I argue that the soldiers resisted the violence enforced by tribunals and asserted that they were indeed worthy of freedom.

Abstracts

PANEL 9

Victims of Military Justice?
Friday 29 July, 17:30 - 19:00
Chair: Brian Feltman

Death or Deliverance: Canadian Courts Martial and Executions in the Great War **Teresa Iacobelli, Canadian War Museum**

This presentation examines discipline and authority in the Canadian Expeditionary Force (CEF) during the First World War through the experiences of those soldiers who were charged with the crimes of desertion and cowardice and who were subsequently found guilty and sentenced to death. Approximately ten per cent of Canadian soldiers who were sentenced to death were ultimately executed, while the remainder had their death sentences commuted. My research addresses the central question of which factors prompted execution versus commutation. By considering the cases of all men sentenced to death, commuted and executed, I arrive at conclusions regarding military discipline and military law in the First World War that run contrary to widely held perceptions of military justice.

By including the cases of commuted death sentences, this work utilizes a larger base of research than previous studies on martial justice during the Great War, thereby contributing to more thorough and nuanced conclusions on military law and discipline. I challenge traditionally accepted notions that military justice in the British and Commonwealth armies was harsh and inflexible during the First World War by showing the myriad ways in which input from various levels of authority, and even the voices of the accused, were thoughtfully considered and implemented during the court martial process.

A Canadian perspective is essential in this study as the archival records related to commuted death sentences in the British Expeditionary Force no longer exist. Since the armies of Canada and Great Britain were so closely tied during this period, and because, at the time, Canada's military and civilian judicial systems mirrored Great Britain's, studying the Canadian cases allows one to better understand the wartime experiences of other British and Commonwealth soldiers.

Abstracts

PANEL 10

Law, War and Violence
Saturday 30 July, 09:00 - 10:30
Chair: Tino Schözl

'The Final Arbiter of the Question': General Orders 100, Filipino Guides, and Military Justice in the Philippine-American War

Justin Jackson, Bard College at Simon's Rock

This paper argues that the U.S. Army's utilization of Filipino guides during the Philippine-American War exposed many of the legal contradictions and lacunae inherent to General Orders 100, the laws of war famously devised by Francis Lieber for the Union Army during the Civil War, and the basis for rules later codified at the Hague and Geneva. Between 1899 and 1902, as U.S. forces conducted conventional and counter-insurgency operations in Luzon and other islands of the Philippine archipelago, they frequently employed both voluntary and compensated civilians as well as coerced civilians and prisoners of wars as guides. These Filipinos' local knowledge often proved key to Americans' success in locating insurgents in the insular countryside, as the U.S. Army, initially lacking linguistic, geographic, and social knowledge of the rural Philippines, struggled to check nationalist insurgents adopting guerrilla warfare. Yet problems of distrust inherent to the U.S. appropriation and management of Filipino guides whom Americans often suspected of treachery generated considerable violence, including not only intimidation and torture, but also summary execution without military trial. In response, both Filipino insurgents and American officers wrestled with the legal, ethical, and practical dilemmas posed by their need to control guides and their local knowledge. In the context of colonial warfare, military justice as it pertained to Filipino guides became a fraught legal arena by which the U.S. and Philippine republican armies and Filipino civilians confronted the ambiguous and ambivalent nature of Lieber's Code in a new imperial context, one inflected by ideas of civilization, race, and history itself.

This paper draws on official U.S. War Department and Philippine Army reports and correspondence, American and Filipino manuscripts, and contemporary treatises on laws of war to examine how war in the Philippines exposed tensions and silences in Lieber's Code that produced extraordinary violence, a subject heretofore little discussed, or acknowledged, by American military historians. GO 100 granted U.S. soldiers the legal power to coerce and discipline guides, as it permitted occupying armies the right to conscript civilians to serve them as guides, and punish them if they had aided enemies. Yet these laws of war also contained protections for civilians and prisoners of war against abuses at the hands of occupying troops which theoretically imposed significant limits on Americans' legal powers to inflict violence on persons serving them as guides. This legal "grey area" became manifest in the everyday conduct of war, including Filipino insurgents' efforts to check U.S. soldiers' use of guides, as well as American officers' telling postwar meditations on the legal questions involved in their exploitation of Filipino guides, including their torture and execution. The result was an American legal-military discourse by which U.S. Army officers weaponized military justice as a tool of imperial counter-insurgency against Filipinos whom they racialized as colonial others who did not deserve even the limited protections which GO 100 had granted to most civilians and enemy soldiers in occupied Confederate territories.

Abstracts

Law, War and Violence
Saturday 30 July, 09:00 - 10:30
Chair: Tino Schözl

PANEL 10

Law, Justice and Violence towards Civilians in Territories Occupied by the Imperial Japanese Army, 1894-1941

Kelly Maddox, Freie Universität Berlin

Prior to the Fourth Geneva Convention in 1949, there were few formal constraints on the legislative or judicial powers wielded by belligerents over civilians in occupied territories during wartime. Rooted more in the doctrine of military necessity than international law, the rights of occupiers to enact laws and administer justice were typically employed in service to military objectives. In occupied territories, legal and judicial mechanisms operated as instruments of military power used to maintain order, control civilians and suppress resistance in furtherance of wartime objectives. Despite the centrality of the largely unrestrained exercise of legislative and judicial authority to the administration of occupied populations and to the (mis)treatment of civilians, there are few studies which have examined the role which military law and justice might have played in violence directed towards civilians under wartime occupation. Scholarship which has explored the relationship between law, justice and violence in colonial contexts, as well as that which has examined the (mis)use of international law, particularly in imperial wars, has highlighted the ways in which law and justice could be used and manipulated to sanction and enable various extralegal, extrajudicial and even illegal practices under the guise of military necessity which contributed to and facilitated violence towards civilians. Such work strongly suggests that a close analysis of military conduct through the lens of law and justice can also be a fruitful avenue of enquiry in respect to advancing our historical understanding of violence towards civilians under wartime military occupation.

This paper, therefore, considers the ways in which (military) law and justice permits, facilitates and directly contributes to violence towards civilians in occupied territories. It does so by examining the exercise of legislative and judicial powers by the Imperial Japanese Army (IJA) in areas which came under its direct control during the First Sino-Japanese War (1894-95) and the so-called 'China Incident' (1937-1941). While Japanese forces developed a respectable reputation for their conduct in the former war, the IJA became infamous for its widespread military brutality towards the Chinese population in the latter 'incident'. By identifying key changes and continuities in the employment of legal and judicial mechanisms during two conflicts fought very differently by Japanese forces, this paper seeks to elaborate on, and draw general conclusions about, the role which law and justice played in violence towards civilians under Japanese military rule.

Abstracts

PANEL 11

Approaches to Military Justice Archives

Saturday 30 July, 11:00 - 12:30

Chair: Nina Janz

'Brutal by temperament and taste': Using military justice to explore violence between soldiers in France's 'African Army', 1914-1918

Claire Eldridge, University of Leeds

The historiography surrounding military justice in a French context gravitates around the two vital functions of this institution outlined in the call for papers: a means to maintain discipline and an instrument of military power. This paper proposes a different methodological approach, one that exploits the wealth of qualitative data contained in military tribunal records to centre the lives and voices of combatants otherwise marginalised within the historical record. Specifically, it uses testimony collected from the accused, their superiors, their comrades, and other participants or witnesses to retrieve an experiential history that traces how a heterogeneous collection of individuals navigated the forced proximity of the French army during the First World War. Focusing on 'African Army' units which contained a mixture of metropolitan French, European settler and colonised North African soldiers, it stresses the multi-ethnic nature of the military in this historical moment and explores the implications of this unprecedented level of diversity and the interactions to which it gave rise. While these encounters took myriad forms, the emphasis here will be on instances of unsanctioned violence between soldiers. Cases like that of François Lenhard, a European from the Algerian town of Oran who, during his trial for assault, was described as 'brutal by temperament and taste', threatening his comrades over the smallest matters to the point that 'they tremble before him'.^[1] Or the Tunisian *tirailleur* Maoui ben Ali Zirda who was convicted for the attempted murder of his sergeant after an altercation provoked by a card game.^[2] More complex than they might initially appear, the military justice records of such incidents offer a previously over-looked way to think about what it meant to commit and be criminalised for certain acts of violence within a context that was utterly saturated with violence; how and where the line was drawn between acceptable, tolerable and unacceptable behaviours, by the men themselves as much as by the military; how race and other markers of identity factored into these altercations; and the significance of all of the above for notions of comradeship and the effective functioning of combat units.

[1] SHD 11 J 1548, Conseil de guerre, Lenhard, François Jean (2e bis RMZ).

[2] SHD 11 J 1574, Conseil de guerre, Zirda, Maoui ben Ali (3e RMZT).

Abstracts

PANEL 11

Approaches to Military Justice Archives

Saturday 30 July, 11:00 - 12:30

Chair: Nina Janz

Colonial Violence, Subaltern Agency and Shared Archival Heritage: Towards a History of Military Courts and their Archives in the Belgian Congo

Amandine Lauro, FNRS/Université libre de Bruxelles

This presentation starts from the ongoing digitizing and research program "DIGICOLJUST", a two-year project aiming at the (digital) preservation and valorization of the trial records of the court martials of the Congo Free State (1885-1908) and of the Belgian Congo (1908-1960). The fate of the ca. 5400 cases recently rediscovered in the Belgian National Archives testifies both to the "culture of neglect" (Hiribarren 2017) that has long prevailed for colonial archives in Belgium, and to the difficult relationship of Belgian (post)colonial authorities with the publicization of colonial violence. After a brief introduction outlining the main lines of the project and the ethical and intellectual challenges raised by its digitization segment, the first part of this presentation will focus on the specific history of the organization and deployment of martial courts in colonial Congo and the ways in which their archives offer a unique vantage point onto the history of colonial repression and of African agency in Central Africa, from a methodological as well as from a historiographical point of view. In the second part of this presentation, I will move to an in-depth analysis of three case studies of trials held for sex crimes. These cases will serve as starting points to question the paradoxical nature of colonial coercion as it was exercised by and on soldiers and the porosity of boundaries between wartime and "ordinary" policing practices in colonial armed forces. The significance of these trials for the (re)writing of a gendered history of armed forces will also allow me to reflect on the potential of military justice's historical sources for a renewed understanding of a social history of colonial violence in Central Africa.

Speakers

Jonathan Ablard, Ithaca College

Jonathan Ablard is a professor of History at Ithaca College. He is the author of *Madness in Buenos Aires: Patients, Psychiatrists, and the Argentine State, 1880-1983* (University of Calgary Press, 2008). His peer-reviewed work on the history of obligatory military service in Argentina has appeared in the *Journal of Latin American Studies*, *The Americas*, and *A Contracorriente*.

Claire Eldridge, University of Leeds

Claire Eldridge is an Associate Professor of Modern European History at the University of Leeds (UK) who studies the historical relationship between France and Algeria. She is the author of *From Empire to Exile: History and Memory within the Pied-Noir and Harki Communities* (Manchester University Press, 2016) and the editor, with Rabah Aissaoui, of *Algeria Revisited: History, Culture and Identity* (Bloomsbury Academic, 2017). Her current research explores the histories and memories of soldiers from North Africa who served in the French Army during the First World War. She is particularly interested in 'crimes' committed by these men and what they reveal about their experiences as soldiers, including their interactions with metropolitan French and other colonial combatants.

Franziska Exeler, Freie Universität Berlin / University of Cambridge

Franziska Exeler teaches history at Free University Berlin. She is also a research fellow at the Centre for History and Economics at Magdalene College, University of Cambridge. Her research interests include East European, Russian, and German history; war and society; (international) legal history and war crimes trials; myth, memory, and trauma; and migration, borders and borderland studies. Her award-winning book *Ghosts of War. Nazi Occupation and Its Aftermath in Soviet Belarus* appeared in 2022 with Cornell University Press.

Brian Feltman, Georgia Southern University

Brian K. Feltman received his Ph.D. from The Ohio State University in 2010. He has held research fellowships from the German Historical Institute and the German Academic Exchange (DAAD). His first book, *The Stigma of Surrender: German Prisoners, British Captors, and Manhood in the Great War and Beyond* was published by the University of North Carolina Press in 2015 and received the Society for Military History's Coffman Prize for the best first manuscript in the field of military history. His articles have appeared in *War and History*, *The Leo Baeck Institute Year Book*, and *Gender & History*. His current book project examines the visual and material culture of death and mourning in Germany from 1914-1945.

Speakers

Giovanni Focardi, University of Padua

Giovanni Focardi graduated in Florence and received his PhD in Naples (2001); in 2007 he became a researcher in contemporary history at the Department of History at the University of Padua. Since 2015, he has been Associate Professor of Contemporary History at the Department of Historical, Geographical and Ancient Sciences at the University of Padua. He teaches History of the Twentieth Century and Contemporary History.

Maria Fritsche, Norwegian University of Science and Technology (NTNU)

Maria Fritsche, Professor for Modern International History at the Norwegian University of Science and Technology Trondheim, Norway. Her research has focused on the Second World War and early postwar Europe, addressing issues of military and justice, Holocaust, everyday life under German occupation, gender, the functions and use of film and the cinema. Her two most recent publications are: "Correct" German Conduct? German Requisition Practices and their impact on Norwegian Society during World War II. *Journal of Modern European History*, 20/2 (2022), 199-217; and: Spaces of Encounter: Relations between the occupier and the occupied in Norway during the Second World War. *Social History*, 45/3 (2020), 360-383.

Anne Godfroid, WHI-MRA, Brussels

For about twenty years, Anne Godfroid has worked as an Historian in the Royal Museum of Armed Forces and Military History in Brussels which has been part of the War Heritage Institute since 2017. She has written a PhD on the Belgian occupation of the left bank of the Rhine after the First World War (to be published), and published articles on the subject.

Weiting Guo, Aix-Marseille Université

Weiting Guo is a Lecturer in Aix-Marseille University. He is currently working for a digital-humanities project "Elites, Networks, and Power in Modern China" that is sponsored by the European Research Council. He is the co-editor of a forthcoming volume, Routledge Companion to Chinese Legal History. He is the Secretary of the International Society for Chinese Law and History.

Speakers

Teresa Iacobelli, Canadian War Museum

Dr. Teresa Iacobelli is Historian, First World War at the Canadian War Museum (CWM) in Ottawa, Canada. Her research examines and contributes to exhibitions and projects on Canada's military history, and she is especially interested in the relationships between war, national identity, and social memory. Dr. Iacobelli has published articles in *Oral History Review* and *Canadian Military History*, and she is a contributing author to several books, including, most recently, *Portraits of Battle: Courage, Grief and Strength in Canada's Great War* (2021). Her first book, *Death or Deliverance: Canadian Courts Martial in the Great War* was awarded the C.P. Stacey Award for the best work published on Canadian military history. Dr. Iacobelli holds a PhD in history from Western University and she is a past recipient of a Postdoctoral Fellowship from the Social Sciences and Humanities Research Council of Canada (SSHRC). Prior to joining CWM, she curated temporary and digital exhibitions for the Rockefeller Foundation/Rockefeller Archive Center, the Intrepid Sea, Air and Space Museum, and the Brooklyn Historical Society.

Justin Jackson, Bard College at Simon's Rock

Justin Jackson is Assistant Professor of History at Bard College at Simon's Rock. His book, *The Work of Empire: War, Occupation, and the Making of American Colonialisms in Cuba and the Philippines*, is forthcoming with University of North Carolina Press. His research has been published in *The Journal of Historical Sociology* and *Labor: Working-Class History of the Americas*, as well as several edited volumes, including *Reconstruction and Empire*, edited by David Prior (Fordham University Press, 2022), and *On Coerced Labor*, edited by Marcel van der Linden and Magaly Rodríguez (Brill, 2016).

Nina Janz, University of Luxembourg

Since 2020 Nina Janz has been a Postdoctoral Researcher for the WARLUX Project. Her research areas are the military history of the Second World War, digital history and the culture of remembrance. She has been a Research Fellow at the Institute for Oral History in Voronezh and at the AICGS/Johns Hopkins University in Washington, DC, and a Research Associate at the DHI Moscow for the project Soviet Prisoners of War in German Custody. Her publications are mainly on the Wehrmacht/WWII and biographical and digital data analysis.

Speakers

Jonathan Lande, Purdue University

Jonathan Lande earned his Ph.D. at Brown University and is an Assistant Professor of History at Purdue University. He is the recipient of the Allan Nevins Prize from the Society of American Historians and the Cromwell Dissertation Prize from the American Society for Legal History. Before joining Purdue, he was the Schwartz Postdoctoral Fellow at the New School and the New-York Historical Society. He has also been a fellow at the Huntington Library, the Historical Society of Pennsylvania, the Schomburg Center for Research in Black Culture, and Harvard University, among other institutions of the New England Regional Fellowship Consortium. He is currently completing a manuscript titled, *Warriors, Rebels, and Runaways*, which is under contract with Oxford University Press. This project explores Black Civil War deserters and mutineers who battled for freedom in combat and camp. He has delivered papers addressing aspects of this work at meetings of the American Historical Association, Organization of American Historians, and the Society of Civil War Historians. He has published articles in the *Journal of Social History* and *Journal of African American History* and reviews in the *Journal of American History*, *American Historical Review*, *Journal of Southern History*, and *Civil War History*. He also contributes to "Black Perspectives," the blog for the African American Intellectual History Society, and to *The Washington Post*.

Amandine Lauro, FNRS/Université libre de Bruxelles

Amandine Lauro is a Research Professor of the Belgian National Fund for Scientific Research (FNRS) at the Free University of Brussels (ULB) where she also teaches African and gender history. Her research focuses on gender, race and security in colonial Africa and more specifically in the Belgian Congo. She has published a book and several contributions on these issues. She is notably the co-supervisors of the "DIGICOLJUST" ("Colonial Violence, Subaltern Agency and Shared Archival Heritage: A Digital Platform of Colonial Judiciary Sources") project funded by the Belgian Federal Science Policy (2020-2022).

Kelly Maddox, Freie Universität Berlin

Kelly Maddox obtained her PhD in history from Lancaster University in 2016. She is currently a postdoctoral researcher working on the ERC project 'Law without Mercy: Japanese Courts-Martial and Military Courts during the Asia-Pacific War, 1937-1945'. Her research within this project focuses on the military justice system established by the Imperial Japanese Army in areas of occupied Southeast Asia and its role as a contributor and facilitator of violence towards civilians.

Gerard Oram, Swansea University

Dr Gerard Oram is a modern historian and Director of the War and Society programmes at Swansea University. He specialises in the impact of war on European societies during the twentieth century. His published work includes studies of the military death penalty in World War One; the development of military law in the nineteenth and twentieth centuries; policing during the era of World War Two as well as works on military and civilian morale during World War One. Other areas of interest include the impact of war on cultural production such as art and cinema.

Speakers

Tino Schölz, Freie Universität Berlin

Tino Schölz studied History and Japanese Studies in Halle, Tôkyô and Niigata and earned his PhD at Martin Luther University Halle-Wittenberg. Since 2020, he has been working as a postdoctoral researcher in the ERC project "Law without Mercy: Japanese Courts-Martial and Military Courts during the Asia-Pacific War, 1937-1945" at Freie Universität Berlin. Within this project, he focuses on the history of discipline and insubordination in the Imperial Japanese Army between 1868 and 1945. He has also published on other topics in Japanese military history, i.e., on commemoration of fallen soldiers or on concepts of total war, but also on civic society or on the history of historiography in modern Japan.

Daniel Marc Segesser, University of Bern

Daniel Marc Segesser is adjunct professor for the social, cultural and environmental history of the military and director of undergraduate studies at the Department of History of the University of Bern. His research focuses on the history of (international) law and macro-criminality in the late 19th and early 20th century, on the history of the First World War in a global perspective and the environmental history of the military in the 19th and 20th century. An overview on his publications and presentations is available at

https://boris.unibe.ch/view/contributors_bern/Segesser=3ADaniel=3A=3A.html and

http://www.hist.unibe.ch/ueber_uns/personen/segesser_daniel_marc/index_ger.html

Liz Shesko, Oakland University

Liz Shesko is Associate Professor of History at Oakland University in Rochester, Michigan. She is the author of *Conscript Nation: Coercion and Citizenship in the Bolivian Barracks*, which was published by University of Pittsburgh Press in 2020. Her peer-reviewed work has also appeared in *Hispanic American Historical Review*, *International Labor and Working-Class History*, and *The Chaco War: Environment, Ethnicity, and Nationalism*.

Speakers

Will Smiley, University of New Hampshire

Will Smiley is an assistant professor in the Humanities Program at the University of New Hampshire. He is a historian of the Middle East, Eurasia, the Ottoman Empire and international law. He received his Ph.D. from the University of Cambridge, his J.D. from the Yale Law School, his master's degree from the University of Utah and his bachelor's degree from Hillsdale College.

Nicolas Stassar, Freie Universität Berlin

Nicolas Stassar obtained his MA and BA in Language and Area Studies (Japanese studies) from KU Leuven Belgium, and graduated in 2019. He is currently working as researcher and Ph.D. candidate at Freie Universität Berlin, on the ERC-funded project "Law without Mercy: Japanese Courts-Martial and Military Courts during the Asia-Pacific War, 1937-1945". Tentatively titled "Trying the Enemy - Punishment and Justice against Japanese-kept Prisoners of War during the Asia-Pacific War 1941-1945", his project focuses on the administration of ad hoc, group, disciplinary, and judicial punishments against Allied POWs as a distinct problem pertinent in the maintenance of enemy troops within a belligerents territory.

Sarah Maya Vercruyse, University of Luxembourg

Sarah Maya Vercruyse, a doctoral researcher, studied History at the KU Leuven (Belgium). Since 2020 she works as a doctoral researcher for the WARLUX Project at C²DH at the University of Luxembourg. Her PhD will focus on the war experiences of families and communities of Luxembourgish recruits during the Second World War.

Urs Matthias Zachmann, Freie Universität Berlin

Urs Matthias Zachmann is Professor of Modern Japanese History and Culture at Freie Universität. Trained as an historian of Japan, he is also a fully qualified jurist and member of the German Bar Association. He has published widely on Japanese diplomatic, intellectual and legal history, notably *China and Japan in the Late Meiji Period* (2009) and *Völkerrechtsdenken und Außenpolitik in Japan, 1919-1960* (2013). He is currently leading an ERC-funded project at Freie Universität entitled "Law without Mery: Japanese Courts-Martial and Military Courts During the Asia-Pacific War, 1947-1945".