The Journal of Asian Studies Vol. 71, No. 1 (February) 2012: 103–114.
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Hesitating before the Judgment of History

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The ubiquitous experience of wartime collaboration in East Asia has not yet undergone the analysis that its counterpart in Europe has received. The difficulty has to do with the political legacies that the denunciation of collaboration legitimized, as well as the continuing hegemony of the discourse of nationalism. Both inhibitors encourage the condemnation of collaboration rather than its historicization. Reflecting briefly on the 1946 trial of Liang Hongzhi, China's first head of state under the Japanese, this essay argues that the historian's task is not to create moral knowledge, but to probe the presuppositions that bring the moral subject of the collaborator into being for us, and then ask whether real collaborators correspond to this moral subject. In the face of the natural impulse to render judgment, this essay argues for the wisdom of hesitation.

"TODAY HISTORIANS HESITATE TO judge collaborators with the Axis powers in World War II," writes John Treat. This hesitation, he worries, is not a good thing, for it flees from the moral obligation to make judgments. Collaboration cannot be assessed in this way as a merely historical question. It must be encountered as an existential one and perceived in relation to "what we fundamentally are," he argues. I shall propose the opposite.

Hesitation is not widely regarded as a moral virtue. We admire those who act "without a moment's hesitation," as the saying goes, and disdain those who delay leaping from impulse to action. Hesitation is a barrier to authenticity, a symptom of moral weakness, a retreat from the obligation to act—from what philosophers from Confucius to the late Ming spoke of as *budeyi*, the "inability to stop oneself" when faced with a clear moral choice. He who hesitates is lost, as the eighteenth-century adage goes. Dismissing hesitation, we have abandoned Locke for Rousseau. One of Locke's insights in the second edition of his "Essay concerning Human Understanding" is that a morally satisfactory judgment depends on the mind's "power to suspend the execution and satisfaction of any of its desires"—including the desire to judge good and evil. This power of suspension is vital for insulating the will from the desires that motivate it. Through "due, and repeated Contemplation," hesitation allows us to anticipate the consequences of our judgments prior to dispensing them, making it the source of our freedom

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https://doi.org/10.1017/S0021911811002932 Published online by Cambridge University Press

(Chappell 2007, 153–54; Mink 2009, 40–46). In our present Rousseauian state, however, the romance of emotional vitality trumps the effort of contemplation. Desire is seen as the path to truth, moral spontaneity precedes moral certainty, and our epistemologies fill up with whatever we believe to be true.

The History of a Concept

Collaboration sits among these moral certainties. The very word is loaded with moral failure. This is a late development, and it is worth asking why. The first edition of the *Oxford English Dictionary* provides only one definition for the word "collaboration": "united labor, co-operation." Not until the 1972 *Supplement* does a second meaning appear: "traitorous cooperation with the enemy." The earliest citation given is a negative reference to Marshal Philippe Pétain in an article in the *Economist* dated October 26, 1940. The word must have been on everyone's lips, for Pétain himself used it four days later on French radio after his first fateful meeting with Adolf Hitler at Montoire, saying that "a collaboration has been envisioned between our two countries." The four-day lag spares Pétain from the ignominy of having singlehandedly tainted the word, though if we move back three years to an earlier phase of World War II, we discover that Chinese were already using *hezuo*, "working together" ("col-laborating"), to describe the new relationship imposed on Chinese under Japanese occupation. (Curiously, *hezuo* has managed to preserve its neutral meaning to a degree that "collaboration" has not, rendering it unsatisfactory as a translation of the European term in its second sense.)

That the word should gain this connotation in 1937/1940 is hardly random. Massive military occupation was not invented in those years—Japan's occupation of Korea earlier in the century is an excellent case in point—but something else was: the idea that an individual could collaborate with a nation. The *OED* exemplifies its original definition by speaking of cooperation in "literary, artistic, or scientific work," that is, cooperation between individuals, as John Treat notes. What changed in the 1930s was the capacity of an individual to be in such a relationship with another nation. The idea that the nation could be the sort of entity with which a person could have a relationship was not new, of course. Its transformation in Europe began at least as early as the eighteenth century, when the Swiss diplomat Emer de Vattel laid out new rules of international coexistence in *The Laws of Nations*, rules that are by and large still with us. The reigning idea of the book is that the principal actors in international relations are precisely that: impersonal nations, not personal sovereigns (1883, 19–20). Through the nineteenth century, the status of nation in Vattel's sense was reserved for Europe and parts of the Americas. Only in the twentieth century, as imperialism lost legitimacy and collapsed, did former colonies clamor to be treated as nations with all the rights and obligations of which Vattel wrote. The

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wave of decolonization generated the productive confusion of "competing nationalisms" (Bickers and Wasserstrom 1995, 460), though almost all these visions accepted the premise that everyone should have a nation, and each individual only one. Nationalism supposed absolute loyalty.

How was then a nation to justify what it was doing when it invaded another nation? Colonialism was in foul odor, and in 1928 the Kellogg-Briand Pact declared military occupation illegal. The solution for both Japan and Germany was to assert that they were pursuing not conquest but rather collaboration. Nationalism, which claimed both the legitimate inviolability of the nation and the exclusive loyalty of the citizen, made it absolutely essential that they do so. From the invention of collaboration between nations devolved the invention of collaboration between the individual and the nation to which he had now been made to belong. Treason being a pre-national concept, nationalism demanded a new concept redolent of improper liaisons and denied parentage, and collaboration became nationalism's evil twin.

The Myth of Resistance

Just as collaboration depended on nationalism for its conceptual coherence when the word was coined, it depends on it now when we invoke the term to characterize political acts in the past. It is on this second dependence that I want to reflect in this essay. My starting point will be the unexceptional observation that most people under military occupation have no choice but to work under, oftentimes with and sometimes even directly for, the occupier. This work can be imagined across a wide spectrum, ranging from doing nothing to impede the occupation to providing simple goods and services to actively promoting the interests of the occupier (and oneself) at the expense of the occupied. The post-occupation argument that one did nothing to further the occupier's schemes carried little weight in the aftermath of a war, least of all with those who returned to the de-occupied zone and were eager to parlay their resistance into tangible benefits.

Most postwar dispensations quickly swept the problem of collaboration under the rug in the interests of reforging unity and installing a new leadership. We see this most vividly in the case of France, where Charles de Gaulle was effective in creating the illusion of national unity under his leadership by mythologizing the resistance into a movement in which everyone participated. This fiction only began to unravel in 1968, when the next generation discovered to its dismay that most of those who basked in the glory of the resistance did little of the sort. Once Gaullist unity collapsed the following year, it would take another generation to get over the shock of that betrayal, which Henry Rousso (1991) so effectively captured with the term "Vichy syndrome." Marcel Ophuls brought the question of collaboration to public attention with his 1969

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documentary, *The Sorrow and the Pity*. Collaboration might never have become a lasting issue were it not for Vel' d'Hiv, the stadium where on July 16–17, 1942 French police rounded up the Jews in Paris for transportation to Auschwitz. Complicity in the Holocaust became the original sin of French collaboration that no excuse could expiate. The public mood in France since Jacques Chirac's formal apology in 1995 has been to allow some distinction between those who actively pursued the occupier's interests and those who simply tried to survive under difficult circumstances. The feeling in France now might be summarized using both tendencies of the word by observing that, while most French collaborated in the weak sense, most were not collaborators in the strong sense.

No such reconsideration has happened in China since 1949, when moral certainty became the trademark of state ideology. There are enough points of comparison between occupied China and occupied France to wonder why *résistantialisme* has survived for so long in China. There is one significant difference in their circumstances: China is not burdened with something like the Holocaust (Coble 2003, 208). Some have sought to cast the Rape of Nanking as an equivalent, but others have sensibly argued against the analogy (Fogel 2000, 1–5). This means the absence not just of a terrible consequence for collaborators in China, but of a complicity that must taint everyone. What constitutes the greater barrier to any postwar revisiting of the myth that everyone resisted, though, is the difference in the political regimes that came to power after the war. Gaullism almost survived the political upheaval of 1968, but it could not become a perpetual dictatorship, and when it collapsed a year later, the history of the war became exposed. In China, by contrast, the Gaullist romance of resistance remains securely in place, both in the curriculum and in the public mind. Collaboration has yet even to form itself into a question that needs to be asked. The topic excited academic curiosity in China in the 1980s, generating some well-researched studies by such serious historians as Huang Meizhen (e.g., 1988) as well as careful archival collections (e.g., Huang and Zhang 1984a, 1984b). Then Tiananmen and the pressures of economic globalization in the 1990s led the Party to declare the subject off limits. The wounded nationalism the Party has not so covertly sponsored over the past decade has made it a simple matter to tag the topic as unpatriotic, and almost no one objects (Brook 2008).

Despite the pressure to do otherwise, some younger scholars outside Beijing are thinking their way around this interpretation (e.g., Jing 2005). To cite a prime example, Pan Min in her 2006 book on local administration under the Wang Jingwei regime treats collaboration as a historical question rather than a moral parable. She takes a sociological approach, asking who "complied" (Pan 2006, 213) with the Japanese and then organizing them into three strata. The upper stratum was composed of local leaders who collaborated in the hope of using the occupation to gain political or financial advantage.

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A middle stratum of minor functionaries, teachers, and merchants stayed behind to support their families or protect their limited assets. The poorest stratum of collaborators scouted out whatever opportunities might fall their way regardless of who furnished them. Pan states, as she must, that the interests of occupiers and occupied are fundamentally opposed, but rather than launch into a moral screed, she looks for psychological explanations for why the occupied might act against their interests. The psychology is simple, but it redirects our attention to the contingencies that drove people to act. Pan then nuances the entire argument by pointing out that collaboration was often temporary and that the experience of collaboration inspired many to resist at a later point (2006, 224–230). Thus she treats her collaborators as historical actors rather than abstract moral subjects, moving in and out of collaboration in relation to actual circumstances.

The North American academy is completely comfortable with this sort of social science approach, which has been used to such good effect in analyzing conflicts elsewhere. Take for example the approach of anthropologists Benjamin Paul and William Demarest to the Guatemalan army's infiltration of Mayan communities during the later years of the presidency of General Romeo Lucas García (1978–82). During those years, the Guatemalan army, desperate to stem the tide of rights demands from rural Guatemalans, turned to promoting terrorism within local communities. In the first round of infiltration, the army appointed local commissioners to do its work. According to Paul and Demarest, these commissioners were men of low social status already engaged in petty corruption and intimidation. They were motivated to work with the army mainly "by greed and the desire to settle personal scores," and they were paid in the currency of "money, liquor, and sex." This ad hoc method of local control was eventually replaced by a more centralized system of zone commands that relied on local espionage coordinated by G-2, the army intelligence agency. G-2 sidelined the earlier commissioners and replaced them with less exposed figures, called *confidenciales*. These were men of different social background, "prominent in the community, ambitious, and fairly well-off." They collaborated because what they "mainly wanted, in contrast to the former commissioners, was political power" (Paul and Demarest 1988, 150–52). If we think of the *confidenciales* and the commissioners as structurally similar to Pan Min's upper and lower collaborators, the one group looking for power and the other for whatever they can get, we can appreciate that perhaps one doesn't need the moral filter of collaboration to analyze what people were up to and what consequences their acts produced. Being friends with some of the people the *confidenciales* and commissioners terrorized and killed, Paul and Demarest did not work in a moral vacuum. The depth of moral depravity was not lost on them. But nor did they allow their abhorrence to expand and fill the space in which they were working to reconstruct exactly what happened in those terrible years.

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The Drama of Postwar Trials

Sociological tools are perhaps less effective at the top of the social hierarchy where collaborationists were few in number, their particularities great, and their moral flaws easier to expose as the postwar tribunals did. These tribunals have appealed to historians as they did to spectators. Such public dramas not only concentrated evidence but staged the very claim itself, with the prosecution endeavoring to demonstrate the evil of collaboration and the defense struggling to detach the defendant's personal moral worth from the larger tainted drama. But there are good reasons to keep a distance from the trial process, with its dependence on arguments rather than facts, when writing history (Marrus 2002). Convened by the successor regime against which the collaborator worked, these trials were highly politicized events. Collaborators tailored their arguments to what they thought the courts would find reasonable, suppressing much of what actually motivated them to collaborate at the time. Of course it was victor's justice, but that need not imply that justice was not done, but nor should we remove the judgments from what Zanasi (2008b) has termed the "evolving process" of collaboration from the first framing to the final condemnation. Trial transcripts are as much documents of denunciation as they are documents of collaboration.

China's most prominent wartime collaborator, Wang Jingwei (1883–1944), did not live to see judgment day, but others did. Some, such as Chen Gongbo (1892–1946), who took over from Wang after his death, were close associates and may have suffered in the trials because of this (Chen 2006; Zanasi 2008a). Others, such as Liang Hongzhi (1882–1946), Wang's predecessor as head of state in Nanjing, had only weak political associations with the man the postwar political elite chose to cast as the arch-villain in the story of collaboration. As Liang is the collaborator whose history I know best, I will use his case to reflect on how the charge of collaboration worked against him during the war, at his trial, and in subsequent scholarship.

In the annals of World War II, Liang Hongzhi is not a name to reckon with, even among professional historians. He disappeared after a brief political career in the 1920s and was not able to find his way back into the limelight until the Japanese army occupied the Yangzi Delta in 1937. His appearance as acting head of state at the inauguration of the new Reformed Government (*Weixin zhengfu*) in Nanjing on March 28, 1938 came as a surprise. Many had never heard of him, and those who had, regarded him as lacking political support or moral charisma. It was a poor beginning—Liang had grasped for something not within his reach—and nothing he did subsequently melted public scepticism into endorsement. His sole hope was time: that the longer the Reformed Government survived, the likelier its prospect of being regarded as a legitimate regime. But time was also his enemy, for it promised disintegration. Within half a year of the inauguration, the Japanese Special Services Department began negotiating

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with representatives of Wang Jingwei. The Japanese could not move too hastily lest the dismantling of one regime expose the opportunism of the next. So the Reformed Government was still standing a year later in 1939, obliged to celebrate its first anniversary with little prospect of there ever being a second.

On that occasion, Liang published an essay in which he looked back over the first year of his regime (Brook 2000, 179–82). It is not an uplifting text. He opens by complaining that if his critics at the time of the regime's founding "didn't regard me as a puppet, then they pointed at me as a traitor. Such doubts and rumors have arisen that privately I harbor bitter feelings." Having struck a note of injury, Liang then turned to his main concern, albeit unexpressed: his coming supersession by Wang's faction of the Nationalist Party (Guomindang). The Nationalists, who had abandoned the country in its moment of greatest crisis, were nothing but "desperate scoundrels plotting to control the nation." They did not deserve to return, for their earlier superficial stabs at modernization had done nothing but weaken the "old nation" and open the way for the Communists. Japan had been obliged to step in to break the Nationalists' collaboration with Europeans and Americans, thanks to which China was once again "an independent and sovereign nation." It is not difficult to dismiss this rhetoric as Freudian inversion: the resisters exposed as collaborators and the collaborators revealed as true patriots; besides which, it did no good. A year later, the Reformed Government was absorbed by Wang Jingwei's Reorganized National Government. Liang's choices were a cabinet post or retirement, and he took the former. Had he retired, he might have fared better at his treason trial.

Liang's trial opened in Shanghai on June 5, 1946.[1] The prosecution spent the morning laying out what had been done under his leadership that aided Japan's cause. The heart of the prosecution's argument was that Liang had worked against "the Centre" during the war. He responded after the lunch recess, speaking for over an hour without notes. What he said bore almost no resemblance to his remarks in the 1939 essay. To excoriate the Nationalists now as opportunists and running dogs of Euro-American imperialism would have gained him nothing. He chose instead to argue that in every instance he had acted to defend the interests of the nation and, by tautology, of the Centre. Against the prosecution's logic of collaboration as treason, he argued for collaboration as resistance by other means. Everything he had done during the two years of the Reformed Government was to ease the plight of war victims and hobble the occupiers. As for what happened after 1940, he took no responsibility. He had joined Wang's regime to

[1]Liang's trial and subsequent legal battle are briefly described in Masui 1977, 106–108; Zhu and Chen 1988, 64–68; and Huang 1988, 424–27. Most of the information about Liang's trial comes from the newspaper *Shenbao*, June 6 and June 15, 1946. The documents concerning his trial have never been published, and those held in the National History Institute (Guoshiguan) in Taipei have been withdrawn from public access. The only document in scholarly circulation is the Supreme Court's decision on his appeal, reproduced in Zhu and Chen (1988, 190–99). I am deeply grateful to Lo Jiu-jung at the Academia Sinica for sharing her notes on Liang's trial.

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continue his passive resistance against Japan, but factional conflict with Wang's people rendered him powerless and made it impossible to do good or ill.

It was a bold defense that challenged the entire prosecution logic. But it left no room for compromise. Either the judge had to agree that working for the puppet regime was in every case treason, or he had to accept that collaborators could serve the nation's interests. It would have meant detaching the nation from the regime, never a winning gambit in Chinese political discourse. Liang's lawyer then narrowed the defense by entering three documents into evidence demonstrating that, regardless of what Liang might have done for the people of the nation, he had cooperated with Chongqing. His strongest witness was Dai Li (1897–1946), head of the Bureau of Military Statistics, but Dai had died in a plane crash three months earlier, leaving no public record of whatever it was Liang might have done. In cross-examination, Judge Liu Yugui ignored Liang's claim that collaboration had shielded the people. Nor did he show any interest in arguments about the potential legitimacy of working with the enemy. Instead, he focused on what in Liang's presentation had been the lesser claim of having assisted the Chongqing regime. Liang responded energetically, declaring that he had made clandestine reports on the situation of the enemy and the "bogus regime" since 1938. At the end of the hearing, Liang did not appear dispirited, sharing a few words of comfort with his young wife before being taken back to prison. Either he felt he had put forward a strong case or he believed he had political insiders who would protect him. The defense failed. On June 21, Judge Liu pronounced him guilty on all counts and sentenced him to death. The Supreme Court confirmed judgment and sentence on October 18 (its judgment is reproduced in Zhu and Chen 1988, 190–99). Liang was executed for treason on November 9. Despite what Zanasi (2008a, 742) in the context of the earlier trial of Chen Gongbo has identified as the "gap . . . between the trial's political goals and the popular memory of collaboration," the public welcomed the verdict as the judgment of history.

What did not come out at the trial was what Liang originally claimed had driven him into the arms of the Japanese: his vivid distaste for the chaotic modernism that the Nationalists had unleashed on China. Liang wanted a return to the gradual reformism of the 1910s, before China's experiment with republican government had been derailed by the radicalism of the May Fourth Movement. He was no political or ideological visionary, but he did believe that the Nationalists were on their way to destroying China, hence the desperate measure of turning to Japan. This is where a comparison with Treat's case of Korean collaboration is instructive. Unlike Yi Kwang-su, who celebrated Japan's transformation as Korea's destiny, Liang had no enthusiasm for Japan's course. If "reform" (*weixin*) meant anything to him, it was a renovation designed to recreate the world as it had been, not as it was becoming. Japanese propagandists flirted with renovationism by constructing pseudo-Confucian utopias around such classical terms as the Great Way or the Kingly Way, but Chinese support for these

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initiatives was limited (Duara 2003; Brook 2004, 165–69). Even if Yi supported Japanese imperialism, he did so on something akin to Pascal's wager: that though Japan did not always act in Korea's best interests, its modernism would crush such backward places as Korea, so it was better to go along with Japan than await destruction. Liang entertained no such illusion. Occupation was merely a harsh expedient to get China back on its own track. Yi's logic would not have been of any use at Liang's trial. What sealed his fate was having collaborated with the wrong nation at the wrong time.

The Conditionality of Justice

Suppose the war had gone the other way. Suppose that the U.S. had not responded so vigorously after Pearl Harbour and the Nationalist regime in Chongqing had eventually collapsed, that Japan had prevailed and then agreed to the withdrawal of its troops that Wang Jingwei was desperate to negotiate. Had matters turned out this way, Liang Hongzhi would not have been tried as a collaborator. He would have suffered no fate worse than being pensioned off as an annoying throwback to an earlier time. It is easy to see where this train of logic is headed; easier still to dismiss it as an implausible counterfactual. The point is simply that he might, under other conditions, have been judged to have served the right nation at the right time. The problem for historians looking back at the past is that the apparent advantage of knowing how it all worked out may impede us from acknowledging the conditionality of the outcome, so that we fail to notice the extent to which contingencies derailed trains of events we don't realize were once heading our way.

Stressing contingency is not to deny that collaborators frequently acted in morally repugnant ways, that their choice was often a desperate one that led them to desperate measures. Nor is it to excuse them from knowledge of the consequences of their acts. Frenchmen who collaborated with the Nazis in sending Jews to Auschwitz did so with a reasonable chance of knowing what would happen to them. So too, Chinese who assisted the Japanese army during the Rape of Nanjing knew what the immediate consequences would be (Brook 2007). But not every Chinese collaborator need bear responsibility for the Rape of Nanjing, nor every servant of Vichy be indicted for the Holocaust. A specific outcome does not produce general culpability. Most consequences are not *predetermined* by particular acts. They are *cumulatively determined* by a long chain of events that could at any point have been broken and reforged differently to produce different outcomes.

Given the link that is urged between collaboration and its consequences, the historian's first task should be to interrogate the normative logic that presupposes the moral subject that the idea of collaboration brings into being (as analyzed in Ruskola 2002, 225, and repeated in Brook 2005, 4, 245). This procedure John

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Treat finds morally unsatisfying, though there may be some confusion regarding whose moral subjectivity we are speaking of. The moral subject Teemu Ruskola asks us to identify is not the actual person accused of collaborating, but the abstract moral subject we impose on that person by invoking the concept of collaboration. This call for self-reflexivity—for realizing that the moral circumstances as we understand them were not necessarily the circumstances in which historical actors understood themselves to be embedded—is an invitation to hesitate before passing judgment. It is a way of maintaining the necessary separation between the historian and his subject, necessary if the point of history is to achieve something other than reproduce our own subjectivities.

The invitation to hesitate might also open the way to enlarging what we find morally repugnant about collaboration and considering its application elsewhere. This is the controversial standard that Radhabinod Pal, the Indian judge who dissented from the majority opinion at the Tokyo trial, writing in 1955 called "even justice" (Brook 2001, 696): the obligation to mete out justice equally to both sides of a conflict and not restrict responsibility for all evil consequences of that conflict to the losing side. Concretely in this case, it means arraigning the resistance for the consequences of its acts. Take, for example, the Chinese decision in 1938 to breach the Yellow River dike at Huayuankou to stop the Japanese advance, an act of war that resulted in the drowning of half a million people, a far greater number than died in the Rape of Nanking. The Nationalist government issued propaganda at the time blaming this atrocity on the Japanese army (Brook 2011). Security of the nation was the argument offered at the time to meet this moral challenge, but was it morally adequate then, and is it adequate now? This question is just as worth asking as the question of whether Wang Jingwei or Liang Hongzhi was guilty as charged. If the purpose of judgment is to bring those who cause suffering to account, then why should the resisters be spared the moral censure we currently reserve for collaborators?

To insist, as I do, that moral values are historical does not mean abandoning ethical concern for the victims of atrocities. Indeed, I would argue that recognizing the historical limits of our capacity to judge enlarges our capacity to build a moral foundation on which to engage with the past, one that accepts the conditionality of judgments that people made at the time as well as the provisionality of our own. I accept that my work as a historian is to produce moral understanding, but not to fabricate the superficial certainty of "moral knowledge" (*contra* Glosser 2006, 149). Our understanding, like our very existence, must remain conditional.

Hesitation is essential to such understanding, not a demurral from it. There is nothing in Japan's invasion of China that redeems the cost to the Chinese and Japanese whose lives it consumed. We would be hard pressed to find anything honourable about the work that Chinese lowlife did for the Japanese army, nor is it easy to respect what Liang Hongzhi said he thought he was doing. That is not the issue. The task we face in our encounter with what Charles Maier

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(1988) has dubbed "the unmasterable past"is to build upward to such understanding, not descend from it. Remember that time is the joker in this game of judgment. When the current political arrangements on the Korean peninsula collapse, as one day they will; when the Communist Party loses its grip over China, as one day it must; when Hamid Karzai's government falls in Afghanistan, or Nouri al-Maliki's does in Iraq; who then will be the nation's heroes and who the collaborators?

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https://doi.org/10.1017/S0021911811002932 Published online by Cambridge University Press