
BETWEEN WAR CRIME AND STRATEGIC INFORMATION: SHIRŌ ISHII, UNIT 731 AND IMPOSED REALITY

An Archival Inquiry through the Reality Paradigm

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“Reality does not come before power.”

ABSTRACT

This article examines Shirō Ishii and Unit 731 through the Reality Paradigm, at an analytical level distinct from established approaches centred on war crimes, military history, medical ethics and post-war American strategic interests. Its central concern is not whether human experimentation took place, nor simply why Ishii was not prosecuted, but under what conditions institutional statuses assigned to persons, alleged perpetrators, information and evidence acquire binding force and thereby eliminate the capacity of alternative outcomes to become operational, or prevent such capacities from becoming operational in the first place.

Within the Reality Paradigm, imposition is not synonymous with classification. Binding force is a necessary but insufficient condition of imposition. Imposition occurs only when a binding status removes the capacity of an alternative status or outcome to produce effects within the institutional configuration under examination, or prevents that capacity from becoming operational from the outset.

The case is examined through two historically distinct moments. In the first, the record supports a strong institutional inference that, within Unit 731's experimental field, the captive subject's effective capacities for legal protection, refusal and exit did not become operational, while the experimental usability of the body became institutionally decisive. In the second, information derived from coercive human experimentation entered post-war American institutions simultaneously as potential war-crimes material and as strategically valuable biological-warfare information.

The American record from 1946 to 1948 strongly indicates that strategic information acquisition, intelligence circulation, the possible use of information as war-crimes evidence and discussions of immunity did not operate as institutionally independent processes. The article does not, however, assume that the strategic status of the information definitively eliminated prosecutorial capacity. The claim of imposition can therefore be sustained only insofar as a causal relationship can be demonstrated between binding institutional mechanisms and the practical loss of an alternative legal capacity to produce an outcome.

Keywords Reality Paradigm; Imposed Reality; Shirō Ishii; Unit 731; Japan; United States; war crimes; war-crimes prosecution; biological warfare; strategic information; strategic intelligence; SCAP.

1. Introduction: The Problem Begins After Truth

Human experimentation within Unit 731, Shirō Ishii's position within the programme, the acquisition of information by the American occupation authorities after the war, the strategic value attributed to biological-warfare knowledge, discussions of immunity and the absence of prosecution have all been examined extensively in the existing literature. Harris, Nie, Brody and colleagues, Reed, Tsuneishi and Cranmer have addressed these issues from different historical, ethical and legal perspectives.

This article therefore does not claim:

“to explain for the first time why Ishii was not prosecuted.”

The question posed by the Reality Paradigm begins elsewhere.

The paradigm is not a theory of Truth. It does not merely ask:

What happened?

or:

What was known?

The prior problem is:

Under what binding conditions were persons, alleged perpetrators, information and law compelled to encounter reality?

The Reality Paradigm examines the conditions of access, recognition, classification and possibility that precede questions of truth and representation. The critical site of power is therefore not limited to the final decision. The pre-decisional field within which a decision becomes thinkable and actionable may itself become an object of power.

Accordingly:

Not every institutional status constitutes imposition.

For a status to become an imposition, it must first acquire binding force for the relevant actors. Binding force alone, however, is insufficient. The binding status must also eliminate the capacity of an alternative status or outcome to produce effects within the institutional configuration under examination, or prevent that capacity from becoming operational in the first place.

Imposition does not always take the form of closing a path that had previously been open. A legally or normatively conceivable alternative may:

never acquire practical outcome-producing capacity within a particular field of operation.

That, too, may constitute the object of imposition.

1.1. Imposition, Intention and Outcome

Imposition does not necessarily presuppose a single centralised intention.

Different institutions may act according to different objectives, legal assessments and strategic priorities while nevertheless producing processes that converge upon a binding outcome.

Thus:

The criterion of imposition is not common intention, but an asymmetrically produced binding outcome.

This proposition does not render power agentless.

Every claim of imposition must identify:

the institutional or positional capacity that produced the binding outcome.

Put differently:

A structural outcome is not a causeless outcome.

This distinction is particularly important in the American moment. The differing positions of the State Department, War Department, SCAP Legal, G-2 and biological-warfare specialists make it problematic to presume a single, homogeneous “American intention”. Institutional plurality, however, does not mean that binding outcomes cannot be produced.

1.2. Strategic Information and the Bearer of Strategic Information

In this article, strategic information refers to information and data to which military, scientific or intelligence decision-makers attribute strategic utility.

Ishii was not information itself.

Ishii was a bearer of strategic information.

The same person could therefore simultaneously occupy the status of:

a potential war-crimes perpetrator

and:

a bearer of strategic information.

These statuses do not epistemically cancel one another.

The question posed by the article is not:

“Which of the two is real?”

Both may be real at the same time.

The relevant issue is:

which status acquired binding force in institutional practice.

The phrase “Between War Crime and Strategic Information” in the title therefore does not describe a transition from one status into another. It refers to the tension between different institutional statuses capable of coexisting within the same historical field.

1.3. Analytical Distance

This article does not seek to neutralise the moral or legal gravity of coercive human experimentation within Unit 731.

Rather:

Normative judgement is not substituted for causal and institutional explanation.

The fact that an act may be morally condemnable does not in itself explain the institutional structure that made it possible, nor the status under which information generated through that act was subsequently processed.

The purpose of the article is not to produce a new moral judgement on Ishii, but to investigate:

the institutional statuses under which persons and information generated through criminal conduct were processed, and the conditions under which those statuses acquired binding force in institutional practice.

2. Method: From Historical Document to Imposed Reality

The methodological sequence employed in this study is:

historical document → institutional status → binding force → alternative-capacity test → causality test → imposition

This sequence is not a new micro-model.

It is:

the evidentiary standard that a claim of imposition must satisfy when applied to the historical record.

2.1. Historical Document

The first question is deliberately limited:

What does the document actually show?

A military order may establish an official military position; an interrogation memorandum may establish what was known at a particular moment; interdepartmental correspondence may document a policy option under consideration; and a technical report may indicate the scope of information acquired.

None of these, by itself, constitutes evidence of imposition.

2.2. Institutional Status

The second stage asks as what a person, body of information or item of evidence was processed institutionally.

Ishii could simultaneously be treated as:

- a subject of investigation;
- a military physician;
- a central figure in the biological-warfare programme;
- a bearer of technical information.

The same body of information could be processed as:

- war-crimes material;
- scientific data;
- military intelligence;
- classified information.

The coexistence of multiple statuses does not in itself constitute imposition.

2.3. Binding Force

The critical threshold is:

whether a given status materially structured the field of action available to subsequent actors.

The principal empirical indicators of binding force in this study are:

- restrictions on access to information;
- determination of the institutional channel through which information could circulate;
- restrictions on the uses to which information could be put;
- dependence upon institutional approval, or upon release by another institution, before action could proceed under an alternative status.

Accordingly:

Where a status exists without binding force, there is classification, but not imposition.

The theoretical distinction does not end there.

Binding force is a necessary but insufficient condition of imposition. Every imposition contains binding force, but not every instance of binding force constitutes imposition.

The loss of an alternative status's or outcome's operational capacity is not an indicator of binding force.

Rather:

the loss of alternative capacity is the test by which binding force is distinguished from imposition.

Imposition occurs only when binding force eliminates the capacity of an alternative status or outcome to produce an effect, or prevents that capacity from becoming operational in the first place.

2.4. Closure and Closing-Off

Closure does not mean that an alternative becomes legally, logically or historically impossible for all time.

It means:

the practical loss of its capacity to produce an outcome within the institutional configuration under examination.

An alternative may continue to exist formally. Yet if it can no longer produce an outcome within the relevant institutional arrangement, it has become operationally closed.

Closing-off refers to the production of such closure through the more direct intervention of an identifiable actor or institution.

Imposition need not therefore consist solely in closing a path that had once been open.

Preventing an alternative status from acquiring operational outcome-producing capacity in the first place may equally become the object of imposition.

2.5. Routine Procedure and Imposition

The routine character of an institutional procedure does not mean that it cannot perform an imposing function.

At the same time:

Routine character neither excludes imposition nor proves it.

A standard approval, co-ordination or security procedure becomes relevant to the analysis of imposition only where it can be shown that, in the case under examination, it produced a binding effect upon the alternative capacities of other actors.

The relevant question is therefore:

What, in this case, did the procedure make possible, dependent or incapable of producing an outcome?

THEORETICAL POSITIONING

This analysis maintains a limited dialogue with Foucault's problematisation of the relationship between knowledge and power and with Searle's account of institutional statuses within social reality.

The question posed by the Reality Paradigm is narrower:

When does a status become binding reality for the actors concerned, and when does that binding force eliminate the operational capacity of an alternative status or outcome?

Accordingly:

Not every institutional reality is an imposed reality.

3. Source Architecture and Epistemic Limits

This study does not assign equal epistemic weight to all sources.

The Kwantung Army order of 7 July 1939 provides direct institutional evidence of Ishii's official position within the Japanese military structure. [1]

The document establishes:

Ishii's military-institutional position.

It does not, by itself, establish human experimentation.

SCAPIN 570, dated 9 January 1946, is significant in demonstrating Ishii's post-war accessibility to the American occupation authorities. [2]

The document does not, by itself, establish:

- Ishii's criminal liability;
- the granting of comprehensive immunity;
- the reason he was not prosecuted.

It does, however, establish:

that Ishii was known to, and accessible by, the American occupation authorities after the war.

A substantial part of the American record for 1947–1948 can be traced through the National Archives and Records Administration's *Select Documents on Japanese War Crimes and Japanese Biological Warfare, 1934–2006* and associated finding aids. NARA's interim report indicates that files relating to investigations of Ishii and Unit 731 by SCAP Legal and Camp Detrick specialists survive, while also noting that the files contain summaries of some interviews rather than complete transcripts of every interview.

Accordingly:

A finding aid or archival summary is not the original document in its entirety.

A record may demonstrate that a particular status was discussed. Whether that status subsequently acquired binding force must be established separately.

Similarly:

the appearance of the word "closed" in a file does not, by itself, demonstrate that alternative legal capacity had been eliminated across all institutional routes.

Three evidentiary levels are therefore distinguished throughout the study.

Direct documentary evidence: what a document explicitly establishes.

Convergence of multiple sources: the support provided where different sources independently converge upon the same historical proposition.

Strong institutional inference: a conclusion not explicitly stated in a single document, but strongly supported by the combined reading of multiple sources.

These three levels are not treated as interchangeable.

4. The First Moment: The Imposition of Experimental Usability

Unit 731 cannot be explained solely through the individual actions of Shirō Ishii.

The programme operated within an institutional structure requiring military command, captivity, closed facilities, laboratories, personnel, pathogen production, medical expertise, logistics, record-keeping and secrecy.

The military record of 1939 establishes Ishii's official position within this institutional field. [1]

Human experimentation requires a different evidentiary assemblage. Records associated with the 1947 investigation under Case #330 demonstrate that allegations and testimony concerning human experimentation and the experimental use of prisoners of war had entered the American investigative field. [3] The documentary chain of 6 May 1947 shows that this information subsequently reached a further stage of institutional consideration. [4]

The Reality Paradigm does not merely ask:

Did human experimentation take place?

Its narrower question is:

Which status of the captive person acquired operational capacity within the experimental field?

The captive did not cease, normatively, to be a legal and moral subject.

The combined record nevertheless supports a strong institutional inference that:

the captive's status as a legal subject did not become operational as a source of protection, refusal or effective exit within the experimental field.

Likewise, the constraining force that should have followed from recognition of the person as a moral subject was effectively nullified, while:

the experimental usability of the body

became the determining operative status.

A distinction must be maintained here between a high cost of exit and the absence of effective exit capacity.

A high exit cost describes a situation in which exit remains possible but is onerous, dangerous or strongly disincentivised.

That:

does not, by itself, establish imposition.

In the case of Unit 731, the combined sources support a more severe conclusion:

a strong institutional inference that there was no effective capacity capable of producing an outcome of refusal, protection or exit.

Death cannot be treated, in this context, as an exceptionally costly form of exit.

Death is not an alternative exit capacity; it is the elimination of the subject.

The thesis of imposition in the Japanese moment is therefore tested against:

the prevention, from the outset, of an alternative subject status from acquiring operational capacity capable of producing protection, refusal or exit.

4.1. The Japanese Moment: Claim-Level Evidentiary Matrix

Claim	Source basis	Evidentiary level	Epistemic limit
Ishii's military-institutional position	Kwantung Army Order, 7 July 1939	Direct documentary evidence	Does not establish human experimentation
Investigative knowledge of human experimentation	Nishimura, Naito, Ando; C-52423	Convergence of multiple sources	Does not establish the details of every individual experiment
Use of captives/prisoners of war	Naito, Ando and related records	Direct testimony + convergence	The precise legal status of every victim is not documented to the same degree
Coercive experimental use	Case #330 records, C-52423, Khabarovsk materials	Strong convergence of multiple sources	Cannot be established from a single source alone
Absence of consent, refusal and effective exit capacity	Combined reading of captivity, closed experimental space, coercive and lethal experimentation	Strong institutional inference	No single document is shown to state, for every victim, that "consent was absent" or "refusal was prohibited"
Institutional continuity	Military structure, personnel records, investigative records and technical interrogations	Convergence of multiple sources	Does not establish that every experiment followed one identical procedure

In particular:

The general proposition concerning the absence of consent, refusal and effective exit remains, on the present evidence, a strong institutional inference rather than a directly documented proposition.

The evidentiary category of a claim should therefore be determined not in advance by the kind of claim being made, but:

by the relationship between that claim and the documentary record supporting it.

5. Khabarovsk: The Same Historical Field of Crime, a Different Institutional Outcome

The Khabarovsk trials serve two distinct functions in this study.

First, they provide testimony and trial material concerning the Japanese biological-warfare programme and human experimentation.

These materials, however:

cannot be read independently of the political and propagandistic context of a Stalin-era Soviet military trial.

Accordingly:

empirical claims contained in the Khabarovsk materials are cross-checked, wherever possible, against Japanese and American records, and claims that cannot be independently corroborated are not assigned decisive evidentiary weight on their own.

The second function is comparative.

The bodies of evidence available to the American and Soviet authorities are not assumed to have been identical.

The article therefore does not claim:

“The same evidence was treated in two different ways.”

The narrower proposition is:

Material relating to the same historical field of crime was capable, within another sovereign institutional configuration, of producing operational consequences as a war-crimes allegation and as judicial evidence.

This does not establish American imposition.

It does demonstrate, however, that:

the production of legal consequences in relation to this historical field was not inherently impossible.

The absence of legal consequences within the American institutional field therefore cannot simply be treated as:

the natural or inevitable fate of the historical facts themselves.

Chronology must also be preserved.

The Khabarovsk trials took place in 1949.

Therefore:

the Khabarovsk proceedings of 1949 cannot be used retrospectively as the cause of American decisions taken in 1947–1948.

6. 1946–1947: Accessible Alleged Perpetrator and Bearer of Strategic Information

SCAPIN 570 provides significant evidence that Ishii was within the reach of the American occupation authorities after the war. [2]

Accordingly, an explanation according to which:

Ishii was not prosecuted because he was unknown or inaccessible

is not consistent with the available record.

Accessibility, however:

does not automatically entail prosecution.

The next question is:

Under what institutional status would the accessible person be processed?

NARA summaries of C-52423, dated 6 May 1947, and associated records indicate that information concerning human experimentation had reached a serious level of institutional consideration within the American authorities; that Ishii sought immunity in return for fuller disclosure; and that the distinction between the intelligence use and legal use of biological-warfare information had entered the same field of decision-making. [4]

At this point the same person occupied two statuses:

potential war-crimes perpetrator

and:

bearer of strategic information.

The coexistence of these statuses:

does not yet constitute imposition.

The question for the Reality Paradigm is:

Did one of these statuses acquire sufficient binding force to structure the field of action available to subsequent institutions?

7. G-2 Concurrence: From Procedure to Binding Force

The Case #330 record of 17 April 1947 represents an important threshold in the American moment.

The NARA index entry reports that the relevant check sheet classified Case #330 as “Secret” and required that no action concerning prosecution or publicity be taken without G-2 concurrence. [5]

This record indicates:

that particular actions available to another institutional actor had become dependent upon G-2 approval.

It does not follow from this that:

“G-2 deliberately constructed a special mechanism to shield Ishii from prosecution.”

The concurrence requirement may have formed part of a broader procedural arrangement within the occupation bureaucracy.

Two questions must therefore remain separate:

To what extent was this concurrence requirement routine procedure?

and:

Whether routine or not, what practical consequence did it produce in Ishii’s case?

The narrower formulation is sufficient:

Concurrence may constitute an indicator of binding force insofar as it controls the conditions under which another institutional route can proceed; it does not constitute evidence of closure or imposition unless the loss of that alternative route's capacity to produce an outcome is demonstrated separately.

Thus:

Routine procedure neither excludes imposition nor proves it.

8. May–August 1947: The Institutional Weight of Strategic Status

The C-52423 documentary chain of 6 May brought human experimentation, information acquisition, immunity and the intelligence status of the information into the same institutional decision-making field. [4]

The Wetter–Stubblefield records of 1 July 1947 demonstrate that the possibility of retaining Japanese biological-warfare information within intelligence channels, while not using it as war-crimes evidence, was being considered at an inter-institutional level. [6]

The issue was therefore no longer merely:

the strategic value of the information

but also:

the institutional channel through which it would circulate and the purposes for which it could be used.

SFE 188/2, dated 1 August 1947, brought together an assessment that the war-crimes evidence then available was insufficient for the prosecution of Ishii and others, and an assessment of the strategic value of Japanese biological-warfare information. [7]

Two explanations must remain analytically distinct:

the legal/evidentiary sufficiency problem

and:

the problem of strategic value.

The existence of the first does not demonstrate that the second was irrelevant.

The existence of the second does not establish that:

the absence of prosecution was produced solely by strategic interest.

The task of the Reality Paradigm is instead:

to determine at what point the institutional relationship between these two dimensions produced binding consequences.

9. August 1947–1948: From Binding Force to Operational Outcome

The War Department, Judge Advocate General, War Crimes Branch record of 27 August 1947 linked, within the same policy proposal, the retention of biological-warfare information in intelligence channels with the proposal that it should not be used as war-crimes evidence. [8]

At this point strategic status was no longer merely an attribution of value. It had become:

an institutional preference capable of producing consequences for the circulation and legal usability of the information.

There was, however, no uniform position across American institutions.

SFE 188/3, dated 8 September 1947, records State Department opposition to an explicit grant of immunity and to assurances that information obtained from Ishii and those around him would not be used as war-crimes evidence. [9]

This is important counter-evidence against the existence of:

a single unified American intention.

The record of 24 October 1947 is important at a different level.

The NARA index summary states that Case #1117 had become part of Case #330, that Case #330 had been taken over by GHQ/SCAP G-2, and that the relevant investigative division contemplated no further action until G-2 released the case. [10]

This record may indicate:

provided that the full context of the original document confirms the meaning conveyed by the NARA summary

something more than the mere existence of a concurrence procedure.

It points towards:

the practical investigative capacity of another institutional unit becoming dependent upon G-2 control.

The documentary sequence may therefore be read, with appropriate caution, as follows:

17 April: institutional dependence in the capacity to proceed

24 October: a stronger indication that this dependence affected the practical capacity of another investigative actor to act

Yet:

binding force is not the same as the final closure of a prosecutorial route.

The final threshold must be demonstrated separately.

10. What Does “Closed” Mean? Administrative Closure and Operational Closure

The Unit 731 files also demonstrate how the concept of closure should not be used.

A SCAP Legal/Investigative Division record dated 26 November 1946 indicates that the matter was closed within that division, yet investigation and inter-institutional activity under Case #330 continued subsequently. [11]

Therefore:

The appearance of “closed” in a file does not establish that alternative legal capacity had become operationally closed.

The same caution applies to the 441st CIC record of 5 August 1947. [12]

The phrase:

“this case is closed with no further investigation”

is significant.

The file in question, however:

is not identical to SCAP Legal Case #330.

The 5 August record therefore:

does not directly establish that the war-crimes legal route concerning Ishii had been closed.

The chronology relevant to SCAP Legal Case #330 is different.

At one stage in 1947 the case appears in pending inactive status. [13]

A NARA finding-aid entry dated 9 January 1948 reports:

a recommendation by the SCAP Legal Section that Case #330 be closed.

[14]

Archival caution is essential here:

Although the NARA finding-aid description points to Case #330, the associated metadata/file reference contains a connection to Case #1117. The physical case-file number should therefore not be regarded as finally confirmed until the original document has been directly examined.

The 9 January entry is thus used:

at the level of information explicitly conveyed by the NARA finding aid, not as though the full original document had been examined.

The Case #330 record dated 26 November 1948 records:

“Case closed”

and:

“No further investigation to be conducted by this Division.”

[15]

It can therefore be established that:

Case #330 was ultimately closed.

What cannot be treated as the same proposition is:

that the file was closed

and:

that this closure was produced by the binding force of the strategic-information status.

The first is:

a historical outcome.

The second is:

a causal claim.

11. December 1947–March 1948: Information Acquisition, Immunity and Non-Use

The Hill–Victor *Summary Report on B.W. Investigations*, dated 12 December 1947, documents a systematic stage in the acquisition of technical information from Japanese biological-warfare personnel. [16]

The March 1948 documentary sequence is particularly significant for the relationship between this information acquisition and the legal and intelligence statuses attached to the information.

Records associated with SFE 188/5, dated 4 March 1948, place within the same institutional chain both the assessment that technical specialists had obtained the necessary information and scientific data to their satisfaction and the question of resubmitting earlier recommendations concerning immunity. [17]

The subsequent sequence extends through:

- the decisions of 11–12 March;
- WAR 97605 of 13 March;
- the Washington/JCS process of 15 March;
- War Department G-3 records of 23 March.

[18]

The records of 23 March indicate that the earlier request concerned:

the separation of biological-warfare interrogation information from war-crimes evidence.

This chronology does not establish the proposition:

“Information was supplied and immunity was automatically granted in return.”

Nor does it automatically establish:

the existence of a single comprehensive, formal and signed instrument of immunity.

A narrower and stronger proposition is supported:

Strategic information acquisition, the institutional circulation of that information, its usability as war-crimes evidence and questions of immunity did not operate within institutionally independent spheres.

This is the level that the available evidence can sustain with confidence.

The stronger proposition:

that the acquisition of binding strategic status practically eliminated an alternative prosecutorial capacity

requires:

a separate demonstration of causality.

12. There Was No Single “American Route to Prosecution”

The phrase “America did not prosecute Ishii” is analytically convenient, but risks implying the existence of a single prosecutor, a single file and a single decision-making route.

The Ishii case instead moved across intersecting fields involving:

- SCAP Legal;
- GHQ/SCAP G-2;
- the War Department;
- the Judge Advocate General / War Crimes Branch;
- the State Department;
- biological-warfare specialists;
- military-technical bodies.

The article therefore does not treat these institutions as:

a single actor possessing a common intention.

Nor does it explain the eventual outcome as:

a single prosecutor's decision not to prosecute.

This distinction is central to the concept of imposition:

Common intention is not necessary, but the institutional or positional capacity capable of producing the outcome must be demonstrated.

The American moment is therefore analysed not through an assumption of centralised conspiracy, but through:

the demonstrable interaction of institutional statuses, dependencies of authority and capacities to produce outcomes.

13. Cover-up, Law and Imposed Reality

The literature on the post-war cover-up of Unit 731 is not a rival to the present analysis.

Cover-up need not refer only to interference with the visibility of truth. It may also involve restrictions on access, withholding of information or evidence, classification, control of circulation and obstruction of investigation.

Nie analyses post-war American policy through the relationship between cover-up and national interest; Brody and colleagues examine it through the lenses of national security and strategic exigency.

The originality claimed for the Reality Paradigm therefore does not rest on the assertion:

“The previous literature was unable to explain these mechanisms.”

The more precise distinction is:

Cover-up foregrounds mechanisms of concealment, access, evidence and investigative obstruction; the Reality Paradigm asks, in addition, under which institutional status a known fact acquired binding force, and under what conditions an alternative capacity to produce an outcome was eliminated.

Law is not treated in this analysis as dead or wholly ineffective.

There was investigation.

Evidentiary sufficiency was debated.

SCAP Legal existed.

The War Crimes Branch existed.

The State Department objected.

It would therefore be incorrect to argue that:

law had simply disappeared.

The question posed by the Reality Paradigm is:

Within what imposed institutional conditions was law compelled to operate?

Law may retain its own normative and institutional logic.

It may nevertheless be unable, by itself, to determine:

- access to information;
- the secrecy status of information;
- the channels through which information circulates;
- the strategic utility attributed to that information.

14. The Doctors' Trial and Socio-Legal Adjacency

The Doctors' Trial and the Ishii case were not legally identical.

Their jurisdictional regimes, defendants, evidentiary architectures, institutional routes and political contexts differed.

It would therefore be misleading to construct a crude comparison of:

“the same crime → different treatment”.

The extent to which German defendants were themselves treated as bearers of strategically valuable information after the war lies:

outside the evidentiary basis and scope of this article.

The Doctors' Trial is therefore not employed as:

a matched control case based upon strategic value.

Its function is more limited:

to demonstrate that comparable normative problems can produce different outcomes under different legal and institutional conditions.

If questions of legal sufficiency, evidence, attribution or jurisdiction explain Ishii's non-prosecution more convincingly, and without requiring the strategic-information dimension, then:

the claim of imposition in the American moment must weaken accordingly.

14.1. The Boundary with Socio-Legal Literature

Albonetti demonstrates the selective character of prosecutorial decision-making under conditions of uncertainty and organisational choice; Sarat and Clarke analyse the relationship between prosecutorial power and sovereignty; Zemans shows that the mobilisation of law is itself a distinct process; and Galanter demonstrates how positional asymmetries within legal fields can affect the capacity to produce outcomes.

This article does not claim to have discovered that:

institutional conditions affect legal outcomes.

Its point of departure is narrower:

It tests when a status assigned to a person, information or evidence becomes binding upon other actors, and when that binding force independently crosses the threshold into imposition by eliminating the operational capacity of an alternative outcome.

Accordingly:

institutional preference² imposition

and:

prosecutorial discretion² imposition.

Imposition additionally requires:

binding status + loss of alternative capacity, or prevention of that capacity from becoming operational from the outset.

15. Conceptual Boundaries

15.1. The Infrastructural A Priori

This article does not automatically classify secrecy regimes, intelligence channels, filing systems or archives as instances of the infrastructural a priori.

They perform that function only:

to the extent that they structure actors' fields of access, use or decision in advance and in a binding manner.

The concept therefore functions here not as the principal explanation of the historical outcome, but as:

a limited theoretical connection.

15.2. Unit 731 Is Not an Onopticon

Not every case examined through the Reality Paradigm is an instance of the Onopticon.

Unit 731 involved military coercion, a closed system, classification, knowledge production and the imposition of an operational status upon the human body.

These features, however, do not by themselves satisfy the specific thresholds of the Onopticon.

Accordingly:

Unit 731 is not classified as an Onopticon.

15.3. The Victims Were Not Homovictimus

Homovictimus is not a general concept of victimhood.

It refers to a specific structure of:

forced agency + subsequent attribution of responsibility.

No such structure is demonstrated in relation to the victims of Unit 731.

Accordingly:

the victims of Unit 731 are not classified as Homovictimus.

Nor is a new paradigm-specific category of victim introduced in their place.

The fact that a historical subject is not named through one of the theory's specific sub-concepts does not constitute a theoretical deficiency.

For the purposes of this study, the sufficient question remains:

Which status was made binding upon the person, and which alternative capacity was prevented from becoming operational?

16. Position within the Literature and Original Contribution

The existing literature on Unit 731 has examined the Japanese biological-warfare programme, human experimentation, American acquisition of information, cover-up, discussions of immunity, national-security considerations and post-war legal divergences in considerable detail.

The most recent broad review of the field, by Yan-jun Yang and Alissa Wang, traces Unit 731 scholarship from the 1950s to the 2020s and emphasises the increasingly multidisciplinary character of the field, including developments in medical history, ethics, law, comparative inquiry and collective memory. It also identifies the further development of research methodologies and theoretical frameworks as an important direction for future scholarship. The present article does not treat this as evidence that previous Unit 731 scholarship lacked theory. Rather, the review helps clarify the location of the present intervention: its contribution lies not in supplying historical facts absent from the literature, but in subjecting already established historical material to a different and explicitly bounded analytical operation.

The originality claimed by this article therefore does not consist in:

discovering a new history of Unit 731.

Its narrower and falsifiable contribution is:

to examine, within a known historical field, when an institutional status assigned to a person or body of information acquired binding force, and under what conditions that binding force eliminated the capacity of an alternative status or outcome to produce effects within the existing institutional configuration, through the concept of imposition.

Put differently:

What is new is not the history, but the analytical operation.

The article does not replace the existing literature's questions:

Was the truth concealed?

Why did strategic interest prevail?

Why was the legal evidence regarded as insufficient?

It adds a further question:

Which status acquired binding force at which point, and what alternative capacity remained operational, became closed, was actively closed off, or was prevented from becoming operational from the outset?

17. Falsifiability and Evidentiary Threshold

The application of the Reality Paradigm to this case is not treated as a result established in advance.

The interpretation of imposition in the American moment must weaken if any of the following can be demonstrated:

- American knowledge of human experimentation was more limited than assumed here;
- the G-2 concurrence requirement of 17 April did not exert a meaningful binding effect upon alternative institutional capacities in Ishii's case;
- the full original context of the 24 October G-2 record conveys a meaning materially different from the NARA index summary;
- the distinction between *intelligence channels* and *war-crimes evidence* carried a narrower administrative meaning in the original records;
- strategic status did not produce binding consequences for the circulation or legal use of the information;
- the closure of Case #330 can be explained more convincingly by causes independent of the strategic-information process;
- the March 1948 documentary chain supports a weaker relationship between immunity and non-use than is inferred here;
- legal sufficiency, attribution or jurisdiction explain the absence of prosecution so comprehensively that the strategic-status dimension becomes unnecessary.

The thesis of imposition in the Japanese moment must likewise be narrowed if the evidentiary chain is insufficient to sustain claims concerning captivity, coercive experimentation, absence of consent, absence of effective refusal, absence of effective protection or exit, and the institutional continuity of experimental usability.

In particular:

inferential evidence concerning consent, refusal and the absence of exit must not be presented as if it were direct documentary evidence.

Accordingly:

Theory does not stand above the document.

The methodological principle is:

Do not soften the concept of imposition; raise the evidentiary threshold required to establish it.

18. Conclusion: Fact and the Binding Institutional Future

The case of Shirō Ishii and Unit 731 has been examined through two historical moments.

In the first, the:

experimental usability

of the captive person became a determining status within the Japanese military-scientific field.

The imposition involved here need not have taken the form of closing a legal route that had previously been open.

The combined record supports:

a strong institutional inference that the captive's status as a legal subject did not become operational as a source of protective outcomes, and that the constraining force associated with recognition of the person as a moral subject was effectively nullified within the experimental process.

The issue was not simply a high cost of exit.

The combined sources support a strong institutional inference that there was no effective capacity for refusal, protection or exit.

Death was:

not an alternative form of exit, but the elimination of the subject.

In the second moment, information derived from coercive human experimentation simultaneously occupied the statuses of:

potential war-crimes material

and:

strategically valuable biological-warfare information.

The American record strongly indicates that these statuses did not operate within wholly separate institutional worlds.

The concurrence record of 17 April:

does not constitute evidence of closure.

It does, however, indicate binding force insofar as the progress of another institutional route became dependent upon G-2 approval.

The 24 October record, insofar as the original document confirms the meaning conveyed by the NARA index summary:

provides a stronger indication that this dependence affected the practical capacity of another investigative actor to proceed.

Read together, the 27 August proposal concerning intelligence/non-use, the State Department objection of 8 September and the March 1948 documentary chain indicate:

that the acquisition of strategic information and the legal routes through which that information might be used were not institutionally independent processes.

The eventual closure of Case #330 is a separate historical outcome.

Yet:

the eventual closure of a prosecutorial route

and:

the proposition that the binding force of strategic-information status produced that closure

are not the same claim.

A third and distinct test is therefore required:

the causality test.

Imposition cannot be inferred before binding force has been demonstrated.

Binding force cannot be elevated to imposition until the loss of alternative capacity, or its prevention from becoming operational in the first place, has been demonstrated.

And:

the loss of alternative capacity cannot be attributed to strategic status unless the causal relationship between the two has been established.

This epistemic restraint does not weaken the theory.

On the contrary, it preserves the distinction between classification, procedure, binding force, strategic preference, administrative file closure and imposition.

The methodological sequence therefore remains:

historical document → institutional status → binding force → alternative-capacity test → causality test → imposition

Binding force is:

a necessary but insufficient condition of imposition.

Therefore:

Every imposition contains binding force, but not every instance of binding force constitutes imposition.

The fact that a procedure is routine:

does not exclude imposition.

But neither:

does routine procedure establish it.

Imposition is:

the process by which a particular status is made binding upon the relevant actors and, as a consequence, the capacity of an alternative status or outcome to produce effects within the existing institutional configuration is eliminated, or is prevented from becoming operational in the first place.

The epigraph may now be read again:

“Reality does not come before power.”

This does not mean that power creates the material facts of the past.

The human experimentation carried out within Unit 731 constitutes a historical fact.

Power:

did not create the past.

What was not determined in advance by the historical fact itself was the institutional status under which that fact would subsequently be processed, the institutional channel through which it would pass, the uses that would acquire binding force, and the alternative statuses that would or would not acquire the capacity to produce outcomes.

The fact that occurred and the binding institutional future of that fact are not the same thing.

It is this field of intervention that the Reality Paradigm makes visible in the case of Unit 731.

Analytical Conclusion

Method: historical document → institutional status → binding force → alternative-capacity test → causality test → imposition.

Threshold: Binding force is a necessary but insufficient condition of imposition.

Transition test: Loss of alternative outcome-producing capacity is not an indicator of binding force; it is the test that marks the transition from binding force to imposition.

Causality: Loss of alternative capacity cannot be attributed to strategic status without a demonstrated causal relationship.

Procedure: Routine character neither excludes imposition nor proves it.

Exit: A high cost of exit does not, by itself, establish imposition. The absence of effective exit capacity must itself be demonstrated at the appropriate evidentiary level.

Imposition: A binding status eliminates the capacity of an alternative outcome to produce effects, or prevents that capacity from becoming operational from the outset.

Final proposition: A fact comes from the past; the binding institutional future of that fact is not given prior to power.

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