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The Split Personality of the Nanking Massacre

— Have the lessons of the comfort women
resolution in the US House of Representatives
sunk in? —

TAKASHI HOSHIYAMA

INSTITUTE FOR INTERNATIONAL POLICY STUDIES

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The Split Personality of the Nanking Massacre

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Introduction

The year 2007 sees the seventieth anniversary of the Nanking Incident--an alleged massacre committed by the Japanese Imperial Army in December 1937, at the start of the Sino-Japanese War. There are fears that this will rekindle animosities in Japan-China relations, and in order for this not to happen it would be beneficial to sort out the essence of the controversy of the Nanking Incident.

Compared to the comfort women issue, part of the same historical issue category, which resulted in a resolution by the US House of Representatives in July of this year, the Nanking Incident has greater political impact by far and there are fears that the cracks caused by the comfort women issue in the relationship between Japan and the USA would widen if the controversy were politically reopened. For this reason, those involved must recognize that the Nanking problem is so complex that the issue of whether or not a massacre took place is not one to which a simple “yes” or “no” answer can be given.

The Fall-out from the Comfort Women Case

In the case of the July comfort women resolution in the USA, the real problem was not the disparity in the perceptions of the facts by the two sides, but their inability to understand each other’s claims and sentiments. It is of extremely grave significance that communication between Japan and the USA--which as democratic states are supposed to enjoy freedom of speech and scholarship--could not be coordinated, leading to the resolution’s passage and to a persistence of the distrust and bad blood between the two nations.

In response to questions in the Diet and other occasions, Prime Minister Abe demonstrated his policy of standing by the August 1993 Kono statement--which admitted that coercion in recruitment took place--with his interpretation that although there was no coercion in the strict sense, in a broader sense there was coercion. However, the USA did not understand Abe's intent in this regard.

The USA failed to understand Abe's intent to convey that there was coercion in the sense that women were forced into prostitution against their own volition by poverty or through the deception of private brokers, but that they were not in fact forcibly recruited by Japanese soldiers and officials, as was determined by the 1993 government inquiry that served as the basis for the Kono statement, which was formulated for the purpose of achieving a political settlement with South Korea.

Failing to understand the complexity of the problem, the USA believed that Japan was still in the wrong because it could not retract the Kono statement. Even supposing that Japan had repudiated it clearly, however, the USA would have viewed this as an attempt by the Abe administration to falsify history, and it would probably not have led to the blocking of the resolution. Despite the fact that in the view of the Japanese side the details provided by three former comfort women in the public congressional hearings did not substantiate the notion of coercion, the House of Representatives moved forward on the resolution with no consideration of the rebuttal by the Japanese. Despite its religious background and its advocacy of the importance of human rights, without providing sufficient corroboration for coercion the USA criticized Japan over an issue of wartime prostitution¹--which could rebound in its face and become a problem for the USA itself. It is probably reasonable to view this as evidence of the strength of the negative bias on the part of many House members in relation to Japan's historical view and treatment of history in the past.

As for Japan, it could not fathom the intention of the US Congress to pass the resolution while Japan-US relations are in a favorable state--notwithstanding the resolution's negative impact on Japan. Moreover, although Japan presumed that the US Congress could appreciate the subtleties of the problems relating to the comfort women issue as an aspect of the historical issue, and understand its effect on Japan-US relations, the US proved to be incapable of doing so. Seemingly, Japan did not appreciate the strength of US opinion regarding prostitution as a human rights issue and above all the strength of Americans' wariness of any moves towards historical revisionism on the part of Japan.

However, so far, neither nation has been able to comprehend the other's intentions. There is no guarantee that they will not repeat a similar mistake with the forthcoming seventieth anniversary of the Nanking Incident on 13 December. The wrong reaction might do irreparable harm to Japan-China relations, Japan-US relations, or both.

The Political Nature of the Nanking Incident

An examination of the Nanking Incident reveals that although it shares some characteristics with the comfort women issue, this controversy is more highly polarized, is more political in nature, and is more closely bound up with the national pride and dignity of a people.

First, there is contention and vast difference of opinion, both over whether or not a so-called massacre really took place in Nanking, and over acknowledgment of the true facts surrounding it. Both the scenario that affirms that a massacre took place and the scenario that denies it exhibit a certain narrative consistency with considerably strong persuasion; however, the controversy has a completely split personality and the two sides' contentions are totally irreconcilable. It is extremely difficult for those who are not very familiar with both scenarios to grasp the essence of the controversy and the total picture of the incident. Second, the US-led International Tribunal for the Far East (the Tokyo Tribunal) issued a finding of facts regarding the Nanking Incident; if it were now to be clearly shown that its verdict differed greatly from reality, this would have huge implications, not only for the overall credibility of the tribunal but also for the historical evaluations of both the Sino-Japanese War and the Pacific War as a whole.

Third, although the Nanking Incident has been treated as an event in which the Japanese army massacred the civilian population on a massive scale, and regarded--especially in China--as exemplifying Japan's wartime illegality and inhumanity, it is closely bound up with the dignity and reputation of Japan and the Japanese. To deny this would conversely undermine the dignity of China and the USA. Accordingly, it is difficult for either side to compromise politically.

Fourth, since the perception of the facts surrounding the Nanking Incident differs greatly between Japan and the USA and China, Japan, on its part, would find it impossible to change its current stance unless new facts came to light, whereas in the view of the USA and China, Japan appears to be a cowardly nation that does not reflect on the past--engaging instead in verbal gymnastics, and with no intention to apologize for its own transgressions. This has had an enormous effect on bilateral relations and is consequently harmful to the formation of a stable order in East Asia.

Thus, the issue of how to evaluate the Nanking Incident can still exert an incredibly profound influence on the international stage--even 70 years after the fact. Differing stances between states over historical assessment cannot be helped--nevertheless, it is highly desirable that the nations involved exercise self-restraint and collaborate to avoid politicizing this issue.

Based on the above outline, the remainder of this paper is devoted to setting out the nature of the dispute in Japan, where academic research regarding the truth of the Nanking Incident is most active, and to making it abundantly clear that this is an issue that will be extremely difficult to bring to a conclusion. Opinion in Japan can be broadly divided into two schools of thought: the massacre affirmation school, which alleges that a large-scale massacre took place, and the massacre denial school, which asserts that--a certain number of isolated aberrations aside--no massacre took place. Without taking sides, this article will attempt to sort out the arguments why such a large gulf has emerged, despite the fact that the two sides have closely examined the same records and the same evidence. Anticipating a conclusion would make it

impossible to lay the Nanking Incident to rest once and for all. The only desirable approach is to reduce political dispute in the long-term by conducting joint historical research both in Japan and internationally, so as to build up an academic body of evidence.

What is the Nanking Incident?

For many modern Japanese, who have no direct experience of war, the details of the Nanking Massacre, as first reported in the early 1970s, came as a huge shock. Up until that time, the Nanking Incident had gone virtually ignored amid the post-war chaos--even in China as well.

The Nanking Incident is alleged to have occurred in December 1937. After the Marco Polo Bridge Incident of July 1937, which sparked the Sino-Japanese War, combat spread from northern China, leading to the Battle of Shanghai, from which the Japanese army finally emerged victorious after heavy fighting. It then maintained its pursuit of the Chinese army and in December invaded the capital, Nanking. It is said that in Nanking the Japanese army engaged in the systematic brutal massacre of 200,000 to 300,000 people (both soldiers and civilians) over the course of as little as six weeks. With the Tokyo Tribunal's recognition of the Nanking Massacre as fact and the execution of those involved, the Nanking Massacre came to be accepted as an indisputable fact by the Japanese people. Thus, the Nanking Incident became common knowledge in Japan and in the 1980s it came to be recognized as objective reality after it was carried in all Japanese school textbooks. In reaction to this, counter-arguments began to be heard, to the effect that there had been no "massacre" in the first place. Similarly, as a centrist position between the two schools, "moderates" started to assert that the death toll counted between several thousands and several tens of thousands of Chinese, though it was not on the order of hundreds of thousands.

In 1997 a book entitled "The Rape of Nanking" by the Chinese-American author Iris Chang was published, and in China and other countries the perception spread that Japan had indulged in a holocaust comparable with Auschwitz. Subsequently, the controversy continued to rage in Japan, and Chang's book lost credibility due to its many exaggerations and errors. Descriptions in textbooks in recent years would seem to demonstrate that there has been something of a retreat from the assertion that the scale of actual events at Nanking--and specifically the number of victims--really constituted a massacre.

The Japanese government has stated that "it is an undeniable reality that the murder of non-combatants and looting took place" in Nanking; however, while it has acknowledged that some illegal activity took place, it has not expressed any view as to the scale of events or the details thereof, or as to whether they rose to the level of a so-called "massacre," taking the position that this ought to be left to the assessment of historians.

Where, then, does the truth lie?

Points of contention regarding the Nanking issue

As already mentioned, the controversy over the Nanking Incident in Japan revolves around two highly polarized scenarios, as advanced by the massacre affirmation school and the massacre denial school. The latter asserts that--aside from a certain level of aberrant activity--no massacre took place. The former is of the opinion that a massacre did take place, with the number of dead actually on the order of 150,000 to 200,000. To the layman, both scenarios have a certain level of cogency, and it is hard to know which of them is closer to the truth. Although it would be taboo to simplify the arguments in any way, as space is limited, the author will venture to introduce the claims of both schools here, and attempt a certain level of comment. The five central points at issue are listed below.² More broadly, the first major issue is whether killing soldiers on the battlefield who have lost the will to fight, instead of treating them as prisoners of war, is permissible under international law as part of combat action (points 1-3). The second major issue relates to the dispute over the scale of civilian killings (point 4), and to whether or not the combined total of victims (military and civilian) should be judged a massacre (points 1-5).

1. The killing of captured soldiers
2. The killing of non-uniformed soldiers mingled in with civilians
3. Whether the killing of captured soldiers was perpetrated under a systematic policy
4. The killing of civilians
5. The total number of military and civilian victims

The Killing of Captured Soldiers (issue 1)

In the view of the author, the greatest bone of contention regarding the Nanking Incident is the issue of whether the alleged killing of tens of thousands of Chinese soldiers who had been captured by Japanese soldiers was illegal under international law.

At around the time of the fall of Nanking on 13 December, as combat continued in the city of Nanking and in the surrounding area, there were cases in which the Japanese army killed Chinese soldiers whom they had captured. The question in such cases is the fact that the Japanese army killed Chinese soldiers--not right there during the actual battle, but a certain time after capturing them (sometimes a few days afterwards).

The circumstances surrounding the capture of these Chinese soldiers by the Japanese army were not always the same. Some had showed the intention not to fight and surrender from the outset, some had surrendered during the battle judging that the fight was going against them, and some were captured by the Japanese army simply as the remnants of the defeated Chinese army. The problem was that, under what would normally have been combat conditions, the numerically much smaller Japanese army faced the large Chinese army that surrendered without a fight, in a particularly remarkable case. Unable to cope under these exceptional circumstances on the battlefield, the Japanese army resorted to killing them.

The claims of the massacre denial school

- (i) In order for the Chinese soldiers to be recognized as “belligerents” and to be treated as prisoners of war according to the Hague Convention on Land Warfare, there had to be a commander present. However, the Chinese commanders had fled the battle, so these soldiers could not be termed prisoners of war and their surrender did not need to be recognized.
- (ii) Despite the fall of Nanking on 13 December, the Chinese army did not formally and completely surrender, resistance from the Chinese army as a whole did not cease, and heavy fighting continued. Accordingly, the killing of these soldiers did not constitute the execution of prisoners of war, but rather the mopping up of the remnants of a defeated army. There were also some troops who later rose up against the Japanese--despite having surrendered.
- (iii) There was a doctrine interpreting international law that, if it was impossible in the heat of battle to house or provide for prisoners of war (to feed them, for example) or to release them, that is, if there was no other way to ensure the safety of one’s own army than to kill them, killing could be allowed.

The claims of the massacre affirmation school

- (i) Despite the fact that no commanders were present, international law on prisoners of war must still apply.
Under the Hague Convention on Land Warfare, which Japan ratified, it is forbidden “to kill or wound at discretion an enemy who, having laid down his arms, or having no longer means of defence, has surrendered.” Even when actions that contravene international law have taken place, according to contemporary international laws of war, the punishment of prisoners of war must be formally dealt with by a military tribunal.
- (ii) The doctrine that under exceptional conditions military necessity takes precedence over the duty to comply with the laws and precedents of war is a minority view and one that has been criticized ever since.
It is necessary to apply the strict caveat that killing may be the only way to protect one’s own safety; however, this condition did not obtain while the Japanese army was occupying Nanking.
- (iii) Accordingly, these killings cannot be termed “mopping up,” but rather constituted the murder of prisoners of war, an act of massacre in contravention of international law.

A comparison of the two schools

- (i) Under the battle going on, depending on the combat conditions at the time whether on all fronts or sporadically, and the conditions in which the Japanese army and the Chinese troops actually found themselves, could the killings by the Japanese army be regarded as part of its conduct of the battle? Is it a violation of the laws of war to fail to treat someone as a prisoner of war once you had captured him?

- (ii) As to whether the conditions in Nanking at the time were exceptional enough to meet the caveat that killing may be the only way to protect one's own safety, the essential question is whether the specific situation, for example, of the surrender of the numerically superior Chinese troops to the Japanese army could be said to be an exceptional case from the safety perspective or from the perspective of the level of tension on the spot.
- (iii) Both schools seemingly agree that, as is normal with historical study, these points need to be considered in the overall context and evaluated in the light of factors such as contemporary international law, the international situation, and military convention, and that snap judgments with the benefit of hindsight should be avoided.

The Killing of Non-Uniformed Soldiers Mingled in with Civilians (issue 2)

Just before Nanking fell, the Chinese commanders all escaped at once, and many Chinese soldiers--faced with looming defeat and lacking a way out--escaped into a neutral zone administered by foreign residents from the West, which was situated in one quarter of the city (the Safety Zone). Soldiers who changed into ordinary clothes and masqueraded as civilians were referred to as non-uniformed soldiers. The Japanese army sought out these non-uniformed Chinese soldiers who had mingled into the Safety Zone and killed many of them--although the numbers are disputed. The Japanese army did not execute them in secret. With foreigners and the media witnessing events, there is no factual dispute as to whether or not these executions were carried out.

The verdict of the Tokyo Tribunal was that 20,000 non-uniformed soldiers were killed. The regiment in charge of mopping up operations inside the city recorded a total of 6,670; however, Professor Higashinakano of the massacre denial school estimates the total to be of the order of 2,000, asserting that army records were generally overstated.

The claims of the massacre denial school

- (i) Groups of non-uniformed soldiers who discarded their military uniforms and mingled in with the civilian population, sometimes carrying concealed weapons, could be regarded as guerillas and thus could not enjoy special prisoner-of-war rights. Executing unlawful combatants on sight does not constitute a violation of international law.
- (ii) The Japanese army did not kill all of these unlawful combatants. Since it only executed soldiers who were offering resistance, this does not constitute a massacre.
- (iii) At the same time, as these killings were part of a mopping-up operation by the Japanese army, they come under the rubric of combat action.
- (iv) The following April (in 1938), Cabot Coville, the military attache at the US embassy in Tokyo, conducted an unofficial on-the-spot investigation in Nanking, meeting with the Americans Mr. Smythe and Mr. Bates, who later became the key persons presenting important evidence on the Nanking Incident. The results of his investigation showed that looting and rape had continued for several weeks; however, he did not report that any

illegal executions had taken place. Hence, at the time the USA and other foreign countries did not censure the Japanese government for actions in violation of international law, and since the League of Nations did not bring up the matter for discussion, these actions were not seen as illegal. It is also clear that the International Committee for the Nanking Safety Zone shared this same perception.

- (iv) At the time, China's Nationalist government itself issued no protest. It is known from Nationalist government documents that it did at the time consider the question of whether the execution of non-uniformed soldiers could be deemed a violation of international law. However, the reason that it did not protest was because it recognized that the non-uniformed soldiers themselves constituted a violation.

The claims of the massacre affirmation school

- (i) Non-uniformed soldiers certainly represent a serious crime in war; however, the non-uniformed soldiers after the fall of Nanking were not ones in the accepted sense of the term (combatants engaged in guerilla activities). Their resistance was weak and was "virtually negligible" in Nanking. Even for non-uniformed soldiers, military tribunal proceedings are required before they can be executed.
- (ii) As regards the massacre denial school's view that the lack of any censure of Japan at the time over the Nanking Massacre by either the League of Nations or by foreign nations constitutes a measure of proof that there was no Nanking Massacre, the fact that the Tokyo Tribunal placed such heavy emphasis on the Nanking Incident demonstrates that the governments and peoples of the Allied Powers were aware of the incident at the time. In addition, the Council of the League of Nations did issue a strongly worded resolution of censure and protest at Japan's aggression towards China. The fact that it did not refer to the Nanking Massacre itself does not mean that no massacre took place.
- (iii) As for the USA, Joseph Grew, the then US ambassador to Japan, was aware of conditions in Nanking, but did not protest, so as not to strain tenuous diplomatic relations with the Japanese government any further. In addition, it is clear that China's Nationalist government was aware of the massacre conducted in Nanking at the time. The lack of the explicit use of the term "massacre" in contemporary government documents is no indication that no massacre took place.

A comparison of the two schools

- (i) At the time was the action of executing on sight non-uniformed soldiers regarded as guerillas seen as a violation of international law? There appear to be no existing records from Nationalist China or any other nation explicitly criticizing the actions of the Japanese army; however, does this mean that these actions were interpreted as legal under international law at the time?
- (ii) Did the Japanese army execute all the non-uniformed troops, or did it only execute those that put up resistance? Furthermore, it is unclear how much resistance the non-uniformed soldiers offered, or how serious problems such as the carrying of concealed weapons were inside the Safety Zone.

Whether the Killing of Soldiers was Perpetrated under a Systematic Policy (issue 3)

If a massacre did occur, the key issue becomes whether or not the Japanese government carried out these actions under a systematic and deliberate policy. Since General Iwane Matsui, the Japanese commander-in-chief in the Battle of Nanking, was sentenced to death at the Tokyo Tribunal solely on the grounds that he was responsible for the massacre, as the person in charge at the scene, here too the question of whether or not events were of an organized nature was key. The question of how to define the term “massacre” is in fact extremely important (although no definition can be mutually agreed upon); however, if the term is taken to imply that events were of an organized and deliberate nature, it is probably more appropriate to use the term “Nanking Massacre” rather than “Nanking Incident.”

The crux of the dispute is whether or not there was an army policy relating to the killing of captured soldiers (issue 1).

The claims of the massacre denial school

- (i) The description of a “take-no-prisoners policy” that appears in the campaign diary of Lieutenant-General Kesago Nakajima, the commander of the Sixteenth Division, is cited as the basis for the claim that events were of an organized nature; however, there is no other mention of this whatsoever in any official records of the Sixteenth Division to which Lieutenant-General Nakajima belonged. Moreover, if the army had had such a policy, other divisions would have been ordered to apply it as well, but there is no official record of this.
- (ii) The “take-no-prisoners policy” refers to a policy whereby troops or soldiers who had surrendered were not taken prisoner, but were instead disarmed, released, and then banished. There are documents that explicitly refer to this policy of banishment, as well as documents that forbade summary execution. There were some executions; however, it was the way of the Japanese army to execute soldiers who had surrendered but were resisting, and in fact there was some banishment, too.
- (iii) Although official documents may have described them as “prisoners of war,” in fact, it was the remnants of the defeated army who were executed, which was legal. In other words, in reality those who were executed were not prisoners of war, and the executions should be regarded as action taken in the course of combat.

The claims of the massacre affirmation school

- (i) Documents themselves cited by the massacre denial school prove beyond doubt that there was a policy to execute on sight soldiers who had surrendered. There are also actual documents ordering the execution of prisoners of war in the field.
- (ii) There also exist documents of the Japanese army suggesting that it is permissible to kill Chinese troops--but not Russian or German troops.

A comparison of the two schools

- (i) As regards the Japanese army's overall policy on "prisoners of war," the two schools drew completely different conclusions from studying the same documents; that is, they deduce that there were diametrically opposite policies, that prisoners of war should be executed, or that "prisoners of war" should be released. On the other hand, both schools acknowledge that overall army policy was unclear and that this led to chaos on the ground. Even among the massacre affirmation school, there are some scholars who do not believe that events were of an organized nature.
- (ii) There are differences over whether to recognize those captured in the field as prisoners of war; however, some were executed, some were banished, and some were housed as prisoners of war. It is necessary to make a realistic assessment by carefully investigating other past cases involving the Japanese army in China.
- (iii) As to whether the events in Nanking can be compared to Auschwitz, the two are clearly different in various ways, such as the presence or absence of the ideological racial extermination factor and, if killing did occur, its scale and whether or not it was systematic. However, some views of the massacre affirmation school hold that there are similarities, such as the brutality of events and the contempt in which Chinese people were held by the Japanese. Ms. Chang asserted that since the killings were concentrated over a short time-span of as little as six weeks, Nanking represented a worse crime than Auschwitz.

The Killing of Civilians (issue 4)

This section examines the scale on which ordinary civilians--as opposed to soldiers--were killed. If ordinary innocent civilians who are not involved in the combat action were killed, the events deserve to be called a massacre and thus undoubtedly constitute a war crime. The Tokyo Tribunal put the scale of civilian (or "non-combatant") killings at 12,000.

As will be seen below, the evidence for the killing of ordinary civilians chiefly consists of the testimony of Westerners and Chinese, and the main bone of contention in this dispute revolves around the degree to which this testimony can be regarded as credible.

The claims of the massacre denial school

- (i) The massacre denial school claims that there are no historical documents indicating that the Japanese army slaughtered the populace, and challenges the massacre affirmation school to present any. Investigation of Japanese, US, British, and German records en masse has revealed not a single eye-witness account of civilian killings.

- (ii) There was very little substantiation to corroborate the testimony of the Chinese witnesses, and much of the testimony from foreigners had virtually no credibility, as it was practically all hearsay from Chinese people. In addition, since many of the foreigners who provided testimony and information were involved either officially or privately with the Chinese government or leading government figures, and were engaged in propaganda on behalf of the Republic of China, the objectivity of their testimony cannot be trusted.
- (iii) Particularly noteworthy was the American Mr. Bates, who had the most significant influence on the Tokyo Tribunal's findings of fact. Later revealed to be an advisor to the Chinese Nationalist government, Mr. Bates was involved in the Nationalist Party's propaganda efforts. Bates anonymously authored "What War Means," the only contemporary English-language book published during the war, in which he claimed--as he also testified at the tribunal--that approximately 30,000 soldiers were disarmed and killed, and that 12,000 civilians, including women and children were killed inside the city. It is clear from classified Chinese Nationalist party documents that the book itself was a work of propaganda produced by the Nationalist Party's central propaganda department. The book's editor, the Australian journalist Timperley, was likewise an advisor to the Chinese Nationalist government's international propaganda department. In addition, it was Mr. Bates who also provided the information for reports by foreign correspondents on which the massacre affirmation school bases its objectivity.
- (iv) According to classified Chinese Nationalist party documents which were unearthed in 2003, the focus of Nationalist Party propaganda efforts after the fall of Nanking was to "expose the violence of the enemy after the fall of the capital." Judging from the contents of censorship and press conferences by the propaganda department, the Chinese Nationalist government was aware that there had been no civilian or prisoner-of-war massacre by the Japanese army.³
- (v) The photographs that are supposed to prove that the Nanking Massacre took place have been deliberately fabricated in the form of blurring or forgery, and not a single conclusive photograph has yet been produced that can stand up to close scrutiny.
- (vi) It is a clear violation of the international laws of war for civilians to engage in combat. In China, ordinary citizens participated in combat--often in cooperation with the Chinese army. People who did this were killed; it is not illegal to kill ordinary citizens embroiled in combat on the battlefield. The civilian death toll included killings by Chinese soldiers made to appear the work of Japanese troops, and other killings committed by the Chinese army.
- (vii) Of the 47 alleged killings of ordinary citizens over which the International Committee for the Nanking Safety Zone protested to the Japanese army, many were of dubious authenticity.
- (viii) The field survey which the massacre affirmation school regards as evidence of a massacre was carried out by an American, Professor Smythe, and commissioned by the afore-mentioned Mr. Timperley. Not only were the results thus skewed in favor of the Chinese Nationalist Party, the survey method clearly lacked objectivity.

The claims of the massacre affirmation school

- (i) The prosecution at the Tokyo Tribunal produced overwhelming evidence of acts of brutality. Foreigners who had been in Nanking at the time, surviving victims, and surviving materials, such as official American and German documents, were presented in court, and the rebuttal evidence from the defense was extremely weak. A characteristic of the massacre denial school is that it completely disregards the enormous body of testimony by victims. There is also a considerable number of testimonies by Japanese ordinary soldiers after the war.
- (ii) It is clear that there were acts of violence directed against ordinary citizens. It is also clear that leading figures in the Japanese government were aware that the Nanking Incident had taken place and that the Japanese army had committed atrocities. According to Professor Kasahara, there are no official investigation documents on the number of civilian victims; however, of those who were present at the time, the Chinese estimate a figure of 100,000, while Europeans estimate a figure of 50,000-60,000.
- (iii) According to the Smythe survey, the totals of those killed--including ordinary citizen victims caught up in the battle outside the city walls of Nanking and civilians suspected of being Chinese troops killed in a residual mopping up operation conducted after the fall of Nanking--were 12,000 inside the city walls and approximately 27,000 outside the city in the surrounding area.
- (iv) It should be no surprise that there are few contemporary photographs of the atrocities, given the stringent control exercised by the Japanese army. Nevertheless, there are photographs that serve as evidence.
- (v) There were a number of factors that might have sparked the Japanese army to carry out the killings, such as a desire for revenge just after the hard-fought Battle of Shanghai, a shortage of supplies, the declining morality of the Japanese soldiers, and contempt for the Chinese.

A comparison of the two schools

- (i) As third-party testimony, the testimony of Westerners living in Nanking at the time would intrinsically seem to be highly credible; however, the observation of the massacre denial school--that many of them, such as Mr. Bates, had ties to the Chinese Nationalist Party--casts doubt on this credibility. The massacre affirmation school has seemingly yet to refute doubts over the credibility of the Westerners in question and this will be a noteworthy future dispute.
- (ii) Regarding the number of deaths of ordinary citizens, concrete source materials are in short supply and estimates are based on the Smythe survey and on burial records as main sources. However, to take the Smythe survey as an example, doubts have been raised about its objectivity. For example, Mr. Smythe's sample survey puts the number of people killed inside Nanking at 2,400, while it put another figure of 12,000 in a separate annotation as an estimate, based on burial records. Given such a vast discrepancy, it is hard to know which figure to accept. A more objective evaluation of the Smythe survey is required.

- (iii) Since the focus in this paper is on the “massacre,” it does not go into other acts of barbarity (rape, arson, and looting) that do not rise to the level of killing, important points of contention though they are. Here, too, however, there are vast differences in views.

The Total Number of Military and Civilian Victims (issue 5)

With regard to the overall death toll, comprising the combined totals of military and civilian victims observed to date, the Chinese Nationalist government claimed at the Tokyo Tribunal that at least 300,000 people had been killed, with the tribunal’s verdict stating that “more than 200,000 civilians and prisoners of war were killed within and near Nanking.” What is the reality behind the stark figure of 300,000?

Without a clear definition of the term “massacre,” attempts to arrive at a total figure will yield completely different conclusions. If “massacre” is defined as unlawful killing and the killing of soldiers as legal under international law, as the massacre denial school considers, the figure would equate to the number of ordinary citizens unlawfully killed. If the total figure is simply taken to be the number of people killed, it might be close to the massacre affirmation school's figure.

The claims of the massacre denial school

- (i) There is no record that states that X number of people were massacred in Nanking. The post-war Tokyo Tribunal relied solely on hearsay evidence from Chinese people. Neither Mr. Bates nor the Reverend McGee, an American, who both testified at the Tokyo Tribunal, witnessed events at first hand.
- (ii) From the outset, rebutting the authenticity of much of the evidence given at the Tokyo Tribunal was taboo. The verification of materials was completely out of the question. Moreover, Japan was put on trial at the Tokyo Tribunal, and, with the conclusion of the San Francisco Peace Treaty of 1951, formally accepted the tribunal’s “judgments,” that is, its judicial decisions; however, it did not accept the unjust values that structured the Tokyo Tribunal.
- (iii) The population of Nanking was 200,000 at the time. How can 300,000 people be massacred in a city with a population of only 200,000? In addition, as regards the burial records that underpinned both the Tokyo Tribunal and the massacre affirmation school, the only organization whose existence and operations can be verified is the Red Swastika Society. China’s records of the organizations engaged in the burial work, such as the Chongshantang (Tsung Shan Tong), which buried about half of the total bodies, were in fact falsified by the Chinese after the war to inflate the death toll. Professor Higashinakano estimates the total burials to be no more than 15,000.

The claims of the massacre affirmation school

- (i) The verdict of the Tokyo Tribunal acknowledged the fact that the number of the corpses buried by burial companies and other groups amounted to 155,000. Despite the massacre denial school's claims that both the very existence of the organization, the Chongshantang, and the details of its burial work were fabricated later, its existence has in fact been verified.
- (ii) By accepting the judgments of the Tokyo Tribunal at the 1951 San Francisco Peace Treaty, the Japanese government officially admitted that the Nanking Massacre had taken place. The emergence of the view that the Tokyo Tribunal was a frame-up indicates insensitivity with regard to responsibility for the war and a lack of historical awareness.
- (iii) Since there were rigorous gag rules at the time, and since there is no documentation at all due to the post-war destruction of evidence by the Japanese army, a precise figure will never emerge. The logic of the massacre denial school, with its fixation on the death toll and contention that if the figure 300,000 is not substantiated, then there was no massacre is ridiculous. The figure of 300,000 people is the result gleaned from numerous documents collected for the Nanking Military Tribunal.
- (iv) The actual population of Nanking at the time was not 200,000, but between 400,000 and 500,000. The issue of the death toll is not the essential question, as the scope of investigation could be widened to yield ever-larger totals. The contention that few people were killed and that therefore there was no massacre obscures the true nature of events.

A comparison of the two schools

- (i) Both schools share the recognitions that there are problems regarding the Tokyo Tribunal, in that its judgments were passed based on *ex post facto* (retroactive) law in the shape of "crimes against peace" and "crimes against humanity," and that both judges and prosecutors were selected from the Allied Powers and not from neutral countries, and thus lacked neutrality. However, they differ greatly on their views of the credibility of the tribunal's findings of fact.
- (ii) There is no dispute that the burial record submitted at the Tokyo Tribunal by the Chinese side--a key element in identifying the number of people massacred--were not contemporary records but were compiled after the war. However, the two sides disagree over the credibility of these records. Professor Kitamura, who is viewed as relatively central, states that there seems to be no doubt that the Chongshantang actually existed, but that according to documents of the government of the People's Republic of China, which succeeded the Nationalists in power, it operated on an extremely small scale and possessed only a single vehicle.⁴
- (iii) Comparing the assertions of the two schools, Professor Kasahara of the massacre affirmation school cites figures to claim that several tens of thousands of ordinary citizens were murdered and approximately 80,000 Chinese soldiers were executed,

while Professor Higashinakano states that the killings of soldiers were lawful and that the number of ordinary citizens killed was in the tens. As regards the execution of soldiers, the primary consideration would seem to be the interpretation of contemporary international law.

As regards the murder of civilians, a revisiting of the weighty testimony, and, in particular, the credibility of the Smythe survey and of the burial records would seem to be the crux of the matter.

According to Professor Ikuhiko Hata, who is also viewed as relatively central, the victims' statements were collected and compiled in a hurry in order to be ready in time for the post-war Tokyo Tribunal. With much of the testimony limited to individual experience and observation, the Chinese side's figures were wildly exaggerated, although for culturally symbolic reasons rather than out of malicious intent. Professor Ikuhiko Hata estimates the number of people killed to be on the order of 42,000.

- (iv) Investigation of the death toll is an important issue in grasping the true picture of what took place in Nanking. However, with the focus on an actual figure for the number of people killed, the current debate is destined to go nowhere. Comparing the approaches of the two sides in general, the massacre affirmation school seems to tend strongly towards a reliance on testimony and circumstantial evidence, instead of trying to prove the accuracy of its figures of 200,000 or 300,000. In particular, it stresses the conclusions of the Tokyo Tribunal, taking the attitude that its conclusions are already set in stone. On the other hand, the massacre denial school tends to show extremely low regard for the testimony of Westerners and Chinese, and confronts the difficult task of trying to prove a negative by stressing the consistency of records as the sole proof of its case. A calm and objective approach which puts the emphasis on the substance of what actually took place and which does not jump to conclusions is probably just what is needed, and is likely the only way to engage the arguments of the two sides.

Misinterpretations of Japan's Historical Views

As can be seen from the state of Japanese research as described above, there is active research and debate being conducted in Japan on history in general, including the various events that occurred in wartime, such as the Nanking Incident and the issue of the comfort women. It is not the case that the Japanese government and Japanese people have avoided facing up to history, as some countries have criticized them for--rather, the opposite is true. It is probably true to say that facing up to history has resulted in perceptions of certain historical facts that differ from those held in the nations concerned. In the case of the Nanking Incident, for example, it seems that debate in Japan could be said to be practically exhausted, and now debate can be open to any nation concerned to examine and evaluate the issue. The view of the Japanese government reflects the domestic debate, as described above, and it has confined itself to expressing its perceptions as follows: "The Japanese government believes it to be undeniable that after the Japanese army entered Nanking in 1937, many non-combatants were killed and misconduct such as looting took place. However, there are various views on the specific number of victims,

and we believe that it is difficult for the government to acknowledge which figure is correct.” It is noteworthy that, in the case of the comfort women, language admitting that there had been coercion was used, but in the case of the Nanking Incident, there was no expression of acknowledgment that the events had constituted a massacre. The Japanese government has so far staunchly avoided making any concrete judgments with regard to assessing the Pacific War or the Sino-Japanese War, including the facts of the Nanking Incident, on the grounds that this should be left up to future historians. This is probably based on a thought to leave such matters to academics to pursue and to do the utmost to avoid any political friction that might arise at home and abroad, as contemporary history is often influenced by ideology and politics, and historical truth can easily be distorted. For the same reason, Japan has been criticized by neighboring countries such as China and South Korea for failing to express clear judgments and for not admitting that it was in the wrong. However, this was probably a pragmatic decision taken due to lack of any other choice.

In education too, the Japanese government does not prescribe textbooks at the national level, and the details of historic events that appear in the written accounts in various textbooks, including numbers, are left to the discretion of the authors, provided that a certain level of academic objectivity is maintained. In relation to the Nanking Incident, there have been textbooks that quote a concrete death toll like 200,000, with views that differ from those of the Japanese government also being acknowledged.

In terms of apologies and reparations, the Nanking Incident was recognized as a war crime by both the Tokyo Tribunal and the Nanking Military Tribunal, and five people related to the Incident were executed, as described previously; moreover, the San Francisco Peace Treaty determined the conditions for the conclusion of the war en bloc, in the form such as acceptance of the verdicts of the international tribunals like the Tokyo Tribunal, the return of territory, and the duty to pay reparations, and, after the end of the war, these matters were already duly disposed of. In terms of Japan’s relations with China, the Treaty of Peace between Japan and the Republic of China was concluded in 1952 and this fully disposed of all post-war matters, including reparations and the rights of individuals to make claims. Individual cases like the Nanking Incident were also dealt with under this all-inclusive settlement.

In that sense, to say as Ms. Chang does in her book that, not only has Japan made no official apology to the victims of the Nanking Incident but that “the Japanese are paying virtually nothing for their war crimes,” and to criticize the Japanese government for its post-war dealings in comparison with Germany is inappropriate and devoid of reality--there being no dispute under international law.

Since Germany was unfortunate enough to be split into East and West Germany, it was unable to conclude peace treaties with the countries concerned and could not fully dispose of all matters relating to the war. Accordingly, whereas Japan has finished settling up for the war by, for example, paying huge amounts in reparations and quasi-reparations, and by renouncing claims to Japanese individual assets, Germany has to this day not paid any reparations. Under these circumstances, the German government has treated the Holocaust as separate from the issue of reparations, and adopted a policy of paying individual compensation.

Successive administrations have repeatedly reflected on the war and expressed apologies to its victims, and these should probably be regarded as including the victims of the Nanking Incident as a matter of course. For example, in 1995 Prime Minister Murayama spoke as follows: “Japan..., through its colonial rule and aggression, caused tremendous damage and suffering to the people of many countries, particularly to those of Asian nations. ... [I] express here once again my feelings of deep remorse and state my heartfelt apology.” Within the scope of international law, Japan has already apologized clearly to the victims of the war, including the comfort women. On the other hand, this does not mean that the government recognizes the Tokyo Tribunal’s judgment regarding the Nanking Incident. As seen earlier, due to public sentiment the Japanese government is unable to acknowledge the issue of the huge controversy over the tribunal’s findings of fact. The Japanese government intends neither to revise its stance of the past, nor to retract its apologies, but is merely maintaining its existing stance.

Likewise, on the comfort women issue, reports circulated that Prime Minister Abe had apologized to President Bush in the USA; however, it was the victims to whom he sought to express apology. He was not apologizing for the government’s view of the comfort women issue and its clarification.

The Way Forward

As already seen, unless conclusive evidence regarding the Nanking Incident comes to light in the future, no final judgment will emerge, and accordingly the change of Japanese government’s stance will be unlikely.

Specifically, it will also be unlikely for a final judgment to emerge unless a definition of what constitutes a massacre is established, and even if a definition can be defined by an unlikely political compromise, due to the imperfect nature of international law *per se*, it is impossible to determine retroactively whether the killings of soldiers were unlawful or not.

Thus, it was unfortunate for both Japan and the USA when Prime Minister Abe blundered on into the substance of the comfort women issue--which has a similar disposition, though is less complicated--an issue that has no black-and-white answer. Neither those who raise the issue nor those who respond can succinctly express themselves to the full, and debate ends up in an interminable wrangle. The lessons for the future to be learned from this case would seem to be to exclude politics and ideology as far as possible and to build up a body of academic research. Also, it would almost certainly be of enormous significance if the massacre affirmation school and the massacre denial school were to cooperate in an attempt at honest reconciliation over the basic points of contention, so that the opinions of both sides could be set out in writing, with the points at issue clearly stated. This is because this could clarify what took place at Nanking for future generations of Japanese, Chinese, and other nationalities, in a manner that is as close to historical fact as possible. In that sense, the commencement of joint research on Sino-Japanese history in December 2006, based on the accord between the leaders of Japan and China, ought to be welcomed. In the USA too Deputy Secretary of State Robert Zoellick suggested to the Chinese government in 2005 that joint research be carried out by three parties of Japan, the

USA, and China. It is to be hoped that promoting diverse research multilaterally, such as that by the above-mentioned three parties, that between Japan and the USA, and between the USA and China, will raise the level of objectivity. Taiwan is also an interested party, and there also seems to be private-sector joint research activity involving Japan and Taiwan. These activities will greatly reduce the political tensions among related countries.

In addition, what is required of Japan now is that it should clearly show its stance of continuing to face up to the Nanking Incident hereafter as well. To this end, it is important for the Japanese government to take a step back and encourage the kind of international joint research mentioned above. It also should consider making the most of the fruits of such joint research on Sino-Japanese history in the classroom, for example, in the form of supplementary readers. Naturally, it goes without saying that, whatever the state of the debate, Japan should continue to bow its head low to the victims of the Nanking Incident.

The same policy is expected of China. In public opinion polls conducted in China, one of the most popular answers to the question “What is it that you associate with Japan?” is always “The Nanking Massacre.” This is not unrelated to the fact that in adolescence the Chinese learn about Japan from textbooks that place a heavy emphasis on the brutality of the Nanking Incident. In terms of a starting point for the formation of the future generation’s view of Japan, certainly there is room for improvement.

For the part of USA, it is becoming increasingly essential to somehow face up to Japan’s history, in its efforts to exhibit leadership and build a new order in Asia. Unless the USA understands the historical views of its alliance partner, it will be difficult for it to truly share a sense of values with it. The need for the USA to understand the situation of Japan, which is increasingly facing up to history as the generations advance, and to confront the historical disputes between Japan and China as an important stakeholder seems to be increasing.⁵

Conclusion

When Prime Minister Abe visited the USA in April 2007, he stated that “The twentieth century was a century in which human rights were violated in many parts of the world. So, we have to make the twenty-first century a wonderful century in which no human rights are violated.” Unfortunate occurrences such as the comfort women issue and the Nanking Incident must never be allowed to happen again. However, rather than condemning each other over past human rights problems, our objective should probably be to build forward-looking international relationships, while reflecting on the past. As is clear in the case of the Nanking Incident, it is counter-productive for the nations concerned to engage in repeated mutual recrimination in response to each other’s historical views, and a calm, self-controlled reaction is what is required. At the same time, in the long term the most desirable approach would seem to be to pursue the facts by means of academic research, and to introduce the results of this research to the people in an appropriate manner as a mirror to history.

The views presented in this monograph are those of the individual author and should not be construed as representing any organization.

Notes

- 1 Ikuhiko Hata, *No Organized or Forced Recruitment--Misconceptions about Comfort Women and the Japanese Military*. According to the historian Professor Hata, the US army also made use of organized prostitution during the occupation of Japan, the Korean War, and the Vietnam War.
- 2 Unless otherwise stated, the claims of the massacre affirmation school and the massacre denial school cited in this article are taken from the following two works: the arguments of the massacre denial school are from "The Nanking Massacre: Fact versus Fiction," (title of English version) by Shudo Higashinakano, and the arguments of the massacre affirmation school are from "Thirteen Lies by the Deniers of the Nanking Massacre." Professor Tokushi Kasahara was the principal author of this latter work.
- 3 Shudo Higashinakano, *The Nanking Incident: interpreting classified Chinese Nationalist party documents*.
- 4 Minoru Kitamura, *The Politics of Nanjing--An Impartial Investigation* (University Press of America, 2007).
- 5 Takashi Hoshiyama, *The Improving Course of Japan-China Relations and the Role of the United States--History, Values, and Realism in a Changing World*, IIPS website <<http://www.iips.org>>.

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Takashi Hoshiyama graduated from Keio University and joined the Ministry of Foreign Affairs in 1982. He received an MA in Art & Science from Harvard University. Previous posts include the Economic Counselor of the Japanese Embassy in the Philippines, Director of MOFA Cultural Policy Division, and Director of the MOFA Information and Communication Division. He was seconded to IIPS in 2005.