CHAPTER 2: THE 1ST SINO-JAPANESE WAR

2. CHINESE ATROCITIES

Japan takes the high road: respect for international law

One notable aspect of the 1st Sino-Japanese War was its exposure of the discrepancy between the combatants' views about international law in time of war.

After lowering the curtain on centuries of seclusion, and inaugurating the Meiji Renovation, the Japanese proceeded to modernize domestic law, using Western legal systems as their models. As a result, they were able to make some progress with treaty revision. In July 1894, not long before the commencement of the 1st Sino-Japanese War, they succeeded in removing the extraterritoriality clause from their treaty with the UK.

The Japanese demonstrated great interest in international law as well. As early as 1877, on the occasion of the Satsuma Rebellion, they established the Philanthropic Society, an organization modeled after the European Red Cross and dedicated to aiding sick and wounded soldiers, be they friend or foe. In June 1886 they changed its name to the Japanese Red Cross Society. Emperor Meiji had expressed the hope that Japan would soon become a party to the Red Cross Treaty (formally, the First Geneva Convention for the Amelioration of the Condition of the Wounded in Armies in the Field), now that it had become a member of the international community. In April 1887, after Japan had signed the treaty, Minister of War Ōyama Iwao distributed his comments on the convention to his men, and ordered that they be read carefully and considered part of the Japanese military's commitment to prevailing law. Moreover, in October 1886, the same year the Japanese signed the convention, they also became party to the Paris Declaration Respecting Maritime Law.

Thus, even before the 1st Sino-Japanese War commenced, Japan had demonstrated its respect for international laws and regulations. This was an important opportunity to gain the respect of other nations and is precisely why Emperor Meiji, in his imperial rescript declaring war on China, wrote the following.

> We hereby declare war against China, and we command each and all of our competent authorities, in obedience to our wish and with a view to the attainment of the national aim, to carry on hostilities by sea and by land against China, with all the means at their disposal, consistently with the Law of Nations.[1]

Note the Emperor's emphasis on observing the "Law of Nations," which reflected his own sentiments. I have already mentioned that the Japanese military's strict adherence to international law during the *Kowshing* Incident commanded great respect overseas.

[1] Trumbull White, *War in the East: Japan, China, and Corea* (Philadelphia: P.W. Ziegler & Co., 1895);blithlyhttps://www.gutenberg.org/files/55608/55608-h/55608-h.htm (retrieved 09/2022).

Interestingly enough, it is weak or defeated nations that ordinarily advocate strict observance of international law. Powerful or victorious nations tend to blithely disregard it. Soviet violations of the Japan-Soviet Neutrality Pact at the end of World War II and the many atrocities committed against Japanese nationals in Manchuria and Karafuto (Sakhalin) are typical instances of violations perpetrated by the powerful.

But the behavior of Japanese military personnel during the 1st Sino-Japanese War was different. Throughout the conflict the Japanese won victory after victory, yet they adhered faithfully to the principles of international law, and won the praise of at least one French legal scholar, Paul Fauchille, for having done so.

> Facts have demonstrated that the Japanese government knows how to apply the principles of the civilization it has embraced.
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> (…)
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> During the Sino-Japanese War, the Japanese faithfully adhered to the principles of international law, despite the fact that their enemy did not.[2]

At the time of the 1st Sino-Japanese War, the Chinese had signed neither the First Geneva Convention nor the Paris Declaration. Chinese behavior was sickeningly barbaric. Chinese commanders ordered their troops to attack and sink any and every Japanese vessel, regardless of type, and placed bounties on the heads of Japanese soldiers. The Chinese killed Japanese civilians residing in China.

International law allows for one belligerent to retaliate if the other violates that law. But the Japanese chose not to exercise that right. For instance, on August 4, soon after hostilities had begun, an imperial order was issued to the effect that the lives and property of Chinese nationals residing in Japan were to be protected.

An upsurge in patriotism prompted a great many Japanese men to volunteer for military service. Emperor Meiji issued a special decree in which he cautioned the impassioned populace. After first commending the volunteers for their earnestness, it advises them as follows: "Our nation possesses established institutions for waging war and our citizens have their customary affairs to conduct … at this juncture there is no need for volunteer soldiers."[3] Compare this with later assaults on Japanese soldiers by unlawful Chinese combatants wearing civilian clothing, a violation of international law.

There are countless examples demonstrating that Japan respected and adhered to international law and civilized practices by, for instance, forbidding privateering and violence, and showing

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[2] Ariga Nagao, *La guerre sino-japonaise au point de vue du droit international* (The Sino-Japanese War from the perspective of international law) (Paris: A. Pedone, 1896), vii-viii.

[3] *Meiji shōchoku zenshū* (Complete Meiji imperial rescripts), National Diet Library Digital Collections https://dl.ndl.go.jp/info:ndljp/pid/759508 (in Japanese) (retrieved 10/2022).

compassion toward wounded enemy soldiers and prisoners of war, in accordance with the stated mission of the Red Cross.

Dr. Ariga Nagao, one of the luminaries of international law, lauded the behavior of the Japanese military as follows: "The most striking aspect of the Sino-Japanese War was the effort made by one belligerent toward scrupulous adherence to the laws, regulations, and customs of war, despite the disregard of same by the other." His opinion was in perfect harmony with that of the aforementioned Fauchille. This may seem like bragging, but I wanted to be sure that readers are aware of this particular aspect of Japan's past.

Modern-era atrocities commence

For quite some time some newspapers and anti-Japanese academics and journalists have been disseminating concocted reports of atrocities supposedly committed by Japanese military personnel in China. The reports themselves are a combination of fantasy and distorted, exaggerated fact. Moreover, we have heard unceasing allegations from Chinese, both military personnel and civilians, that they were victims of Japanese barbarism. I have been insisting, repeatedly, that these accusations are nothing but myths.

One of the primary aims of this book is to peel off these veils of fantasy, layer by layer. Let us consider myths concerning the 1st Sino-Japanese War as the first veil to be removed.

There have been numerous massacres in China throughout its history, dating all the way back to ancient times. Executions, as punishment for crimes, could certainly be defined as massacres, given their brutality. But not until the modern era, on the occasion of the 1st Sino-Japanese War, were the Japanese introduced firsthand to long-established sadistic Chinese acts.

But before I discuss Chinese behavior, I would like to introduce the accounts of two war correspondents, Messrs. Ganesco and Lalo, who wrote for the French newspapers Le Figaro and L'Illustration, respectively; they were cited in the February 22, 1895 edition of the Hōchi Shinbun.

Both men were travelling with Japanese troops, observing their every move. The correspondents began their stories by stating that the Japanese imperial forces "conduct themselves in a manner that should make them proud and bring them honor in the eyes of the world." They add that observing and reporting on the Japanese in action gives them great pleasure. They are impressed at the dignified landing of Japanese troops at Rongcheng Bay (on the Shandong peninsula), with not even the slightest bit of disorder. They write about the surprise and awe they experienced upon seeing a sign posted on a house outside the village where the Japanese landed: "Woman in labor. Keep out."

Ganesco and Lalo provided some examples of the compassion Japanese soldiers showed to the enemy, adding that "it was unlikely that one would find the soldiers of any other nation on this vast planet doing the same."

However, in describing the Chinese troops, the French correspondents commented on the contrast between their behavior and that of their Japanese counterparts: "Once the Chinese capture a

Japanese soldier, they will use every means available to them to punish him and cause him to suffer. They will cut off his arms and legs, or decapitate him, or slash off his genitals. Only savages could behave with such cruelty. In spite of these atrocities, the Japanese unfailingly treat the Chinese humanely. Their conduct brings honor to this Far Eastern nation of gentlemen."[4]

There was little if any military discipline among the Chinese. When the Japanese defeated them at Asan, Chinese troops fleeing to Pyongyang committed atrocities against Korean civilians wherever they went – looting, raping, and killing. When Koreans saw the Chinese approaching, they would flee, abandoning their towns and villages. Even Li Hongzhang was so enraged by their actions that he wrote, in a telegram: "[Such behavior] makes my hair stand on end."[5]

According to a report announcing the Chinese defeat at Pyongyang submitted by Li to the Qing court in September 1894, Chinese Army officials had placed a bounty of 30 silver taels on each Japanese head. "Soldiers responded by engaging in bloody battles, capturing more than 200 Japanese, including live prisoners and severed heads."[6] The Chinese motivated their soldiers by offering prize money and the soldiers, desperate for the rewards, went to battle seeking the heads of their enemies. This was a time-honored practice in China in the pre-civilization era known as *shaliang maogong* (killing an innocent victim for a reward from the authorities). But it had no place in modern warfare.

On November 18, 1894, eleven Japanese soldiers went to Tuchengzi, a village north of Port Arthur, on a reconnaissance mission. They were discovered and slaughtered by Chinese troops. Later, when Adjutant Inagaki Saburō of the cavalry battalion commanded by Akiyama Yoshifuru saw what had been done to them, he wrote the following in a letter: "The enemy perpetrated unspeakable atrocities on the corpses of our comrades. They cut off their heads and stripped the skin from their faces. In some cases, they hacked off their genitals; they cut open their chests and filled the cavities with stones. How could anyone fail to be horrified by such a sight?"

I will provide details later, but the cruel methods of killing described in Adjutant Inagaki's letter were used on countless Japanese thereafter until the commencement of the Greater East Asian War.

For the present, I shall cite just one more example. On January 30, 1895, Japanese forces destroyed the Chinese battery at Zhaobei Point. After the enemy fled, the Japanese entered their barracks, where they discovered a straw bundle suspended from the ceiling. When they opened it, they found the heads of seven Japanese, each of which seemed to have been severed with a dull blade. Rope had been strung from the mouth through the throat, presumably to render them more portable.

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[4] *Hōchi Shinbun*, 22 February 1895. See also Gabriel Roger-Margueritat, "Guerre et presse: la première guerre sino-japonaise (1894-1895) vue par la presse française" (War and the press: the 1st Sino-Japanese War (1894-1895) as seen by the French press) https://dumas.ccsd.cnrs.fr/dumas-02504114/document (retrieved 10/2022).

[5] Wang Yunsheng, *Nisshi gaikō 60 nen shi, dainikan* (Sixty years of Sino-Japanese diplomacy, vol. 2) (Tokyo: Kensetsusha, 1933).

[6] *Ibid.*

These were the heads of seven men from the 13th Infantry Regiment, 6th Division, who had set out on the reconnaissance mission in November.[7]

First Army Commander Yamagata Aritomo arrived in Seoul in September 1895. Having been alerted to the brutal tactics employed by the Chinese, he felt compelled to make the following proclamation to the men under his command: "You must not kill enemy soldiers who surrender. However, you must exercise vigilance so that you do not succumb to their tricks. Since ancient times they have been using exceedingly brutal tactics. If you have the misfortune to be captured alive, you will be made to suffer torture that is worse than death, and you will end up dying in the most cruel, barbaric manner imaginable. Therefore, it is far better to resign yourself to dying in battle, thus preserving your honor as a Japanese."[8]

This was the first directive prohibiting Japanese soldiers from being taken prisoner during warfare. Japanese military personnel in battle zones abided by that directive until the end of the Greater East Asian War.

It is easy to see why atrocities committed by Chinese troops so profoundly shocked Japanese soldiers, who adhered so faithfully to military rules. Chinese atrocities, which forced the Japanese to make the grim resolve never to suffer the humiliation of becoming prisoners"[9] were perpetrated by inhabitants of the Asian continent against Japanese soldiers who were fighting their first extensive foreign war since the founding of Japan's armed forces.

Here I would like to say a few words about the "Port Arthur Massacre." On November 21, 1894, when Japanese forces captured that city, exaggerated reports to the effect that they had massacred a great many Chinese civilians were disseminated throughout the world. Subsequently many other sensational, distorted reports were circulated, with the "Nanjing Massacre" at their pinnacle. The accounts of the "Port Arthur Massacre" are noteworthy because they were the first of their kind.

The most grossly inflated description emanated from the New York World. Its correspondent wrote: "For four days beginning with the day after the fall of Port Arthur, the Japanese murdered approximately 60,000 noncombatants, including women and children. No more than 36 Chinese in all of Port Arthur are known to have survived the slaughter."[10]

However, reports in other news media were quite different. For instance, the London Times accused the Japanese of murdering 200 Chinese indiscriminately. But another British source, the Central News Agency, countered that estimate, maintaining that not one Chinese was killed except during fair combat. French sources published accounts stating that both sides committed atrocities.

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[7] Hasegawa Shin, *Nihon horyo shi, jō* (Prisoners of war in Japan, vol. 1) (Tokyo: Shinshōsetsusha, 1955).

[8] *Ibid.*

[9] Instructions in the "View of Life and Death" section of the *Senjinkun* (Field Service Guide) issued on 08 January 1941.

[10] Fujimura Michio, *Nisshin sensō* (1st Sino-Japanese War) (Tokyo: Iwanami Shoten, 1973); the author is citing a report written by James Creelman for the 12 December 1894 edition of the *New York World*.

They also mentioned that when the Japanese discovered that their comrades whom the Chinese had taken prisoner were tortured and brutally murdered (some even had their extremities chopped off), they killed every Chinese soldier in sight. The Austrian press too asserted that both the Japanese and Chinese had committed atrocities. German news outlets revealed that any excesses on the part of the Japanese were justified. This information, taken from reports issued by foreign legations in Japan, can be found in *Documents on Japanese Foreign Policy*.[11]

Upon examination, the account in New York World claiming that 60,000 Chinese were massacred does not hold water. In 1894 the city of Port Arthur occupied approximately 0.24 square kilometers. Could such a small place have accommodated 60,000 residents? Population density would have been 250,000 persons per square kilometer, an impossible figure. (Since in 1985 the population density in Tokyo was less than 14,000 persons per square kilometer, it is obvious that the figure of 250,000 is preposterous. Later, when a new city sprang up in Port Arthur, there were still only about 14,000 Manchurians living in the old and new districts combined. The claim that there were more than 60,000 persons living in the old city, at the time of the 1st Sino-Japanese War, is nonsensical.

I find it inexplicable that the author of the aforementioned *1st Sino-Japanese War* presented the aggrandized figure of 60,000 massacre victims in New York World without comment, as though he were reporting facts. Did he expect readers to take it at face value? Even the downward revision to 20,000 victims that prevails in today's China is a gross exaggeration.

Then what did happen at Port Arthur?[12]

Dr. Ariga Nagao, a jurist whose specialty was international law, who served as legal advisor to the Japanese military, and who was present at the fall of Port Arthur, analyzed events following the Chinese defeat in *The Sino-Japanese War from the Perspective of International Law.*[13]

Commander in Chief Ōyama Iwao acknowledged that when the Japanese advanced into the city of Port Arthur, his men opened fire without attempting to distinguish between belligerents and noncombatants. However, they had good reasons for doing so, as follows.

(1) Port Arthur was not a city that developed naturally into a commercial hub. Rather, it was a port town that was built for military reasons. As its residents were noncombatants in service to the military, it was inevitable that they would become enmeshed in any fighting that took place there.
(2) Since Chinese stragglers (soldiers from defeated units) entered into and shot from private houses, the Japanese had ample justification for firing into those houses, even though noncombatants may also have been inside them.

[11] *Gaimushō hensan* (Ministry of Foreign Affairs, ed.), *Nihon gaikō bunsho* (Documents on Japanese foreign policy) (Tokyo, Ministry of Foreign Affairs, 1963).

[12] Now known as Lüshunkou, it was formerly known as Port Arthur because its harbor was surveyed by a British Navy officer named William Arthur in 1860.

[13] Ariga, *op. cit*., 81.

(3) Since many Chinese stragglers infiltrated private houses and changed into civilian clothing, the Japanese had great difficulty distinguishing belligerents from noncombatants.

Having explained why the Japanese had good reason to open fire even when they could not tell whether their targets were belligerents or noncombatants, Ariga questions whether there was a need to fight an intense battle at Port Arthur. But since this is a tactical question, not a legal one, he refrains from passing judgement. Moreover, as far as criticism of the killing of women and children is concerned, Ariga insists that "very few of the dead were women or children … the body of one woman was found floating on the water, and another on the road," adding that any such victims must have found themselves in the midst of a group of men.[14]

About the events that transpired at Port Arthur, Dr. Ariga argued that since the Chinese flagrantly disregarded the rules of war, it was not necessary for the Japanese to adhere to said laws, strictly speaking, and that the Japanese bore absolutely no responsibility for whatever events that took place there. But since, regardless of the terrible way in which the Chinese behaved, the Japanese voluntarily resolved to adhere to the rules of war, and having made that decision, bore the responsibility for their actions. This is the reason why Ariga found the Port Arthur incident regrettable.

To unravel the misunderstandings in the exaggerated report that appeared in the New York World, I would like to present the written explanation submitted by Japan's Foreign Ministry, addressed to the heads of foreign legations in China (in English).
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> There is no question as to the fact that there was more blood shed at Port Arthur than at any other place, and perhaps more than was absolutely necessary; but reports sent abroad by foreign correspondents, especially by the reporter of The World, are greatly exaggerated and highly colored, so as to give sensational effect.
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> At the fall of Port Arthur Chinese soldiers (…) discarded their military uniforms, and, putting on citizens dress, disguised themselves as peaceful inhabitants of the place, and betook themselves to the vacant houses of the town (…) when at last they were discovered by the Japanese [they] offered resistance and fought to the last.
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> Some of the peaceful inhabitants who had not left the place before the battle were said to have been ordered to fire and resist, which they did; but most of those found killed at Port Arthur proved to be soldiers in disguise. This is shown from the fact that almost all the corpses found had on them some articles of Chinese military dress inside the outer garments.
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> One of the foreign correspondents has said that, as most of the killed at Port Arthur bore sword-cut wounds, they presented a more horrible spectacle than if they had received bullet wounds.
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> The Japanese soldiers were greatly excited by the sight of the fearfully mutilated bodies of their comrades who had been taken prisoners by the Chinese; some of whom had been burnt alive, while others had been crucified. In spite of this the

[14] Ariga, *op. cit.*

> Japanese preserved discipline, and none of those who peacefully surrendered themselves were either killed or maltreated, and about 355 Chinese prisoners who were taken at the fall of Port Arthur have been kindly treated, and are being brought to Tokyo, where they will arrive in a few days.[15]

Furthermore, a report issued by Tei Eishō, a Japanese diplomat appointed administrator of government after the fall of Port Arthur, describes the situation in that city before and after it fell.

> As soon as he heard that the Japanese had landed at Huayuankou (on October 24), the mayor of Port Arthur, overcome with fear, secretly decamped to Zhifu with his family. Abandoned, the residents of the city were greatly troubled. They gathered up their belongings and their families and one after the other fled to Zhifu or nearby villages. A great number of Chinese soldiers who were stationed at Port Arthur broke into private houses, looted, and smashed furniture. When the Japanese entered Port Arthur, they confronted an empty city.[16]

I would certainly like to know the source of the 20,000 (or 60,000) "estimates."

It is likely that some of the noncombatants remaining in the city who resisted the Japanese were killed. But they died in action; they were not massacred. A massacre is brutal murder, or the killing of a large number of people for no reason. That is why Ariga, who was disappointed that Chinese noncombatants were killed, did not use the word *massacre*. To put it simply, a battle was fought in Port Arthur and people died there, but there was no massacre.

Here I would like to mention the lengths to which the Japanese military went, 10 years later, when the Russo-Japanese War broke out, to protect Russian noncombatants. In August 1904 Japan's Third Army advanced to a location about 8 kilometers from the city of Port Arthur, and completely surrounded the enemy within the basic line of defense. At this time Emperor Meiji communicated his desire to spare enemy noncombatants inside the fortress from the ravages of war to Gen. Nogi Maresuke, the commanding officer. Consequently, on August 16 Gen. Nogi dispatched Artillery Maj. Yamaoka Kumaji to Port Arthur to negotiate with the enemy. Yamaoka delivered a letter co-signed by Gen. Nogi and Adm. Tōgō Heihachirō, commander of the Combined Fleet, to Russian Gen. Anatoly Stessel. The letter conveyed the emperor's wishes and urged the Russians to surrender. However, on the following day, Yamaoka returned with the news that the Russians had chosen to disregard the Japanese warning; the Japanese proceeded to launch an all-out attack on Port Arthur.

Japanese military leaders were determined to avoid a recurrence of the events that had transpired at Port Arthur during the preceding war, and went out of their way to act in good faith during the Russo-Japanese War. Their efforts were proof of Japanese fairness and honesty, and should certainly be preserved in history.

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[15] *Papers Relating to the Foreign Relations of the United States, 1894* https://history.state.gov/historicaldocuments/frus1894app1/d87 (retrieved 10/2022).

[16] Ariga, *op. cit.*, 83-84.