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On Japan's "Historical Issues"

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In the World War II, Japan brought a lot of damages to many Asian countries. How does Japan interpret the issues of modern wars and colonial rule? I'd like to introduce the Japanese government's response and thought on this question to you from a broader perspective. The topic involves the following problems: who are the "victims"? How to make reparations? Who are "responsible" for the war? How to learn from the "lessons"?

1. War victims and reparations from the Japanese government

(1) The "San Francisco System" and "post-war settling"

Post-war issues are generally settled through the signing of a peace treaty. The main peace treaty Japan signed in the post-war period was *Treaty of San Francisco*, which was signed after negotiation with 48 countries in 1951. But many countries, including China, South Korea and some Southeast Asian countries, didn't sign the peace treaty. Yet Japan later signed separate bilateral peace treaties and reparations treaties with these countries, which were all included in the "San Francisco System".

Therefore, the Japanese government's position is that by signing these treaties, Japan has already solved the issue of post-war settlement with other countries, and the issue has been successfully settled between Japan and these countries and individuals in these countries. Japan has paid totally 1 trillion yen reparations to Asian countries in accordance with these treaties, and has also made reparations through other means, such as official development assistance (ODA). Of course, whether ODA can be

* On March 11, 2016, Prof. Hatano Sumio was invited to deliver a speech at the 5th seminar of "North Pavilion Seminar" series, which was held by the Institute of International & Strategic Studies (IISS), Peking University (PKU). This article is reorganized based on the record of Prof. Hatano Sumio's speech and the following question-and-answer session for the reference of readers.

regarded as war reparations remains controversial. In addition, one special point of the San Francisco System is that Japan's reparations are for war damages, but not for the "colonial rule". European countries and the U.S. had made reparations for disasters or damages caused by colonial rule, but Japan hasn't. For example, Japan and South Korea finally signed the Treaty on Basic Relations between Japan and the Republic of Korea in 1965 after 15 years' bargaining. But from the Japanese government's point of view, the treaty is not reparations for colonial rule, but for war.

(2) Who are the "victims of war"? For whom should the state make "compensation"? Is the "compensation" fair?

For the Japanese government, it is not clear who are the victims. Who exactly are the victims of the war? For whom should the Japanese government make reparations and compensation? Moreover, whether it is fair for those who receive the compensation is also a problem. In fact, the characteristics of Japan's compensation for war victims are distinction of nationality, Japanese people first and people who were on duty first.

Japan's reparations for war victims are mainly for the Japanese people in Japan. On this issue, Japan enacted the Benefit Law. The principle of the law is to compensate the Japanese and the people who died on duty first. For victims of different nationalities, the compensations are also not equally made.

Nominally the Japanese have priority on compensation, but the Korean and Taiwanese who participated in the war as "Japanese soldiers" and theoretically can enjoy the priority because of their Japanese identity, as Korea and Taiwan were Japan's colonies prior to 1945, were excluded from the Pension Law. Japan's reparations for military personnel at home have amounted to 70 trillion yen in total (from 1953 to 2010), while its compensation for other countries and regions in Asia is 1 trillion yen. Comparing the two numbers, we can see that the amount of reparations to military personnel in Japan is huge.

Besides, civilian war victims in Japan are also excluded from the compensation. These people were not military personnel, and are referred as "members of civil society" in Japan.

According to the internationally accepted norms of egalitarian, there should be no difference in making compensation to foreigners or nationals and civil servants or civilians. What the Japanese government has done was a clear violation of the international norms. Yet, there are exceptions in the compensation to civilians. Specifically, the Japanese government pays more attention to the compensation for those people who "sacrificed for special reasons". Those people are the civilian victims of the atom bomb attack and the civilians whose overseas property was damaged. They have received compensation from the Japanese government. The overseas property here mainly refers to the property Japanese civilians possessed in China, Korea and other countries during the war. Because that after the war, Japanese civilians were repatriated to Japan, they lost that part of property. They strongly

demand for government's compensation for that part of property. The number of this group of people in Japan is as many as 2 million. Later, the Japanese government compensated 2 million yen to each person of the group. Therefore, it can be said that on the issue of war compensation, the Japanese government's policies towards people of different nationalities and of different identities in Japan are discriminatory.

2. Responsibility for the war and "historical lessons"

(1) Responsibility for the war: Who is responsible for war? Individuals or the state?

In the early postwar period, Japan had a conception of giving trials to the responsibility for the war independently. But this concept was denied by the Allies, so it was finally decided that Japan's post-war trials were led by the Tokyo Trials. The result of the Tokyo Trials was that 7 defendants of the 28 defendants trialed were sentenced to death by hanging. In China and Southeast Asia, trials were also given to Class A war criminals. And about 1000 Class B and Class C war criminals were sentenced to death. The issue involved here is that whether the 28 defendants in the Tokyo Trials were trialed on an "individual" basis or as representatives of the Empire of Japan. There follows the issue that whether the responsibility for the war lies with the individuals or with the state. Eventually, the 28 defendants as individuals were punished, which can be interpreted as they personally have taken the responsibility for the war. However, the 28 defendants had different identities. Some belonged to the army, some belonged to the Ministry of Foreign Affairs of Japan. They were on behalf of their departments. Because of their identities, there are views in Japan that the trials also held the state accountable for the war.

In regard of the Tokyo Trials, there are also views in Japan that the trials are the "winners' trials", and are trials with political intentions, therefore, they are not legitimate. But the 11th article of the Treaty of San Francisco shows that the Japanese government accepts the judgment of the Tokyo Trials. In despite of that, whether the Japanese government has fully accepted all contents of the Tokyo Trials' judgment remains controversial. As the judgment of the Tokyo Trial has several thousands of pages, there are views that the Japanese government has only accepted the conclusion of the Tokyo Trials instead of all contents of the judgment. A typical example is that the Japanese government doesn't recognize the judgment on the Nanjing Massacre.

(2) The issue of Japanese prime ministers paying homage to the Yasukuni Shrine

In August 1985, Nakasone Yasuhiro, Japan's Prime Minister at that time, openly paid homage to the Yasukuni Shrine for the first time. Prior to this, the Prime Minister and the cabinet members paying homage to the Yasukuni Shrine was a "domestic issue" of unconstitutionality or constitutionality in Japan. But after the Chinese government strongly criticized Nakasone Yasuhiro's paying homage to the Yasukuni Shrine, the issue transformed into an "international issue". The main reason China and South

Korea are against Japanese prime ministers' paying homage to the Yasukuni Shrine is that in 1978, Class A war criminals of World War II were enshrined at the Yasukuni Shrine. From Japan's point of view, enshrinement of Class A war criminals is not a particularly serious problem, because the Shrine is used to enshrine Japanese military personnel died in battle. Class A war criminals also died because of war, even though they were hanged, therefore, they are still considered died in battle, it is no problem in enshrinement of them at the Yasukuni Shrine. However, China and South Korea's reason of opposition is also clear, they claim that "Japan's prime ministers paying homage to the Yasukuni Shrine, where the persons responsible for the war are enshrined, is definitely a move approving and justifying the war of aggression". In response to the opposition, Japan's Ministry of Foreign Affairs declares that "the purpose of openly paying homage to the Shrine is to mourn those who died in battle and reaffirm the determination to safeguard world peace, there was never any intention to justify the past acts".

Because that Prime Minister Nakasone's homage paying action triggered a strong backlash, Japan's later prime ministers paid homage less often, and avoided paid homage on August 15 in particular. But during his administration, Prime Minister Koizumi Junichiro frequently paid homage to the shrine (totally 6 times from 2001 to 2006, and 6th time was on August 15), which had once again caused China's strong protest. Koizumi's frequent homage paying to the Shrine may be out of his personal beliefs, but this led to a chill in the Sino-Japanese relations. Only after he stepped down had Sino-Japanese relations been improved.

(3) The history textbook issue

Japan's history textbooks became an international issue after the newspaper report on June 26, 1982. The report said when reviewing senior middle school history textbooks, Japan's Ministry of education forced the authors of the textbooks to modify the word "invaded" China into "entered" China. What the report said, the Ministry of Education "forced" authors to modify, was not true, but some textbook did voluntarily modify the word following the Ministry's advice. Japan's textbook reviewing system actually does not "inspect" books, but proposes "revision opinions". Authors may or may not accept the opinions, as they are not mandatory.

After the textbook controversy evolved into an international incident, the Ministry of Education amended review standards in November 1982, adding the "Neighboring Country Clause" into the review standards of history textbooks. The clause stipulated that "when writing modern history of neighboring countries, feelings of these countries should be taken into account". But this version of review standards were not mandatory, too, and the Ministry of Education had never disapproved any versions of textbooks in accordance with this clause.

It was in 2001 that Japan's textbooks became a big issue. In that year, the history textbook for junior high school published by the "Japanese Society for History

Textbook Reform" had aroused strong protests from China. The textbook believes that the number of victims of the Nanjing Massacre lacks evidence, and emphasizes in particular that the Tokyo Trials were "unjust". The Chinese government held that the textbook covers up the Japanese military's massacres of captives and induces reader to doubt the truthfulness of the Nanjing Massacre and the judgment of the International Military Tribunal for the Far East. It actually goes against Japan's acceptance of terms of the Tokyo Trials in the Treaty of San Francisco. This view is correct. Following the issue, although such abnormal textbooks still exist in Japan, they haven't become a diplomatic issue between China and Japan. The main reason, I think, is that the Chinese government understands the Japanese government's textbook review system is not mandatory, and these textbooks are rarely used in schools in Japan.

3. The "post-war reparations" and the "Murayama Statement"

Above discussed are roughly the historical issues arose before late 1980s. In 1990s, new historical issue arose. After the end of the Cold War, post-war reparations have once again become an important issue. This time, the "post-war reparations" mainly refer to the compensation from the countries did harm in war for individual victims of war. This issue goes beyond the scope interstate reparations of the Treaty of San Francisco. The focus is the compensation for individuals, with emphasis on the accountability for moral crimes. Issues of the comfort women, forced recruitment of Chinese workers, abuse of captives, victims of the germ warfare launched by the 731 Unit of Japanese Army and others are involved. These problems still exist to this day. Individuals of China and South Korea have filed lawsuits to Japanese courts in regard of these issues to seek reparations. There have been dozens of such cases.

One of the most representative cases is the issue of "military comfort women". The issue was originated by three former Korean military comfort women filing the lawsuit to the Tokyo District Court to demand compensation from the Japanese government in 1991. The Japanese government responded and started to investigate. One of the most critical problems of the issue is whether Japan soldiers and officials were involved in the process of forced recruitment of comfort women. At that time, views held that if there is evidence proving official participation, the plaintiff is likely to be compensated by the state. The Japanese government conducted investigation on the issue, and released results through the "Kono Statement" in August 1993, acknowledging the participation of the military in the comfort women issue. Therefore, a lot of people thought the Japanese government should make state compensation to the comfort women at that time. However, although the Japanese government admitted military's involvement in the comfort women issue, it still held that the Treaty of San Francisco has resolved the issue of compensation for individuals and state. Therefore, during the administration of Prime Minister Murayama Tomiichi, Japan established "Asian Women's Fund" in July 1995, making "reparations for nationals" in the name of nationals and raising private donations. Based on the Fund, Japan sent the Prime Minister's letter to the former comfort women in Asian countries, and paid each of them reparations of 2 million yen. This move is not a direct compensation by

the state, but more of all nationals assuming the moral accountability. About 300 former comfort women received compensation from the fund at that time. But Japan's move was not recognized by the international community, in particular, the South Korean government expressed strong dissatisfaction, and claimed that Japan should make state compensation.

During 1990s, Japan took new initiatives over historical issues by launching the "Peace and Friendship Exchange Program". The program was launched in August 1994 with investment of 100 billion yen, establishing more than 60 projects, such as the Japan Center for Asian Historical Records, the joint study of history and youth exchanges etc. Now there is only one of the 60 projects left, which is the Japan Center for Asian Historical Records. That means this initiative of "Peace and Friendship Exchange Program" haven't achieved much success.

At the 50th anniversary of the end of World War II in 1995, then-Prime Minister Murayama Tomiichi delivered a statement on history issues. The importance of "Murayama Statement" is that this statement is based on decisions of Japan's cabinet meetings. Although Japan's prime ministers and ministers had apologized previously, the apology was personal. Murayama's apology is the apology on behalf of the government. The biggest effect of the "Murayama Statement" is that since then, Japan senior officials always quote the "Murayama Statement", fearing of saying something wrong on historical issues. Prime Minister Abe Shinzo's statement in 2015 was also decided by the cabinet resolution. His statement basically followed the content of "Murayama Statement".

Now there are a lot of Chinese war victims filing lawsuits to Japanese courts to demand reparations Most of them are former comfort women, former forced laborers and victims of the Bombing of Chongqing. So far, the prosecutions are ended with judgments against the plaintiffs. The first reason is that the prosecution limitation has expired. The second reason relates to international law, that is, international law doesn't recognize individuals as subjects of acts of international law. This is the main reason these individuals have lost the lawsuits.

In addition, the Japanese government has in fact been evasive on the issues of war and colonial rule caused by Japan after the war, and has not conducted proper investigation and summary on related issues. Because of the attitude, different groups in Japan have different positions on relevant issues. Japan actually has made some efforts, which are primarily apology and compensation from the moral perspective. But unfortunately, these efforts haven't been recognized by the international community. This is sad to Japan.

4. The question-and-answer session

(1) How to understand the fact that some Japanese approve the act of paying homage to war criminals at the Yasukuni Shrine? Are there any religious and cultural factors in it?

The act of paying homage to dead military personnel at the Yasukuni Shrine reflects the Japanese's view on life and death. The Japanese believe that if a person does evil when he's alive, his sins are gone when he dies. This is different from the Chinese's view on life and death. Even the person is a war criminal, after being hanged, his sins are gone, and therefore, he can be enshrined at the Yasukuni Shrine. Even though the Japanese think so, from an international point of view, this involves the issues of how to understand the responsibility for war. Is a Japan shrine allowed to enshrine war criminals together with others without permission, in order to absolve them of their sins? This is a very big problem.

(2) What impact does the Pacific War have on Japan's view on historical issues? During the war, the home island of Japan wasn't invaded by the U.S., but Japan invaded and occupied the territory of other countries, such as in Southeast Asia and China. Have these factors affected Japan's historical understanding?

The Pacific War is a complex war, which includes four wars: Japan's war against China, the war between Europe and Japan in Southeast Asia, the war between Japan and the U.S., and the war between Japan and the Soviet Union. We need to treat the four wars differently. The war between Japan and the U.S. has the biggest impact on the shaping of Japan's views on war. In Japan's view, the war between Japan and the U.S. was centered on the international order, specifically, the concept of international order promoted by the U.S. collided with the "Greater East Asia Co-Prosperity Sphere" Japan tried to establish. After being defeated, Japan joined the international order led by the U.S. This is Japan's view. This memory of war against the U.S. has collided with the memory of war against China. Although duration is the length of the war between China and Japan, both China and Japan for the damage is greatest, but this "Japan is lost to the United States," impact of war awareness, Japan the memories of war with China has been watered down after the war. This is how I understand.

My speech today is mainly focusing on the historical issues between China and Japan. Some issues are difficult to understand for many Japanese. This kind of historical issues don't exist between Japan and the U.S. The issue between Japan and Britain and the U.S. is the problems about captive abuse. The issue between Japan and Soviet Union is that many Japanese soldiers were executed by shooting in Siberia. Japan and other European countries also have some bilateral historical issues. Therefore, Japan had different experience in four wars in the Pacific war, and the Japanese's view on war is inconsistent with their historical understanding, the two are even divided generally. As the constitution protects freedom of thought, the Japan government doesn't have a consolidation on the Japanese's view on war and their historical understanding, so this problem will continue to exist.

(3) As Japanese born after the war, do we have to continue to apologize? (A question from a Japanese student studying in China)

People born after World War II now account for over 80% of the total population of

Japan. None of the parents of the young people born in 1980s are involved in the war, so they have nothing to do with the war. I personally think young people in Japan have no responsibility for the war, and don't need to apologize. But the fact that Japan invaded China and other countries and brought damages to these countries should be known, narrated and passed on as memories of the war. Therefore, I think textbooks should have a proper narration on the wartime and post-war historical issues to help Japan's young people have dialogue with the people of other Asian countries based on understanding of these facts. It is necessary for textbooks.

(4) How to explain Japan's wartime atrocities? Are there any cultural factors in them?

The atrocities the Japanese army committed in China during the war, such as the Nanjing Massacre, Bombing of Chongqing and Three Alls Policy, are facts. There haven't been any studies exploring cultural backgrounds of wartime atrocities. It can be said that such acts of the Japanese army at that time are in violation of international law no matter from the current perspective or in the historical background at that time. Japan lacked education and training of military personnel at that time, and the education and training lagged behind international standards, some of the education even had obvious errors. For example, the army's educational policy on military personnel was that military personnel must not be surrendered; if they are forced to surrender, they must commit suicide. Another factor is, although the Japanese military officers, such as senior generals, were well-educated and they understood and complied with international law, the Japanese army didn't fully educate junior officers. Most of the junior officers were soldiers of rural origin. They didn't obey the rules when in China.

The more specific factor is that the combat of the Japanese army in mainland China didn't attach much importance to rear supply, but emphasized on self-reliance, collecting food and supplies locally. Because of this way of combating, when Japanese troops entered the rural China, in order to obtain food and supplies, they frequently committed atrocities in villagers' homes. However, even in wartime, the army was not always combating. Japanese soldiers also needed to lead a life in China. Some of them established friendly relations with Chinese people, and some of them had conflicts with Chinese people. But it can be said that most of the soldier were not involved in acts of slaughter.

(Translated into Chinese and reorganized by Sun Ying)

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