



## Examining WWII Japanese War Crimes through a Daoist Perspective

In this paper, I analyze the moral basis of Japanese Empire's heinous war crimes and reveal their absolutely immoral nature through a Daoist lens. First, I define what "dao" means and other important Daoist concepts. Then, I show that despite the Japanese's attempt to justify their actions by claiming they followed the best "way", their actions were absolutely immoral because they failed to consider others and caused unnecessary strife. After, I define what an aggressive war is within the context of the Daodejing, citing Sun Tzu's Art of Warfare as further support. I will then argue that the Japanese waged an aggressive war which is always unjustified using aforementioned ideas from the Daodejing, the Art of Warfare and laws dictated by the League of Nations. I maintain the opinion of the Justices as elucidated in the International Far East Tribunal's judgment that the defendants should have been held legally responsible for waging an aggressive war and heinous war crimes because although they tried to act in their country's self-interest, they diverged from "dao" by coercing people into submission through heinous war acts.

There are two layers of meaning of "Dao" within the Dao De Jing I will unpack in this paragraph. "Dao" is best translated as "way-making". However, according to Roger Ames in his translation of the Daodejing, there are "several derived meanings [which] emerge rather naturally" from "way-making". (Ames et al., 2003, pp. 57) Dao "seems to denote the active project of 'moving ahead in the world' or of 'forging a way forward'. Although the two aforementioned derived meanings denote distinct things, they both connote a notion of activeness. In a literal sense, a person who wants to cross a river cannot cross the river unless they actively choose to "move ahead" by taking steps forward. However, we can only "move

ahead” in a non-intrusive manner when we separate human desires from nature. Until we learn how to appreciate nature and the “mysteries of life” without being corrupted by our selfish desire, people can never truly adhere to “dao” because they are always in conflict with the world around them by trying to impose their selfish desires.

One cannot “forg[e] a way forward” without choosing to be active. In a more metaphorical sense, the phrase “forging a way forward” often is used as an aphorism meant to inspire people to accomplish what they want. It’s important to note that whether interpreted in a literal or metaphorical sense, “forging a way forward” entails that in order for one to move forward, an individual will be met with resistance. It is in this sense that an individual cannot engage with “dao” properly without acknowledging that there is tension within the world. This does not mean that an individual should purposefully attempt to engage with this tension by creating or participating in conflict. Although some people may attempt to justify acts of aggression by saying that since they cannot “forge their way forward” without resisting against the forces which prevent them from doing so, it is possible to “forge one’s way forward” while remaining in harmony with the world around them. For example, Imperial Japan claimed they attacked the United States’ Pacific Fleet (i.e Pearl Harbor) to prevent America from interfering in their invasion of Southeast Asia. Although it is true that taking preemptive action against the United States’ Pacific Fleet may have temporarily prevented the deaths of Japanese Soldiers, the intent of their action was not in harmony with the world around them. The Japanese empire attempted to justify their invasion of China by claiming that they were following the Western Imperialist model before them and invading other countries before they could be invaded. The Japanese Empire was acting in self-interest and preservation -- even Daoism acknowledges that the individual who wants to engage in conflict in order to further themselves is doing so in order

to maximize their experience and self-interest. However, Daoism believes individuals should be “responsive to the cadence of their experience” and “sustain” a kind of balance while optimizing the “cadence of their experience”. (Ames et al., 2003, pp. 163) In other words, someone will naturally maximize their experience if they choose to act in harmony with the world around them by being “responsive” and maintaining “balance” with the natural flow of things around them. The Japanese may have believed that invading and attacking non-aggressive countries, hence acting completely in their self interest, was the best way to maximize the “cadence of their experience” but they “forg[ed] a way forward” and followed a path of unnecessary harm.

I will explain how war, symbolic of “coercion”, is antithetical to “dao”. Roger Ames writes that within the Dao De Jing, “coercion is perceived as impoverishing and dehumanizing” because it prevents people from being spontaneous. (Ames et al., 2003, pp. 23) Spontaneity is a necessarily positive thing within the Daodejing because being spontaneous means acting in accordance with and recognizing “the continuity between oneself and the other”. To coerce someone would violate a person’s sense of spontaneity and prevent them from considering not only their self-interests but the interests of those around them. A person who learns to follow “dao” by recognizing not only their own value but others’ value will live a purposeful and peaceful life in accordance with the “way” of the world around them. Although people’s actions tend to be based in self-interest and self-interested actions can concur with the “way” of the universe, attempting to use “coercion” to purport one’s self-interest is never justified -- especially within the context of war. Laozi argues that one should never “glorify weapons, for to do so is to delight in killing people, and anyone who delights in killing people will come up short in the world.” People should never “glorify” killing people because killing people to further one’s self-interests entirely is ‘evil’. To kill others simply because they do not agree with the

killer's ideology is to devalue and refuse to recognize the value of another person. Moreso, the 'instruments of war' are anathema to peace and harmony because they are instruments of oppression and act as a "symbol of coercion".

In order to understand how the Japanese Empire's invasion of other countries and the Japanese government's officials' incitement of war absolutely was unjustified and went against "dao", I will explain the background of the war. During the Meiji period, Japan was feudalist and ruled by its samurai and the shogun with the Emperor acting as a figurehead. However, in the 1920s, government officials overthrew the shogun and transformed Japan from a feudalist to an imperialist empire. Japan followed the model of Western imperialist empires and became increasingly militarized. In 1931, Japan successfully invaded and took over Manchuria. Japan invaded Manchuria in order to obtain raw materials for its growing industries. Japan's invasion was not an act of self-defense because it was not provoked by any outside forces. Although Prime Minister Wakatsuki Reijiro attempted to stop Japanese forces from invading and taking over Manchuria, he was quickly replaced and the Prime Ministers following him increasingly militarized Japan. Furthermore, they ordered Japanese military forces to invade other countries without provocation. The Japanese government claimed they were liberating other countries from Western nations but acted similar to Western oppressors. According to Columbia University's Eastern Asian Studies program, "although the Japanese were initially welcomed in some Asian colonies by the indigenous populations whom they 'liberated' from European domination, the arrogance and racial prejudice displayed by the Japanese military governments in these nations created great resentment". (Japan's Quest for Power and World War II in Asia, Asia for Educators Columbia University, 2020) Racial prejudice and arrogance are synonymous with coercion because they "dehumanize" people; people who are victims of racial prejudice and

arrogance are treated as lesser people and are devalued. Laozi writes that “Those who are arrogant because of station and wealth bring calamity upon themselves. To retire when the deed is done is the way (dao) that tian works.” (Ames et al., 2003, pp. 88) The Japanese Empire’s ‘arrogance’ and self-interested desire to have total economic control and be financially independent from Western Countries did not at all adhere to “dao” because killing people unnecessarily for money -- a corrupt cultural desire which should not be prioritized over the “continuity between oneself and the other”. When one prioritizes “greed and avarice”, war is bound to happen but Daoism dictates that we must overcome our base desires and focus on going along with the “natural rhythms of life” in continuity between “oneself and the other”.

Not only did the Japanese Empire wage an unnecessary aggressive war for an unjustifiable reason, but treated the people it conquered in an absolutely atrocious and unjustifiable manner. Daoism goes against dualism because although they may appear “familiar”, they limit spontaneity and coerce people into adhering to a certain “way” of living although there is no formula for properly adhering to “dao”. The Japanese Empire not only treated conquered people with racial prejudice and arrogance, it massacred millions of people. Instead of considering the other (i.e people it conquered), it acted entirely in self-interest and killed millions of people to secure their power and “coerce” the people into submission. The Japanese Empire gave into dualistic tendencies by treating their enemies entirely as the ‘other’; in a sense, the mindset held by the Japanese was ‘it’s either us or them’. Sun-Tzu’s view is consistent with Laozi’s view that an enemy in war should be treated with respect. Sun-Tzu believed that captured soldiers should be provided for and treated well. Thus, both Laozi and Sun-Tzu hold the belief that the “way” to treat the enemy isn’t in an inhumane manner because there is no purpose in “glorifying” war -- glorifying war will only lead to unnecessary strife.

According to the National WWII Museum, in the event now known as the Nanking Massacre, in one night 150,00 war prisoners and 50,000 male civilians were killed. An estimated 20,000 women and girls were raped and killed. Japan celebrated its victory over Nanjing claiming that since they held control over Nanking, the capital of China (East Asia's biggest power prior to the Japanese invasion), they could now take control of trade. Furthermore, it's estimated that more than 30 million people in China alone were killed by Japanese invaders under the guise of establishing "superiority" and financial independence.

The Japanese attempted to justify the "way" they "forged forward" by claiming the war wasn't aggressive; however, the League of Nations' courts indicted them on the basis of committing heinous war atrocities and waging an aggressive war. According to Daoism, engaging in unnecessary war follows "dao" since the "way" to live a justified life entails being in harmony not only within oneself but in harmony with the world around them. To begin with, any war waged will entail "coercion" and is in a sense "aggressive" because all wars involve people being killed. However, the aggressive war I am referring to is a term alluded to in the Daodejing, a core argument of Sun Tzu's "The Art of Warfare" and a legal term solidified by the League of Nations in 1934. In chapter 68, Laozi writes that "Those who are good at waging war are not belligerent". (Ames et al., 2003, pp. 184) A synonym for "belligerent" is aggressive. In other words, the best forms of war are not belligerent or aggressive by nature. A war is only justifiable if it is an act of "budeyi", which translates to an act engaged only when there is no other choice. "Warfare is always a losing proposition" but self-defense wars where one "defends their ground" and does not "take an inch but give up a foot" are instances of "budeyi" and adhere to "dao". An act of invasion does not adhere to "budeyi" because the aggressor actively made a choice to "forge a way" by oppressing and massacring millions of people on the basis of financial

independence, a corrupt cultural notion. Furthermore, according to the Art of Warfare, the Japanese Empire did not “approach the battle with prudence” and adhere to “tao” because they failed to “keep the state secure and preserve the army intact.” (Roger T. Ames, 1993, pp. 1926) It is estimated that 3 million Japanese soldiers died overseas and during invasions. Furthermore, Japanese culture encouraged kamikaze, which is defined by Britannica (2020) as a “deliberate suicidal crash into enemy targets, usually ships.” The Japanese Empire waged an aggressive war and used incredibly aggressive tactics involving Japanese soldiers committing suicide. According to Sun-Tzu, the best “path” to take when engaging in war is to “keep one’s own army, battalion, company, or five-man squad intact; to crush the enemy’s army, battalion, company, or five-man squad is only second best.” (Roger T. Ames, 1993, pp. 1433) Hence, kamikaze, which was encouraged by the Japanese Empire and ordered by Japanese government officials, is an act antithetical to “preserving” or “keeping” one’s army intact. The Allied Powers held at the International Conference on Military Trials in London (1945) and set the statutes for what is considered an aggressive war in Article 6:

- a) Declaration of war upon another State.
- b) Invasion by its armed forces, with or without a declaration of war, of the territory of another State.
- c) Attack by its land, naval or air forces, with or without a declaration of war, on the territory, vessels or aircraft of another State.
- d) Naval blockade of the coasts or ports of another State.
- e) Provision of support to armed bands formed in its territory which have invaded the territory of another State, or refusal, notwithstanding the request of the invaded State, to



take, in its own territory, all the measures in its power to deprive those bands of all assistance or protection.

The war perpetrated by the Japanese Empire adheres to all of the above statutes but within the context of this paper, I will focus my discussion of an aggressive war and the International Military Tribunal for the Far East on statutes a) through c). Statutes a) through c) are largely reminiscent of claims within The Art of Warfare and the Dao De Jing. The League of Nations deemed it necessary to punish and indict Japan for waging an unjustified aggressive war. However, they could not punish the entire empire and so, following the example of the Nuremberg Trials, the League of Nations held the International Military Tribunal for the Far East to punish government officials who were in charge of military operations.

In the next portion of this paper, through the lens of daoism, I will be basing my argument that charges of Crimes Against Peace brought against the Japanese government officials on an individual basis are justified. The Justices in the Tribunal decided the charges based on statutes set in legal documents such as the Treaty of Versailles and the International Conference of Military Trials. The charges brought against the Japanese government officials would become the basis for military law by becoming legal precedent and setting the tone for how to deal with morally impermissible wars and philosophies. It would appear that because Laozi argues that laws and statutes shouldn't be displayed so openly because the proper "way" is to do things non coercively and let people rule themselves it would be inconsistent to argue for the moral justifiability of laws in Daoist terms. However, I argue that to disregard the heinous acts of the Japanese Empire in legal terms is unjustifiable because laws do not only determine statutes and limitations but morality. Laws are necessary because without them, people's behavior would be unregulated and unchecked. Hobbes, a Western Philosopher, argues that



without laws people would revert to their original state of nature as violent and cruel animals who act entirely in their own self-interest without regard for others. Laws are consistent with Daoism then because they encourage people to live in accordance and harmony with the world around them by establishing proper social conduct. It is true that laws “coerce” people in a sense because people are legally obligated to follow them, but laws also help people determine how to best act spontaneously and forget the most moral path. Laws may be singular in the sense that on paper they appear to denote one thing; however, like the Daoist understanding of the universe, laws are multi-faceted and do not entail “a coherent, single-ordered world which is in any sense enclosed or defined.” (Ames et al., 2003, pp. 14) Joseph Keenan, the head justice in charge of the Far East Tribunal, determined that despite Article 52 of Additional Protocol I to the Geneva Convention which states that engaging in warfare to force an enemy in submission must be determined at the discretion of the party, there are instances of war “beyond any justification of military necessity”. (Linder, 2017) For example, Hideki Tojo, the Prime Minister of Japan, attacked the Soviet Union for the purpose of obtaining “great prestige” and securing Japan’s place as a great world power. Following the law set forth by the Geneva Convention, Prime Minister Tojo was justified in waging war against and invading multiple countries because securing the interests of one’s country at the cost of others is a “path” taken out of military necessity. From the transcript of the International Military Tribunal’s judgement, the following is an account of the events which occurred in Nanking:

In each town the Japanese troops assembled people along ditches and forced them to kneel; they then killed these civilians, men, women and children; with machine guns; those who survived {49,602} the machine-gunning being promptly bayoneted to death, Over 2,700 civilians perished in this massacre, which the Japanese Kwantung Army

claimed to be justified under its program of exterminating "bandits."

(INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST Judgment of 4 November 1948, pp. 493)

Innocent civilians who attacked Japanese soldiers to defend themselves and other innocent people were deemed to be "bandits" and massacred. Throughout history there have been many instances of heinous and aggressive war acts but as Dannenbaum (2017) writes in the Yale Law Journal, "the core moral issue is that aggressive war entails killing and maiming for reasons that are now considered unacceptable: reasons other than the protection and security of human life." Hideki Tojo and 6 other defendants were found guilty of waging an aggressive war and punished by the law. The judgment decided upon by the Justices in the Tribunal set forth legal and moral precedent that waging an aggressive war is no longer just a purely ideological and immoral act (i.e it goes against "dao") but an act recognized by the law which goes against the "ethos of the world". Laozi writes that "the way (dao) [is] setting deep roots and a secure base, and of gaining long life and an enduring vision." (Ames et al., 2003, pp. 169) The Justices' judgment carried out their "enduring vision" about what's best for the world by holding Japanese government officials responsible for unnecessary strife, waging an aggressive war and committing heinous war crimes. The Justices, like the Daodejing and The Art of Warfare, acknowledge that war is sometimes necessary but only when self-defense. Any other instance of aggressive war fails to "preserve the state" and heinous war crimes such as genocide are absolutely immoral because they not only coerce people, but dehumanize and devalue them.

To conclude this paper, I argue that for thousands of years to come, people will discuss the atrocities committed by the Japanese Empire; even today, many people in Southasian and East Asian countries feel the impact of WWII. The Japanese "coerced" people by brutalizing,

oppressing and dehumanizing conquered people. Moreover, they devalued the lives of their own soldiers by sacrificing them unnecessarily. Lastly, they disregarded other people and acted entirely in self-interest. Daoism dictates that everyone in the world has a purpose and the Tribunal established that any act which prevents a person from “forging their way” must be punished by law to prevent aggressive war and heinous war crimes from occurring in the future. Conclusively, even if everyone must follow a “path” in order to be in harmony with the universe, any “path” (e.g Japanese government officials) which causes unnecessary strife and goes against the world’s ethos does not adhere to “dao”. The world can never be a peaceful and harmonious place until individuals learn to adhere to “dao” by forging and aligning their own “path”/ self-interest with the interest of the world around them.

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