

“TRAITORS TO THE CHINESE RACE (*HANJIAN*)”: POLITICAL AND CULTURAL  
CAMPAIGNS AGAINST COLLABORATORS DURING THE  
SINO-JAPANESE WAR OF 1937-1945

by

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A DISSERTATION

Presented to the Department of History  
and the Graduate School of the University of Oregon  
in partial fulfillment of the requirements  
for the degree of  
Doctor of Philosophy

September 2010

**University of Oregon Graduate School**

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against Japan. The Nationalist government labeled collaborators as *hanjian*, “traitors to the Han.” The word became widely used in legal regulations, popular literature, and newspapers and became the most derogatory and politically disastrous title possible for a Chinese citizen. Individuals designated *hanjian* were exposed to public humiliation, confiscation of land and property, and the threat of assassination. Chiang Kai-shek’s government also called for the common people to expose *hanjian*. Most such accusations were then transformed into legal procedures. These accusations resulted in varying and often unfair sentences. Designed by the Nationalist government to harness the force of popular nationalism and to restore justice, the anti-*hanjian* campaigns instead inadvertently exposed the corruption and incompetence of the Nationalist government and damaged the post-war construction effort.

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## ACKNOWLEDGMENTS

I thank my advisor, Professor Bryna Goodman, who has guided me through my graduate study and has always been vitally instrumental in my intellectual development. She has offered insightful suggestions regarding this project from its inception, and provided me with valuable feedbacks at every stage of this project. I could never have reached the heights or explored the depth without the help, support, and guidance from Professor Goodman. Professor Ina Asim has been supportive of my research on Chinese legal history. Both my master's thesis and my dissertation benefited greatly from her insights and suggestions. I would like to thank Professor Andrew Goble for instructing me in reading Japanese legal documents, among other aspects of Japanese studies I have conducted with his guidance. His perspectives have been indispensable for this project. I also deeply appreciate feedbacks and comments I received from Professor Tze-lan Sang. I want to take the opportunity to thank all the faculty members in the History Department, who have stimulated my work in one way or another. I am deeply grateful for the support and encouragement I received from my wonderful colleagues and friends, especially Feather Crawford-Freed, Luis Ruiz, Camille Walsh, Chen Zhihong and Zhang Yu. I would not have enjoyed and benefited from my graduate study so much without them.

My love and deep appreciation goes to my family. In the past six years, my father Xia Zuchang and my mother Zheng Yuling have lived in China, but their love and support always accompanies me, and is the most important thing that keeps me going. They probably can never thoroughly read through my dissertation, which is in English,



but every piece of the dissertation is made possible by the education and instruction I receive from them. My husband Nicholas F. Phillips has helped me with my writing since my first day of graduate school, and I have learned so much about history and culture from him. I would not have written the dissertation of its current quality without him. My father-in-law, Mr. Frank Phillips, has been a most important English teacher to me, and I always benefit from the intellectually stimulating conversations with him and his insights of history and literature, among other subjects. I am equally grateful of all the love and support from my mother-in-law, Dr. Evelyn Henry. Though the following dissertation is an individual work, it results from the support and effort of all the people mentioned above.

*To my parents.*

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## CHAPTER I

### INTRODUCTION

*“Warfare and confrontation have emerged on China’s borders since the Han dynasty. Barbarians in the north gradually encroached on Chinese land. [The Chinese dynasties, in order to settle the disputes], either fought wars with northern neighbors, or resorted to diplomatic marriages. Thereafter, words like “hanren” and “hanjian” appeared.”*<sup>1</sup>

----- Zhang Shizhao, “Hanjian bian,” 1903

The Chinese label, *Hanjian*, or “traitor to the Han race,” expresses a highly pejorative attack on an individual’s political and cultural identity. If recognized as a *hanjian*, even today in the People’s Republic of China (PRC), a Chinese person is likely to attract popular denunciation and moral exclusion from the Chinese community. He or she may be subjected to severe oral harassment and even physical attack. The most recent and widespread application of this word to a particular individual involved Wang Qianyuan, a freshman from the People’s Republic of China who studies at Duke University. In April 2008, the torch relay for the Beijing Olympics encountered protesters in many foreign cities along the route. These protesters brought up a range of concerns regarding China’s domestic and foreign policies, especially the Chinese government’s suppression of the unrest in Tibet a month before the relay. While the torch was passing through San Francisco, demonstrations appeared on the campus of many American

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<sup>1</sup> Zhang Shizhao, “Hanjian bian” [A debate on the usage of hanjian], in Zhang Hanzhi, ed. *Zhang Shizhao quanji* [A full collection of Zhang Shizhao] (Shanghai: wenhui chubanshe, 2000), Vol I, 158.



universities. At Duke, pro-Tibet demonstrators and pro-China demonstrators confronted each other. As hostility intensified, Wang Qianyuan, who had friends on both sides, tried to encourage dialogue between the two groups. She was reported writing “Free Tibet” on the back of the American organizer of the pro-Tibet protest.<sup>2</sup> Her action immediately aroused anger among pro-China demonstrators, and a volatility that exploded on the Chinese-language web. Nationalist Chinese bloggers attacked Wang as a *hanjian*, and posted her parents’ home address online, indirectly encouraging threats on Wang’s parents since she was abroad herself. Wang’s story attracted wide media attention around the world, and concern over the radical and indiscriminate excesses of such displays of Chinese nationalism.<sup>3</sup>

Wang Qianyuan’s case is equally fascinating, although very unfortunate, since her case involves an unusual invocation of *hanjian* in peace time (*heping niandai de hanjian*). In popular perception, *hanjian* usually emerge when China is at war with other nations. The condition of war makes them particularly despicable since their existence endangers national security no less than foreign invasion. In popular memory, the most infamous *hanjian* emerged during the second Sino-Japanese War (1937-1945), which in China is referred to as the War of Resistance against Japan.<sup>4</sup> Pressed to trace the history of

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<sup>2</sup> “Chinese Student in U.S. Is Caught in Confrontation,” *The New York Times*, April 17, 2008; “Caught in the Middle, Called a Traitor,” *The Washington Post*, April 20, 2008.

<sup>3</sup> For instance, see Nicholas Kristof, “Grace Wang and Chinese Nationalism,” *The New York Times*, April 19, 2008.

*hanjian* further back, people might include various personalities throughout Chinese history in their *hanjian* list. Such usage, however, is anachronistic since *hanjian* did not develop its current meaning (traitor to the Han race) until the beginning of the twentieth century.<sup>5</sup> Two decades later, during the War of Resistance Against Japan, the word first entered popular vocabulary. This development reflects its wide and systematic use at the time in state-issued laws, newspapers, literature, films and other forms of war propaganda.

The subject of this dissertation is the process by which the Nationalist state and various social groups reinvented the word *hanjian* around the time of the War of Resistance. At this time, the label was attached to a legally defined and culturally constructed crime. The dissertation focuses on legal and extralegal, political and cultural modes of anti-*hanjian* campaigns conducted by a variety of agents motivated by different ideologies and practical considerations. The anti-*hanjian* campaigns reflected in fundamental ways the tensions among different parts of Chiang Kai-shek's Nationalist (Guomindang, or GMD) government, the central Chinese government that started to rule China since 1928, as well as between state and society. The study of anti-*hanjian* campaigns sheds light on the dynamic relations between the Nationalist government and

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<sup>4</sup> For a comprehensive portrayal of the War of Resistance, see James Hsiung and Steven Levine, *China's Bitter Victory: The War with Japan, 1937-1945* (M.E. Sharpe, 1997). For regional wartime experiences, see Stephen MacMinnon and Diana Lary, eds. *China at War: Regions of China, 1937-1945* (Stanford: Stanford University Press, 2007).

<sup>5</sup> Zhang Shizhao, "Hanjian bian," 158.

the Chinese Communist party, since such campaigns undermined, rather than strengthened the political legitimacy of the Nationalist government in the key years when it was competing for control of China with the CCP.

### *The Reinvention of the Word “Hanjian”*

In contemporary Chinese dictionaries, *hanjian* is typically defined as “scum of the nation, later referring to those who betrayed the nation and served the interests of foreign invaders.”<sup>6</sup> This definition of *hanjian* as “national traitor” replaced the ethnic implication of the word with primarily political emphasis. A number of dictionaries cite an essay from the early 1900s for the usage of *hanjian*, and this essay was in fact the source of reinvention of this word.<sup>7</sup> This article, unknown to many, was titled “Hanjian bian,” or “A debate on the usage of *hanjian*.” Zhang Shizhao, who later became an influential nationalist political activist and a renowned lawyer, wrote this article in 1903. His article defines *hanjian* from a Han-centric perspective for the first time.<sup>8</sup> As a determined revolutionary, Zhang worked as an editorial writer for the *Subao*, a newspaper that strongly advocated liberating the Han race from the rule of the Manchu

<sup>6</sup> See, for instance, *Xiandai hanyu cidian* [The modern Chinese dictionary] (Beijing: Shanghai yinshuguan, 1995), 441; *Cihai* [An unabridged, comprehensive dictionary] (Shanghai: Shanghai cishu chubanshe, 1979), 886.

<sup>7</sup> *Xiandai hanyu cidian*, 441.

<sup>8</sup> Zhang Shizhao, “Hanjian bian,” 158.

Qing dynasty (1644-1911).<sup>9</sup>

Written in such a context, “Hanjian bian” was charged with anti-Manchu sentiments. It reflected Zhang’s clear intention of reinventing the word for a new ethnonationalist political use. Before 1903, there existed several different, even contradictory interpretations of the word *hanjian*. The Manchus, the ethnic group who ruled the multi-ethnic and multi-cultural Qing Empire, labeled Han Chinese who rebelled against the Qing rule *hanjian*. This usage was predominant at the time, and was often seen in Qing official documents.<sup>10</sup> On the other hand, starting from the late nineteenth century, Han Chinese officials occasionally employed the word to denounce individuals of Han ethnicity who assisted foreign nations in infringing on the interest of the Qing, which mainly consisted of Han Chinese.<sup>11</sup>

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<sup>9</sup> Starting from 1930, a group of revolutionary intellectuals gathered around *Subao*, using it as a platform to launch anti-Manchu ideologies and to organize anti-Manchu activities. Famous late Qing revolutionaries such as Zou Rong, Zhang Taiyan, and Cai Yuanpei were all main contributors to *Subao*. See Xu Jin, “Chen Fan yu Subao an” [Chen Fan and the case of *Subao*], *Jindaishi ziliao* 3 (1983), 65-71. In 1903, the Qing government shut down *Subao* and arrested several of its main editors and contributors. See Zhang Shizhao, “Subao an shimo jixu,” [An account of the Subao case], in Chai Degeng, ed. *Zhongguo jindaishi ziliao congkan: Xinhai geming* [A collection of primary sources on modern Chinese history: the 1911 Revolution] (Shanghai: Shanghai renmin chubanshe, 1957), 390. After the *Subao* was shut down by the Qing government in 1903, Zhang studied and practice law. He was well-connected with individuals of various political and social backgrounds; his acquaintances ranged from Mao Zedong, leader of the Communist Revolution and first chairman of the People’s Republic of China, to Dai Li, head of Chiang Kai-shek’s intelligence office, to Du Yuesheng, tycoon of the Shanghai’s underworld. Zhang Shizhao will continue to be relevant to this study since he was the defense lawyer for several infamous collaborators, including Li Ze, a major “economic traitor” from Shanghai.

<sup>10</sup> See, for instance, *Qing shilu* [A faithful record of Qing dynasty] (Beijing: Zhonghua shuju, 2008), Vol. 7, “A faithful record of the Yongzheng reign (1722-1735),” chapter 20, 53.

<sup>11</sup> See, for instance, Lin Zexu, “Mina hanjian zhaogao,” [A proposal on secretly arresting traitors], in Chinese Modern History Research Center at Zhongshan University, ed. *Lin Zexu ji* [A collection of works by Lin Zexu] (Beijing: Zhonghua shuju, 1963), 47.

Zhang Shizhao's article strongly advocated the adoption of the second definition of *hanjian* as preferable and more appropriate. He explained at length the rationality behind this choice. First, he identified a number of historical figures as *hanjian*:

The real *hanjian* are those who betray their own race by colluding with foreigners. A number of Chinese historical figures should be considered *hanjian*. Guan Gan, who served under the Han general Li Ling, surrendered to the Hun tribes and helped them defeat the Han army;<sup>12</sup> Zhang Bin helped the Jie emperor invade the Han-based Jin dynasty;<sup>13</sup> Shi Jingtang, founder of the later Jin dynasty, sought protection from the Khitans and addressed the Khitan emperor "father,"<sup>14</sup> ... Zhang Hongfan defeated the southern Song army on behalf of the Mongol Yuan dynasty and ended the Song rule;<sup>15</sup> Wu Sangui, Geng Jimao and Shang Kexi helped the Manchu Qing eliminate the Ming forces;<sup>16</sup> Zeng Guofan, Zuo Zongtang

<sup>12</sup> In 102 BCE, war broke out between the Han dynasty (202BCE-220) and the Hun nomadic tribes. In one of the battles, the Han general Li Ling was surrounded by the Hun army. A low-ranking officer, Guan Gan, upon being insulted by his superior, surrendered to the Hun and revealed to them the strategic weakness of Li Ling's army. Li Ling was thus defeated, and Li surrendered to the Hun. Ban Gu, *Han shu* [The book of the Han dynasty] (Beijing: Zhonghua shuju, 1962), chapter 54, "Biographies of Li Guang and Su Jian," 2450-2459.

<sup>13</sup> Jie was one of the Hun tribes, and Shi Le from the Jie founded the later Zhao dynasty (319-351), which was one of the sixteen kingdoms (304 and 439). Shi Le rose from political chaos in the last years of eastern Jin (317-420), a han dynasty. Zhang Bin, a han Chinese, decided that among the contending forces, only Shi Le, the "barbaric general," deserved his service. Zhang thus became Shi Le's most important strategist. Because of Zhang's assistance, Shi Le conquered most of north China and founded the later Zhao dynasty. Fang Xuanling, *Jin shu* [The book of the Jin dynasty] (Beijing: Zhonghua shuju, 1974), chapter 105, "Biography of Shi Le and Zhang Bin," 2707-2756.

<sup>14</sup> During the Five Dynasties and Ten Kingdoms period (907- 979), there were constant civil wars and short-lived dynasties in China proper and its neighboring areas. Shi Jingtang, a general of the later Tang dynasty (923-936), overthrew later Tang and founded the later Jin dynasty (936-947). During the rebellion he sought military support from the Khitan Liao dynasty (907-1125), for which he promised to cede sixteen prefectures in north China to the Khitans once he defeated the later Tang. These sixteen prefectures were strategic areas vital to defending China proper against nomadic tribes on the north. Since Shi Jingtang ceded them to the Khitans, he was held responsible for the military vulnerability of Song dynasty (960-1279), which was under constant attack by the Khitans and Jurchens and was finally conquered by the Mongols.

<sup>15</sup> Zhang Hongfan was a Han Chinese who served as a general for the Yuan Empire. He participated in Yuan's military campaigns against southern Song dynasty (1127-1279), and commanded the decisive Battle of Yashan, which led to the suicide of the last emperor of southern Song. Song Lian, *Yuanshi* [The History of the Yuan dynasty] (Beijing: Zhonghua shuju, 1997), chapter 156, "Biography of Zhang Hongfan," 3679-3684.

<sup>16</sup> Wu Sangui was a Ming general who was in charge of guarding the Shanhai Pass, the frontier of defense

and Li Hongzhang, as members of the Han race, assisted the Manchu Qing in suppressing the Taiping Rebellion, and they are indeed *hanjian* who deserve condemnation.<sup>17</sup> ...

Zhang's denunciation of most figures in this paragraph was ahistorical and anachronistic, since *Han* is a historical construct itself, and it was not used to refer to an ethnically defined group until early Qing dynasty. Instead, throughout most of Chinese history, *Han* refers to the Han dynasty (202BCE-220), and later to a geographic entity and a cultural entity.<sup>18</sup> Since the Han dynasty, the word *Han* was used in officially composed or recognized histories to refer to the agriculture-based people who lived in the core regions where the Chinese civilization developed. What distinguished them from peoples who lived outside the core regions were clothing, cuisine, languages and geographic location, rather than biological features.<sup>19</sup> The border between the Han and non-Han people, however, was never rigidly defined.

China's historical process was not one that evolved around a pure Han entity.

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against forces from Manchuria. In 1644, he surrendered to the Manchus and let them enter the China proper through Shanhai Pass. Shang Kexi and Geng Jimao were also Ming generals who surrendered to the Manchus. These three generals were granted the title of wang, or "prince," which was rarely given to people who are not part of the royal family. In 1674, Wu, Geng and Shang revolted against the Qing, and in 1681 the Qing put down their rebellions. Zhao Erxun, *Qingshigao*[A draft of the Qing history](Beijing: Zhonghua shuju, 1976), Chapter 474,"Biographies of Wu Sangui, Geng Jingzhong and Shang Zhixin."

<sup>17</sup> Zeng Guofan, Li Hongzhang and Zuo Zongtang were Han officials of the Qing court. They organized local armies and defeated the Taiping Rebellion (1851-1864). By restoring stability and advocating the Self-strengthening Movement, they brought about "Tongzhi Restoration" (1860-1874), a period when the external and internal crises of the Qing were alleviated. Zhao, *Qingshigao*, Chapter 405, "Biography of Zeng Guofan," Chapter 411, "Biography of Li Hongzhang," and Chapter 412, "Biography of Zuo Zongtang."

<sup>18</sup> Wang Ke, "'Hanjian': xiangxiang zhong de danyi minzu guojia huayu" ["Hanjian: an expression resulted from the imagined nation state], *Twenty-first Century*, 3(2004), 63-73.

<sup>19</sup> Yang Tianyu, ed. *Liji yizhu* [Book of rites with annotation] (Shanghai: Shanghai guji chubanshe, 1997), 211.

Han-ruled dynasties were under incessant threat from northern neighbors. Tensions and military encounters, cultural and commercial communications between Han and non-Han populations shaped the development of both. More importantly, two non-Han ethnic groups, the Mongols and the Manchus, conquered China proper at different periods and established their rule over China and the Han population.<sup>20</sup> During interactions with non-Han groups, the Han rulers and educated elites elaborated an ideology of Han ethnocentrism to maintain cultural identity and to emphasize the moral superiority of Han.

Han did not become a primarily ethnic construct until the late Qing period, when revolutionaries such as Zhang Shizhao drew both traditional and imported terminology to differentiate the Han ethnicity from others. “Hanjian bian,” in which Zhang retrospectively imposed ethnic awareness on historical figures, was part of an anti-Qing agenda. The historical figures who were attacked as *hanjian* by Zhang Shizhao had never been labeled as such until the late Qing period. By juxtaposing them with contemporary Han officials who served the Qing, Zhang Shizhao aimed to create a continuous history of Han Chinese being victimized by foreign invaders with the assistance of Han traitors.

Zhang rejected the usage of the word *hanjian* by Qing rulers and loyalists, who

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<sup>20</sup> The Mongols founded the Yuan dynasty (1271-1368), and the Manchus founded the Qing dynasty (1644-1911). For an integrated perspective of how these two dynasties were founded and changed the course of Chinese history, see Frederic Mote, *Imperial China: 900-1800* (Cambridge: Harvard University Press, 2003), Part III & Part V. For detailed narrative of each dynasty and its legacy, see J.J. Saunders, *The History of the Mongol Conquests* (Philadelphia: University of Pennsylvania Press, 2001); Pamela Kyle Crossley, *A Translucent Mirror: History and Identity in Qing Imperial Ideology* (Berkeley: University of California Press, 1999).

used the term for identifying Han Chinese who rebelled against the Manchus. Zhang argued as follows:

*Hanjian*, or “Han rebels,” denounced by the Manchus, were indeed heroes of the Han race. They held deep love for their fellow Chinese (*tonglei*), and sacrificed their lives (to defend the Han race). Huo Qubing and Weiqing of the Han dynasty devoted themselves to the elimination of the Hun;<sup>21</sup> Yue Fei of the Song dynasty fought against the Jurchen Jin.<sup>22</sup> In recent history, Hong Xiuquan started the Taiping Rebellion that aimed to overthrow the Manchu Qing rule. Revolutionaries such as Tang Caichang and Lin Shutang were distinguished “hanjian” who fought for the independence of the Chinese nation.<sup>23</sup> What a pity that there are so many more Qing loyalists than “hanjian!”...

Zhang concluded this essay with a strong proposal to finalize the meaning of *hanjian* as “traitor to the Han race,” and a call for all Chinese to avoid being *hanjian* by overthrowing the Qing rule.

Zhang Shizhao’s analysis of the usage of *hanjian* as well as his critique of Han-Manchu relations was attractive and inspirational to many Han Chinese who blamed the Qing government for China’s external and internal crises since the first

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<sup>21</sup> Wei Qing and Huo Qubing were both generals of the Han dynasty during the reign of Wu emperor. Their military campaigns effectively secured the rule of the Han dynasty, and expanded Han’s territory westward to today’s Xinjiang-Uyghur region. These military campaigns also secured safe paths for the “Silk Road.” Ban Gu, *Han shu*, chapter 55, “Biographies of Wei Qing and Huo Qubing,” 2450-2459.

<sup>22</sup> Yue Fei was a well-known general from Southern Song dynasty who for a while successfully resisted military campaigns launched by the Jurchen-based Jin dynasty (1115-1234) on the north. The reference to Yue Fei in Zhang’s essay is particularly significant in a political sense since the founder of the Manchu Qing dynasty, Nurhaci, was the leader of one of the Jurchen tribes, and he unified three major Jurchen tribes before he conquered China proper. Tuotuo, *Songshi* [A history of Song dynasty] (Beijing: Zhonghua shuju, 1985), chapter 365, “Biography of Yue Fei.”

<sup>23</sup> Tang Caichang and Lin Shutang were late Qing revolutionaries. They organized an uprising in Wuhan in 1900 against the Qing government. The uprising failed, resulting in the arrest and execution of Tang, Lin and a dozen of other revolutionaries. See Feng Ziyou, *Geming yishi* [Reminiscences of the Revolution] (Taipei: Taiwan shangwu yinshuguan, 1969), vol. 2, “Zheng Guangong shilüe” (a brief biography of Zheng Dao).



Opium War (1840-1842).<sup>24</sup> A strong Han-ethnonationalism developed among late Qing revolutionaries, a generation of Han Chinese who were equipped with new political theories and scientific knowledge from the West as well as Japan.

After Zhang Shizhao reinvented the word *hanjian*, it was not in wide use for two decades. The 1911 Revolution brought an end to the Qing rule. After a new republic was founded, however, the official ethno-political discourse changed. In the hope of inheriting all Qing territories, political leaders such as Sun Yat-sen maintained that the Chinese population consisted of five main ethnic groups: the Manchus, the Mongols, the Tibetans, the Hui, and the Han.<sup>25</sup> The word *hanjian* was barely used in either official documents or mass media since it contradicted the principal of ethnic harmony upon which the new Republic was founded. During the Republican period, China was torn apart by impotent and corrupt central governments, warlordism, foreign encroachment and continuous civil wars. In 1928, the Nationalist government, led by Chiang Kai-shek, solidified its power over core regions of China. Chiang

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<sup>24</sup> In 1840, a series of disputes between the Qing dynasty and the British empire regarding trade, opium smuggling, law and justice, as well as ceremonies and protocols finally led to the first Opium War of 1840-1842. China lost the war to the British, resulting in a large amount of indemnity and ceding parts of Hong Kong to the Great Britain, among other losses of sovereignty. Thereafter, the Qing dynasty lost several wars to European imperialist powers, and was faced with increasing external and internal crises. For the Opium War and presence of European imperialism in China, see Peter Ward Fay, *Opium War, 1840-1842* (Chapel Hill: The University of North Carolina Press, 1998). Barbarians in the James Hevia, *English Lessons: The Pedagogy of Imperialism in Nineteenth-Century China* (Durham: Duke University Press, 2003).

<sup>25</sup> During the Qing, the Manchu rulers identified the Manchus, the Mongols, the Tibetans, the Hui, and the Han as its five constituencies, and maintained skillfully the balance among these five ethnic groups. The Five Color national flag was a symbol of the Republic that consisted of five peoples: Han, Mongol, Manchu, Hui and Tibetans. See Henrietta Harrison, *The Making of the Republican Citizen: Political Ceremonies and Symbols in China 1911-1929* (Oxford: Oxford University Press, 2002), 98-103.

Kai-shek's government continued to seek "grand unity," as advocated by Sun Yat-sen, and called for non-Han groups to assimilate themselves into a Han-centric, polyethnic "Chinese nation" (*zhonghua minzu*).<sup>26</sup>

The Nationalist government never had time or ability to achieve "grand unity," in reality, as it faced both Japanese imperialism and political competition from the Chinese Communist Party. Japanese encroachment on Chinese territory that began with the acquisition of Taiwan in 1895, increased dramatically in 1931, with the Kwantung Army's attack on Manchuria.<sup>27</sup> In response, a wave of popular "national salvation movements" soon spread across China. Patriotic intellectuals, students, businessmen, workers and petty urbanites participated in the movements, stimulating criticism of Japanese imperialism among Chinese citizens and urging the Nationalist government to mobilize resistance.

In this context, *hanjian* became an exceptionally effective term for the promotion of nationalist sentiments and the condemnation of collaborators as public enemies. The wide acceptance of the word *hanjian* reflected the demographic and territorial reality of the Republic of China. Areas under the direct control of the Nationalist government were

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<sup>26</sup> John Fitzgerald, *Awakening China: Politics, Culture, and Class in the Nationalist Revolution* (Stanford: Stanford University Press, 1998), Chapter 2&3; Liu Xiaoyuan, *Frontier Passages: Ethnopolitics and the Rise of Chinese Communism, 1921-1945* (Washington, D.C.: Woodrow Wilson Center Press, 2004), prologue.

<sup>27</sup> For the circumstances of the Japanese acquisition of Taiwan, see S.C.M.Paine, *The Sino-Japanese War of 1894-1895: Perceptions, Power and Primacy* (Cambridge: Cambridge university Press, 2005). For the Manchuria Incident, see Louise Young, *Japan's Total Empire: Manchuria and The Culture of Wartime Imperialism* (Berkeley: University of California Press, 1999).

mainly occupied by Chinese who considered themselves “Han.” The use of the word also revealed the popular conflation, since the demise of the Qing, of the Chinese nation with the idea of Han ethnicity, despite Republican ideology regarding five nationalities.

Such notions were never monolithic. Even in the 1930s, some questioned the legitimacy of the use of *hanjian* in labeling collaborators. On the eve of the war, the weekly “New Life” (*Xinsheng*) started a column “New Terminology” (*Xin shuyu*), introducing a number of terms frequently used in recent politics. *Hanjian* was one of the first terms brought into discussion. Having observed that usage of the term was growing increasingly popular at all levels of society, *Xinsheng* editors warned readers of the problematic structure of the word *hanjian*.<sup>28</sup> They argued that since the Chinese nation, *zhonghua minzu*, included five main ethnic groups, and the Han *minzu* (the Han ethnicity) was just one of the five, those who betrayed *zhonghua minzu* should be referred to as *huajian*, instead of *hanjian*:

The Chinese nation consists of peoples of five ethnicities, not races. They are only differentiated from each other because of different locations and local environments. Therefore, the Han, the Manchus, the Mongols, the Hui and the Tibetans, all belong to *zhonghua minzu*. ... Chinese who dwell in Hebei, Henan, Shanxi, Shandong, Shaanxi, Gansu, Hunan, Hubei, Guangdong, Guangxi, Yunnan, Guizhou, Sichuan, Jiangxi, Anhui, Fujian, Zhejiang and Jiangsu provinces are called the “Han.” Han people are the original and the earliest Chinese. The other four peoples became Chinese while China expanded its territory. ... Since the Han people constitute the main group of Chinese and occupy the core regions of China, traitors to the Chinese nation are called “hanjian.” But this label is inappropriate, and should be changed into “huajian.”

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<sup>28</sup> “Xin shuyu: hanjian,” [New terminology: “hanjian”], *Xinsheng* 60, May 26, 1935.

Such comments corresponded with the Republic's official ideology regarding ethnic groups. Even so, this politically correct statement makes an assertion regarding primacy of the Han as "original Chinese." In the context of national emergency, the rhetoric of a multi-ethnic Republican nation was commonly neglected. The word *hanjian* was soon adopted by Chiang Kai-shek's government in its laws and war propaganda.

### *Historical Background and Established Scholarship*

It is well-recognized that, for several years before 1937, the Nationalist government under Chiang Kai-shek failed to act in accordance with popular anti-Japanese sentiment. Chiang Kai-shek considered the Japanese invasion as a secondary threat, and concentrated his military on eliminating his primary target, the Chinese Communists. Chiang's policy of non-resistance to Japan enraged patriotic student, business and intellectual groups, especially after the Shanghai Incident of 1932.<sup>29</sup> The Nineteenth Route Army that resisted Japanese attack in this incident was

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celebrated by public opinion as patriotic and heroic. Chiang Kai-shek, on the other hand,

<sup>29</sup> In 1932, a large-scale anti-Japanese boycott led to open hostility. In the name of defending its concessions and its citizens, the Japanese army concentrated a number of airplanes and several thousand troops outside Shanghai. Later, when they crossed into Zhabei district of Shanghai, the Chinese Nineteenth Route Army, which was quartered nearby, responded with fierce resistance. By doing so the Nineteenth Route Army violated the order from Chiang Kai-shek. See Parks Coble, *Facing Japan: Chinese Politics and Japanese Imperialism, 1931-1937* (Cambridge: Harvard University Press, 1991), 39-55; John Hunter Boyle, *China and Japan at War: 1937-1945* (Stanford: Stanford University Press, 1972), chapter 2.

was severely criticized for not supporting the Nineteenth Route Army, and for signing a “Peace Agreement” with Japan, prohibiting Chinese troops from a twenty-kilometer demilitarized zone around Shanghai.<sup>30</sup>

Between 1932 and 1937, the Japanese army extended its control over more important regions in north China, with the de facto acquiescence of the Nationalist government, since the latter devoted most of its military effort to removing the communist base in Jiangxi. This policy aroused ever stronger criticism of the Nationalist government. In July 1937, the Second Sino-Japanese War officially broke out between China and Japan, and the Japanese army quickly occupied North China. With the fall of Shanghai and the capital city Nanjing, Chiang Kai-shek lost his power base and China’s wealthiest and most commercially and industrially developed area, the Yangzi Delta. The Japanese army committed atrocious war crimes in Nanjing in order to force a surrender.<sup>31</sup> Instead of surrendering, however, Chiang Kai-shek and his government retreated to the inland city of Chongqing, and formed the Second United Front with the Chinese Communist Party (CCP) to fight the War of Resistance.<sup>32</sup> By the end of 1938, the

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<sup>30</sup> Boyle, *China and Japan at War*, 29.

<sup>31</sup> The war atrocities committed by the Japanese in Nanjing are referred to as the “Nanjing Massacre.” See Joshua Fogel, ed. *The Nanjing Massacre in History and Historiography* (Berkeley: University of California Press, 2000); Timothy Brooks, ed. *Documents on the Rape of Nanjing* (Ann Arbor: University of Michigan Press, 1999).

<sup>32</sup> For the circumstances of the second United Front, see Mark Seldon, *China in Revolution: The Yanan Way Revisited* (M.E.Sharpe, 1995), chapter 3; Tetsuya Kataoka, *Resistance and Revolution in China: The Communists and the Second United Front* (Berkeley: University of California Press, 1974).

Japanese front lines extended from the Great Wall in the north to Guangzhou in the south.

In order to effectively control the occupied territory with limited manpower, the Japanese set up various puppet regimes. At the regional level, Japan supported two puppet governments: the Reformed Government (*Weixin zhengfu*, 1938-1940) in Nanjing, led by Liang Hongzhi, and the Provisional Government (*Linshi zhengfu*) in Beijing, headed by Wang Kemin (that controlled occupied regions in North China.)<sup>33</sup> In March 1940, Japan sponsored a Nanjing National Government (*Nanjing guomin zhengfu*) headed by Wang Jingwei. This central China regime replaced the Reformed Government and the Provisional Government, and absorbed their important bureaucrats.<sup>34</sup> The government led by Wang Jingwei posed the greatest threat to Chiang Kai-shek's government in Chongqing. As a means of de-legitimizing the Wang regime, the Chiang Kai-shek government produced laws that targeted collaborators, especially top officials in the Wang Jingwei regime. This set of anti-*hanjian* laws became the legal basis for arresting, trying and executing *hanjian* in areas under Chiang Kai-shek's jurisdiction. Outside such areas, many accused or suspected collaborators were clandestinely executed, with no legal niceties, by Chiang's intelligence agents. In border areas to which the

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<sup>33</sup> For the Reformed Government, see Timothy Brook, "The Creation of the Reformed Government in Central China, 1938," in David Barrett and Larry N. Shyu, eds. *Chinese Collaboration with Japan, 1932-1945: The Limit of Accommodation* (Stanford: Stanford University Press, 2001), 79-101. For Wang Kemin's Provisional Government, see George E. Taylor, *The Struggle for North China* (New York: Institute of Pacific Relations, 1940); see also, Boyle, *China and Japan at War*, Chapter 5.

<sup>34</sup> See Timothy Brook, *Collaboration: Japanese Agents and Local Elites in Wartime China* (Cambridge: Harvard University Press, 2005), Chapter 5; David Barrett and Larry Shyu, ed. *Chinese Collaboration with Japan, 1932-1945*. Nanjing *guomin zhengfu* was the official name for Wang Jingwei government. Chiang Kai-shek's government in Chongqing, the Chinese Communist Party, and resistance intellectuals did not acknowledge its legitimacy, and thus called it "Wang puppet regime."

Chinese Community Party had retreated and in which it had established bases, the CCP also bypassed legal procedures to expose and purge collaborators in accusation meetings, mass trials and “handicraft learning centers.”<sup>35</sup> Through anti-*hanjian* campaigns of various types, nationalism as an ideology for the first time permeated in everyday life among all social groups.

Among the limited number of scholarly works on collaboration during the Second Sino-Japanese war, most focus on collaboration regimes or major collaborators. Studies by John Hunter Boyle, David P. Barrett and Larry N. Shyu contribute to the understanding of the Wang Jingwei regime, and the circumstances of Wang’s collaboration in the context of factional struggle within the Nationalist government, and the dim prospect of the war itself.<sup>36</sup> Timothy Brook extends the examination of collaborationist regimes to the local level, discussing the varied motivations and social backgrounds of collaborators who served in puppet regimes in several cities and major towns of eastern China. He insightfully points out that the collaboration regimes provided political opportunities to minor elites who could hardly move up via normal channels of political mobility.<sup>37</sup>

Many historians have commented on the wide and complicated spectrum of “the grey

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<sup>35</sup> For the Chinese Communist Party’s criminal justice system and its punishment of *hanjian*, see Klaus Mühlhahn, *Criminal Justice in China: A History* (Cambridge: Harvard University Press, 2009), 159-174, chapter 4.

<sup>36</sup> Boyle, *China and Japan at War*; Barrett and Shyu, eds. *Chinese Collaboration with Japan*.

<sup>37</sup> According to Brook, the Japanese attempted to attract men of substance and reputation to be the head of or work for the local puppet regimes, but it turned out that almost all “peace maintenance committee” (*zhi’an weichihui*) in South China were made up of political unknowns in the local community. Brook, *Collaboration: Japanese Agents and Local Elites in Wartime China*, 48.

zone” between the two extremes of resistance and collaboration. Focusing on this grey zone, which characterized daily life for most people in occupied areas, Poshek Fu examined collaboration by exploring the limited choices available to intellectuals in occupied Shanghai.<sup>38</sup> Wen-hsin Yeh, Christian Henriot, Parks Coble and Brian Martin have all contributed to the understanding of the political and economic predicaments of Shanghai’s capitalists.<sup>39</sup> As their studies demonstrate, Chinese businessmen were put in a constricted space for decision-making due to the presence of conflicting political as well as underground forces in Shanghai.

Since the Chinese Communist Party and Chiang Kai-shek’s government formed the second United Front to fight the War of Resistance and both harshly attacked *hanjian* during the War of Resistance since 1949, academics in Taiwan and the P.R.C. have both maintained a critical tone towards collaborators. In recent years, however, scholarship in Taiwan and the P.R.C has begun to change. One feature of recent scholarly work is an emphasis on cultural production during the war years.<sup>40</sup> In the People’s Republic of

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<sup>38</sup> Poshek Fu, *Passivity, Resistance, and Collaboration: Intellectual Choices in Occupied Shanghai, 1937-1945* (Stanford: Stanford University Press, 1993).

<sup>39</sup> Yeh Wen-hsin and Christian Henriot, *In the Shadow of the Rising Sun: Shanghai under Japanese Occupation*. (Cambridge: Cambridge University Press, 2004). Parks Coble, *Chinese Capitalists in Japan’s New Order: The Occupied Lower Yangzi, 1937-1945* (Berkeley: University of California Press, 2003). Brian Martin, “Resistance and Cooperation: Du Yuesheng and the Politics of the Shanghai United Committee, 1940-1945,” in Yeh and Henriot, *In the Shadow of the Rising Sun*, 187-208.

<sup>40</sup> See, for instance, Feng Chongyi, *Kunan, zai guohun zhong zhengzha: Kangzhan shiqi de zhongguo wenhua* [Cultural development during the period of the War of Resistance] (Guilin: Guangxi shifan daxue chubanshe, 1995); Liu Danian, ed. *Zhongguo fuxing shuniu: kangri zhanzheng de banian* [The turning point for China’s revival: the eight years War of Resistance] (Beijing: Beijing chubanshe, 1997), and Wang Tongqi, “Kangri zhanzheng shiqi de wenhua sichao” [Cultural trends during the War of Resistance] (Ph. D.



China in particular, some scholars have begun to reevaluate literature in occupied areas; they have also engaged in more nuanced and comprehensive discussion of politically controversial figures such as Zhang Ailing and Zhou Zuoren.<sup>41</sup> Historians in the PRC and Taiwan have also begun to consider the diverse circumstances under which individuals worked for collaboration regimes. For instance, PRC scholar Yang Tianshi has confirmed the contributions of Guomintang undercover agents who worked in puppet regimes to the War of Resistance.<sup>42</sup> Nonetheless, scholars from both areas still maintain a harshly critical attitude towards those who indisputably collaborated with the Japanese, such as Wang Jingwei.<sup>43</sup>

There is little English or Chinese scholarship that explores the punishments received by more ordinary collaborators as well as the social price individuals paid for

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diss., Nankai University, 2000).

<sup>41</sup> See, for instance, Zhang Quan, “Lunxianqu wenxue yanjiu yingdang jianchi lishi de yuanze: tan lunxianqu wenxue pingjia zhong de shishi zhunque yu zhengzhi zhengque wenti” [The necessity of historically evaluating literature in the Japanese occupied areas: issues of historical accuracy and political correctness], *Kangri zhanzheng yanjiu* 1 (2002), 1-23; Chen Zishan, *Shuobujin de Zhang Ailing* [An unceasing discussion of Zhang Ailing] (Beijing: sanlian shudian chubanshe, 2004); Qian Liqun, *Zhouzuoren yanjiu ershiyi jiang* [Twenty-one lessons on Zhou Zuoren study] (Beijing: zhonghua shuju, 2004); Zhang Juxiang, *Zhou Zuoren nianpu* [A biography of Zhou Zuoren] (Tianjin: Nankai daxue chubanshe, 1985).

<sup>42</sup> Yang Tianshi, “Daru riwei neibu de Guomintang dixia gongzuozhe—lütan He Shizhen, Chen Zhongfu yu Lu Xuannan” [Guomintang’s undercover agents within the Japanese puppet regimes: a brief discussion of He Shizhen, Chen Zhongfu and Lu Xuannan] *Kangri zhanzheng yanjiu* 1 (1999), 48-53.

<sup>43</sup> See, for instance, Jiang Yongjing, “Wang Jingwei de ‘konggong’ yu ‘touri’ [Wang Jingwei: fear of Communism and collaboration with the Japanese] *Kangri zhanzheng yanjiu* 1 (1999), 43-47; Cai Dejin, “Guanyu kangzhan shiqi Wang Jingwei yu Wangwei zhengquan de jige wenti zhi wojian” [Several issues concerning Wang Jingwei and Wang puppet government during the War of Resistance] *Kangri zhanzheng yanjiu* 1 (1999), 4-12. For a more critical denunciation of *hanjian*, see He Shengsui and Chen Maiqing, *Hanjian choushi* [Hideous history of *hanjian*] (Shanghai: Fudan daxue chubanshe, 1999).

their identification as collaborators. In one seminal article, Frederic Wakeman briefly but insightfully discusses how Chiang Kai-shek's government organized cultural campaigns and assassinations to eliminate *hanjian* in Japanese-occupied Shanghai.<sup>44</sup> Wakeman also touches on the origins of the term *hanjian* and the historical contexts in which it gained popularity. By examining the "show trials" of Chen Bijun, Wang Jingwei's wife, Margherita Zanasi describes the post-war plight of the Nationalist Government in maintaining political legitimacy and restoring social and economic order.<sup>45</sup> Charles Musgrove discusses the trial of major collaborators in the context of a globally universalized and simplified view of collaboration. By comparing the post-war trial of major *hanjian* conducted by Chiang Kai-shek's government to similar trials to France, Musgrove argues that the Chiang government failed to demonstrate its political legitimacy during such trials due to lack of prewar legislation on collaboration, and lack of due process of law, not to mention the unconstitutional formation of Chiang's government from its inception.<sup>46</sup>

Scholars from the P.R.C have produced the majority of Chinese language scholarship on the punishment of *hanjian*. Their work often adopted a comparative

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<sup>44</sup> Frederic Wakeman Jr. "*Hanjian*(Traitor)! Collaboration and Retribution in Wartime Shanghai," in Wen-hsin Yeh, ed. *Becoming Chinese: Passages to Modernity and Beyond* (Berkeley: University of California Press, 2000), 298-341.

<sup>45</sup> Margherita Zanasi, "Globalizing *hanjian*: The Suzhou Trials and the Post- World War II Discourse on Collaboration." *The American Historical Review* 3 (2008), 731-751.

<sup>46</sup> Charles D. Musgrove, "Cheering the Traitor: The Post-War Trial of Chen Bijun, April 1946," *Twentieth-Century China* 30 (2005), 3-27.

approach, emphasizing the superiority of the CCP anti-*hanjian* campaigns over the campaigns conducted by the Nationalist government.<sup>47</sup> In addition, the P.R.C scholars uniformly condemned *hanjian* and viewed the anti-*hanjian* campaigns as necessary and morally justified. Their works are nonetheless quite informative and provide valuable materials. One exception to the heavily ideological interpretation of this topic was Chinese historian Wang Chunying's study of the arrest, trial, and punishment of Li Ze, a renowned Shanghai capitalist.<sup>48</sup> She provides a balanced analysis of socioeconomic background of Li Ze's trial as well as factional struggles within the Nationalist party demonstrated by the outcome of the case.

Scholars from Taiwan have contributed to a critical understanding of the anti-*hanjian* campaigns conducted by the Nationalist government. Lo Jiu-jung reveals the negative influence of Chiang Kai-shek's intelligence office in post-war anti-*hanjian* campaigns.<sup>49</sup> Focusing on post-war trials of major collaborators such as Wang Jingwei and Zhou Fohai, Dongyoun Hwang argues that the decisive factor affecting the outcome of their trials was their factional affiliations and political connections, rather than their

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<sup>47</sup> See, Meng Guoxiang and Cheng Tangfa, "Chengzhi hanjian gongzuo gaishu" [A brief account of the anti-*hanjian* campaigns], *Minguo dang'an* 2 (1994), 105-112. Wang Xiaohua, *Guogong kangzhan dasujian* [The grand Anti-*hanjian* campaigns by the Nationalist government and the Chinese Communist party during the War of Resistance] (Beijing: Zhongguo dang'an chubanshe, 1996).

<sup>48</sup> Wang Chunying, "Zhanhou jingji hanjian shenpan: yi Xinxin gongsi Li Ze an weili," [Trials of "economic traitors" after the war: a discussion on the case of Li Ze, manager of Xinxin Company], *Lishi yanjiu* 2 (2008), 132-146.

<sup>49</sup> Lo Jiu-jung, "Juntong tegong zuzhi yu zhanhou hanjian shenpan," [Juntong and the post-war trial of *hanjian*], in *Zhongyang yanjiuyuan jindaishi yanjiusuo jikan* 6 (1994), 267-291.

wartime conduct.<sup>50</sup> These studies provide valuable information and analysis of particular types of *hanjian* trials, but offer little information regarding the scale and popular nature of anti-*hanjian* campaigns, and relatively little discussion of less important *hanjian* and their accusers.

### *Structure and Sources*

The dissertation looks into three dimensions of anti-*hanjian* movements and the political and social contexts within which they were carried out. The first dimension examined is legal discourse, which included laws and regulations defining *hanjian* and stipulating their punishments, legal explanations produced by the government concerning applicability and exemption of such laws in certain cases, and debates raised by Chinese and foreign legal experts regarding the legality of such laws. Examination of the realm of legal discourse requires attention to government branches that produced and executed the laws and regulations in question. The dissertation thus begins by introducing the emergent yet powerful government organs that were established at the beginning of the war. The establishment of such organs completely blurred procedural and jurisdictional lines. This administrative confusion heightened power struggles within the Nationalist

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<sup>50</sup> Dongyoun Hwang, "Wartime Collaboration in Question: An Examination of the Postwar Trials of the Chinese Collaborators," *Inter-Asia Cultural Studies* 1(2005), 75—97.

party and the government after the war.

The second dimension of the anti-*hanjian* campaigns examined involves the execution of these laws and regulations and how implementation varied considerably in practice, in different individual cases. During the war, the Chiang Kai-shek government bypassed laws and sent intelligence agents to assassinate major collaborators in occupied regions. In the post-war period, the Nationalist government mainly relied on legal procedures to punish collaborators who worked for the Japanese or puppet regimes and survived the war. These state-identified individuals were put on trial, together with accused collaborators from diverse social groups, identified by common people. In accusations drafted by plaintiffs, written judgments produced by the court, and in newspapers, collaborators were defined and categorized. In the process a typology of “economic collaborators,” “cultural collaborators,” “religious collaborators,” and “female collaborators” emerged. There was no established standard according to which the court could measure crimes of collaboration and punishment. Greater degrees of collaboration in popular understanding did not necessarily result in heavier punishments. In addition, major collaborators were often well-acquainted with important figures in the Chiang Kai-shek government. As a result, major collaborators, depending on circumstances, might receive the same, if not lighter, punishments as minor collaborators.

As Klaus Mühlhahn points out in his recent study of criminal justice in China, in

studying legal history one should look from the perspectives of those who are punished. Only in this way one can understand the actual effect of punishment on individuals and the society.<sup>51</sup> A considerable portion of this dissertation is devoted to the experiences of individuals who were accused of being *hanjian*, and their relations to those who accused them. The exposure of *hanjian* by common people reinforced the interactive nature of the legal process of punishing *hanjian*. For cases of collaborators exposed this way, the state regulations, the motivations of the accusers, the accumulative social relations of the accused before and during the war, and the circumstances of the legal investigation had a joint effect in deciding the outcome. Because of such variables, some accused *hanjian* received legal punishments and others whose wartime conduct seemed similar did not. These individuals, therefore, had different perceptions of the anti-*hanjian* campaigns and the Nationalist government. The dissertation, while presenting individual experiences, will also attempt to analyze the underlying patterns of wartime collaboration and its political and social consequences.

The third dimension of anti-*hanjian* campaigns that is examined here is that of popular culture or society. During the war years and the subsequent anti-*hanjian* campaigns, popular media reinforced the loyalty/betrayal dichotomy that had already been established in recent history of resisting foreign intrusions. In addition, the popular media helped form the stereotype that political disloyalty was necessarily accompanied

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<sup>51</sup> Klaus Mühlhahn, *Criminal Justice in China*, 6.

by personal immorality. Furthermore, in the post-war years, social distrust and conflicts increased with the enlarging gap between the living standards of the wealthy and the poor. The communist social mobilization that emphasized class struggle and the return of previously relocated workers resulted in greater competition. Anti-*hanjian* literature published in this context associated material wealth with moral corruptibility and political susceptibility. Common readers were attracted by this association, and found it compelling.

Chapter I examines the legal framework established by the Chiang Kai-shek government for eliminating *hanjian*. The core of legislation targeting *hanjian* was the “Regulations on Handling *Hanjian* Cases.” The “Regulations” were first stipulated in August 1937 then revised several times during the war. Since there was no legal reference to the term *hanjian* in previously passed laws, “Regulations on Handling *Hanjian* Cases” was a set of emergency laws the Chiang Kai-shek government produced to preserve its political legitimacy and national defense. Its weak legal foundation was overlooked due to the roaring patriotic sentiments and practical needs of fighting the war. Nonetheless, when the Chiang Kai-shek government tried to apply such regulations outside its jurisdiction, as the cases of “French *hanjian*” demonstrate, the legality of such laws was seriously questioned.<sup>52</sup> Chapter I also introduces the structure of administrative

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<sup>52</sup> In some cases, the *hanjian* involved were citizens of other nations. For instance, several cases concern Chinese French, who were labeled *faji hanjian*, “Chinese French who betrayed the Han.” The French government once argued with the Chinese Ministry of Justice regarding the legality of outlawing *faji*

and legal branches by the Chiang Kai-shek government during the war. With unchecked powers and direct ties to Chiang Kai-shek, these offices further limited the space for judicial independence.

The other chapters look into the trials and punishments of *hanjian* from diverse social groups. Chapter II examines the legal procedures of accusation, investigation and trial of *hanjian* illuminated by the cases of major national collaborators, underground agents, as well as accusations and threats launched against legal professionals. While lacking legality in punishing *hanjian*, the court and the procuracy developed somewhat coherent logics in rendering judgments and deciding on which cases to prosecute. This logic, nonetheless, only applied to cases in which no political interference was imposed. Chapter III examines the fate of “economic collaborators,” looking at the cases of a group of leading businessmen who remained in Shanghai during the war. Their trials won widespread media attention during the post-war period. Such cases were significant in that their outcome reflected tensions and compromises of different factions within the Nationalist government. In addition, the Chinese Communist Party played an important role in encouraging and organizing accusations against Shanghai’s capitalists. By initiating the anti-*hanjian* campaigns, the Chiang Kai-shek government unleashed social

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*hanjian*. Since such effort produced no result, the French government requested the Ministry of Justice to exchange Chinese French traitors whom they arrested for Chinese traitors who were in colonial Vietnam, under French control. See Second Historical Archives of China (SHA) 7(2)-119, “Zhufa dashi Qian Tai yu sifa xingzheng buzhang guanyu faguo qing jiang fajihanjian yu zaiyue hanjian jiaohuan yindu yijian laiwang han” [Correspondence between Chinese ambassador in France, Qian Tai, and the Minister of Justice on the matter of exchanging *hanjian* of French nationality and *hanjian* of Chinese nationality arrested in Vietnam], September 3, 1947-October 30, 1947.



and political forces that were not only beyond its control, but also threatening to its rule.

Chapter IV discusses the popular elements of the legal campaigns against *hanjian*, as demonstrated by the cases of “cultural collaborators” and “traitorous monks.” The Nationalist state never clearly defined these two types of *hanjian*, and their collaborationist conduct was less conspicuous to the state and the general public compared to other types of collaborators. Accusers in these cases were mostly common citizens who were often motivated by personal grudge. The exposure and criminalization of these two types of collaborators illumine the spontaneous and random aspects of anti-*hanjian* campaigns. Chapter V explores gendered aspects of the anti-*hanjian* campaigns. Consideration of gender requires recognition, firstly, of “female collaborators,” including wives of major collaborators, writers, artists and celebrities who were romantically involved with male collaborators. If several female collaborators were tried through legal procedures; others, more commonly, became targets of criticism, rumors and public scrutiny. Secondly, tabloids and popular pamphlets intruded into the private lives of both female and male collaborators, ascribing gendered characteristics to collaborators. Female collaborators, even successful career women, were portrayed as lascivious, malicious, striving for fame, wealth or power, for which they were willing to attach themselves to important men. Male collaborators, on the other hand, were depicted as wealthy, morally corrupt, indulgent in sexual pleasures and untrustworthy.

Chapters II, III, IV and V investigate *hanjian* from different social groups. As such the stories they tell present varied accounts of the anti-*hanjian* campaigns. Several themes persist and resonate throughout these chapters. The first one concerns the sources of accusations. The Chiang Kai-shek government produced lists of most-wanted *hanjian* during the war, identifying top collaborators from puppet regimes who had threatened the success of the Chiang government. On the other hand, the government called for common people to expose *hanjian*. Many took the opportunity to attack those against whom they held personal grudges. The Nationalist state, in this way, unleashed a popular force that it failed to control, and the workload of dealing with these cases exhausted the judiciary. In the process there were many false accusations, no matter which social group came under examination.

A second theme is the coexistence of diverse modes of punishments imposed on suspected collaborators. As Chapter II reveals, the Chiang Kai-shek government employed both legal and extralegal means to eliminate *hanjian* during the war. In the post-war era, the judiciary was restored and the justice system took up the responsibility of identifying and punishing *hanjian*. Other than being put on trial and serving time as prescribed by the court, those suspected of *hanjian* crimes also had to pay a social price for collaborationist label. The trials of collaborators were often intensively covered by newspapers. Both pro-government and left-wing media held a critical attitude towards

collaborators and advocated severe punishment of these individuals. In addition, a type of “hideous histories” (*choushi*) literature emerged in the post-war reading market. This literature focused on the private lives of collaborators and suspected collaborators, deploying hearsay and rumors to confirm political disloyalty and personal decadence. This type of literature brought embarrassing public exposure of the imagined personal and social lives of “collaborators.”

The dissertation concludes with a brief discussion of anti-*hanjian* campaigns in regions beyond the control of the Nationalist government. In the northwest part of China, the Chinese Communist Party developed its base areas and organized guerrilla campaigns against the Japanese army.<sup>53</sup> In regions under its control, the CCP also organized campaigns against *hanjian*. A detailed discussion of these campaigns is beyond the scope of this dissertation. A comparison of GMD anti-*hanjian* campaigns and those organized by the CCP, however, is necessary for further understanding the nature of the anti-*hanjian* campaigns and the dynamics of power relations between the two parties. Anti-*hanjian* campaigns conducted by both parties lacked legal ground. The CCP “Regulations on Punishing *Hanjian*” was modeled after the regulations issued by the Nationalist government, only more detailed and more strict.<sup>54</sup>

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<sup>53</sup> After losing its base in Jiangxi in 1934, the Chinese Communist Party retreated to the southwest part of China, areas mainly populated by ethnic minorities, and eventually to the northwest part of China. The CCP established a new base in Yan’an, Shaanxi Province, and gradually put under its control Gansu, the north part of Shaanxi, and the east part of Ningxia province. See Liu, *Frontier Passage*, chapter 2-6.

<sup>54</sup> See He Deting, “Kangri genjudi sujian yanjiu,” [A study of anti-*hanjian* campaigns in the Chinese

The differences between the two reside in how well each party controlled popular energies, how much room each left for the collaborators to “renew themselves,” and how confiscated properties were processed. The Nationalist government’s campaigns were designed to be a primarily top-down process. However, by calling for the common people to expose *hanjian*, the state unleashed the popular force, which often carried a different, even conflicting agenda from the state. The CCP campaigns against *hanjian*, taking place mainly during accusation meetings and mass trials, were more efficient and less possible to become outlets for personal grudge. In addition, by issuing “Regulations on *Hanjian* Who Voluntarily Confessed Their Crimes” (*Hanjian zishou danxing tiaoli*), the CCP gave more chances to collaborators to redeem themselves.<sup>55</sup> Furthermore, in contrast to the redistributive mechanisms of CCP campaigns, the common people who suffered the most from the war did not gain much from the punishment of *hanjian* and transferal of their properties (which were taken by the Nationalist state). Since the Nationalist government administrated China’s core regions in the postwar period, its anti-*hanjian* campaigns influenced China’s political, cultural and social life in fundamental ways. Anti-*hanjian* campaigns shaped the ways in which public enemies were defined, and by which outlaws were socially destroyed. Indeed many anti-*hanjian* strategies and vocabularies were inherited and taken up by the Communist party during

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Communist Party base areas] (Ph. D. diss., Central China Normal University, 2009), Chapter 5.

<sup>55</sup> “*Hanjian zishou danxing tiaoli*,” [Regulations on *Hanjian* Who Voluntarily Confessed Their Crimes], November 17, 1938, quoted in He Deteng, “Kangri genjudi sujian yanjiu,” chapter 5.

later mass campaigns.

CHAPTER II  
ESTABLISHING A LEGAL FRAMEWORK FOR  
THE CAMPAIGN AGAINST *HANJIAN*

This chapter examines laws and regulations the Chiang Kai-shek government issued to criminalize collaboration, and a variety of government branches involved in the making and execution of these laws. The Chiang Kai-shek government created legal terms to label, characterize and outlaw collaborators. In order to carry out such laws more efficiently, Chiang Kai-shek established a number of new government organs and institutions to take charge of the punishment of collaborators, as well as the confiscation of their properties. As a result, the civilian criminal justice system was replaced by a number of disconnected organs with often conflicting agendas. In practice, the military, the secret service and various other government organs competed for the control of the anti-*hanjian* enterprise. Due to the pervasive nationalist sentiment and the radical political environment during the war, most social groups, including especially legal experts, felt the need to openly side with Chiang Kai-shek's government, which was representing the resistance forces in China. With the conclusion of the war, however, domestic opinion raised questions regarding the legitimacy of the anti-*hanjian* laws and

restrictions, since such laws failed as tools to restore justice and targeted an excessively wide range of individuals. The uncertain legality of anti-*hanjian* laws was faulted by foreign governments, when the Chiang Kai-shek government attempted to apply the regulations to *hanjian* beyond its jurisdiction.

### *The Emergence of Wartime Collaborators*

An examination of wartime collaboration is necessary for the understanding of the historical phenomena of anti-*hanjian* campaigns. After the War of Resistance broke out in July 1937, Japan sought to negotiate with Chiang Kai-shek's Nationalist government, in order to turn the core regions under its control into a second Manchukuo.<sup>1</sup> Chiang Kai-shek refused such a proposition, despite the inability of his government to hold Chinese territory. After the fall of Nanjing, the covert communication between Chiang Kai-shek's government and the Japanese continued, but remained inconclusive. The Japanese wanted Chiang removed from his position as the head of the Nationalist government, whereas Chiang insisted on his firm control of the government and the army. As a result, the Japanese supported Wang Jingwei, who was well connected

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<sup>1</sup> In 1931, the Japanese army occupied China's northeastern provinces where the Manchus started out before they founded the Qing dynasty (1644-1911). The Japanese sponsored a "puppet state" in 1932, with the last Qing emperor, Puyi, as the head. The Chiang Kai-shek government as well as the Chinese Communist government referred to this state as *Wei Manchukuo*, "the puppet Manchukuo." See Shinichi Yamamuro, *Manchuria under Japanese Domination* (Philadelphia: University of Pennsylvania Press, 2005).

and respected within the party and the government, and was in favor of a “peace movement.”<sup>2</sup>

Though before Wang Jingwei, two accomplished politicians, Wang Kemin and Liang Hongzhi, had established regional puppet regimes with the sponsorship of the Japanese. However, the political significance of such regimes were incomparable to Wang Jingwei’s National Government. This was not just because the Wang Jingwei regime declared itself to be a national regime, in direct competition with Chiang Kai-shek’s government in Chongqing. Different from the heads of other puppet regimes, Wang claimed that he represented orthodoxy (*zhengtong*) of both the Chinese government and Nationalist party ideology.<sup>3</sup> This claim was not ungrounded given Wang Jingwei’s important role in the early history of the Nationalist Party and his close relation to Sun Yat-sen, who was respected as the founding father of the Republic of China and the Nationalist Party.

Sun passed away in 1925. Wang Jingwei and Hu Hanmin were the two most competitive contenders for the position of Sun Yat-sen’s successor. Shortly after Sun’s death, Hu was suspected of plotting the assassination of Liao Zhongkai, a prominent figure within the Nationalist party, and Hu’s reputation was severely damaged by this incident. Wang Jingwei thus became the head of both the Nationalist Party and the new

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<sup>2</sup> Huang Meizhen and Yang Hanqing, “Nationalist China’s Negotiating Position During the Stalemate, 1938-1945,” in Barret and Shyu, *Chinese Collaboration with Japan*, 56-76.

<sup>3</sup> David Barrett, “The Wang Jingwei Regime, 1940-1945: Continuities and Disjunctures with Nationalist China,” in Barrett and Shyu, ed. *Chinese Collaboration with Japan*, 102-115.



government was proclaimed in July 1925.<sup>4</sup> Wang also inherited Sun's strategy of strengthening the Nationalist party by forming an alliance with the Communist party and receiving aid and guidance from the Soviet Union. In 1926, the Nationalist party and the CCP formed a United Front under the Soviet guidance and launched the Northern Expedition, with the goal of eliminating warlords and unifying the country. Wang, as the Chief of the Military Council, represented civilian control over the military, but had no military power. Chiang Kai-shek, the commander of the army, rose in power during the military campaign. Between 1926 and 1928, Chiang attacked the Communists and their sympathizers within the Nationalist Party, accomplished the goals of the expedition, and consolidated his control over the party, the government and the army. Wang, on the other hand, resigned from all positions he held and went into exile in Paris. As historian John Hunter Boyle concludes, Wang's failure in the 1926 power struggle with Chiang played an important role in his decision to collaborate with Japan in 1938.<sup>5</sup>

The Wang Jingwei regime avoided deviating from the ideological direction or any practical policies that the Nationalist government set about during the Nanjing decade (1928-1937). Instead, it sought to carry out these policies more effectively within the new order with which it had to cope.<sup>6</sup> As a pioneer of the Nationalist party who had been

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<sup>4</sup> Boyle, *China and Japan at War*, chapter 2.

<sup>5</sup> Boyle, *China and Japan at War*, 23.

<sup>6</sup> Barret, "The Wang Jingwei Regime," 103.

sidelined by Chiang, Wang was also able to attract a group of anti-Chiang members of the Nationalist party into his new government. In addition, by proposing a constitutional government, Wang's regime attracted a number of third party leaders, who had suffered under the Chiang Kai-shek government's dictatorship before the war.<sup>7</sup> The Wang Jingwei regime extended its power to vast areas occupied by Japan by reorganizing bureaucracy and social organizations. At the local level, Japanese Special Service agents supervised the establishment of puppet regimes, which functioned as the local level of the National Government after its establishment in 1940. Influential local elites were invited or forced to lead or work in such regimes.<sup>8</sup>

In order to delegitimize puppet regimes and individual collaborators, Chiang Kai-shek's government adopted the popular term *hanjian* in its official war mobilization discourse. During the national salvation movements in the early 1930s, resistance intellectuals, students, and various other social groups labeled collaborators in several pejorative ways. Two popular terms were *maiguozei* ("sellouts") and *pantu* ("traitors"). Among all names given to collaborators, *hanjian* carried the strongest moral judgment and provoked the most scorn among the populace. Provoking feelings of hatred and contempt, this derogatory term reminded Chinese people of the Han ethnicity's many instances of suffering from foreign invasions during the early 20<sup>th</sup> century and in earlier dynasties. In the early 1930s, many patriotic newspapers, such as Life Weekly (*Shenghuo*

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<sup>7</sup> Roger B Jeans, "Third-Party Collaborators in Wartime China: The Case of the Chinese National Socialist Party," in David Barrett and Larry N. Shyu, eds. *China in the Anti-Japanese War, 1937-1945: Politics, Culture, and Society* (New York: Peter Lang, 2001), 114-128.

<sup>8</sup> Brook, *Collaboration: Japanese Agents and Local Elites in Wartime China*.

*Zhoukan*), had begun to identify and categorize *hanjian* behavior to stimulate total war mobilization.<sup>9</sup> Such popular anti-*hanjian* discourse formed a basis for the government to legitimize campaigns against collaborators. The Chiang Kai-shek government decided that given the circumstances, being a *hanjian* was not only politically incorrect or immoral. On August 23, 1937, it passed the first bill of “Regulations on Handling *Hanjian* Cases” (*chengzhi hanjian tiaoli*), making *hanjian* conduct a crime.<sup>10</sup>

### *Criminalization of Collaboration during the War*

The issue of legality that haunted the arrests and trials of *hanjian* is best understood in the context of the fraught history of modern legal reform in China. Starting from the New Policy decade (1901-1911) of the Qing dynasty, the successive central governments in China --the Beiyang government (1912-1927) and the Nationalist government (1928-1945) -- continuously conducted legal reform, and made gradual progress in introducing a modern court system, abolishing extraterritoriality, training

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<sup>9</sup> See, For instance, the Shanghai Municipal Archives (SMA) D(2)–0–497–195, “Yuzhong gongqi zhi hanjian” [*Hanjian* who deserved to be alienated by the mass], *Shenghuo Zhoukan*, April 16, 1932; see also SMA D(2)–0–573–2, “Shizhong hanjian”[Ten types of *hanjian*], *Shenghuo Xingqikan*, December 6, 1936.

<sup>10</sup> The publishing date and gist of the first edition of “Regulations on Punishing *Hanjian*” was mentioned in the SHA 7(8931), “Jiangsu canjia weizuzhi bei jianju renyuan jiashu xiang quanguo sifa xingzheng huiyi huyu qing shifangyuanyu an” [A petition to the National Judicial and Administrative Conference for correcting the wronged cases by family members of those accused of having worked in puppet organizations], August 1947. The full version of the regulations is now hard to find. According to the Nationalist Government Gazette (*Guomin zhengfu gongbao*) Issue 829, the Nationalist government abolished the “Revised Regulations on Punishing *Hanjian*” (*xiuzheng chengzhi hanjian tiaoli*) that was issued on August 15, 1938, which proved the existence of an earlier version of the regulations.

new-style legal professionals, and establishing a modern prison system.<sup>11</sup> On the other hand, as Xu Xiaoqun demonstrates, judicial independence and due process of law remained unachieved goals in the context of an untamed state.<sup>12</sup> The introduction of modern police and prison system placed society under direct and unmediated control of the state, which enabled the state to impose certain social and moral values on its citizens.<sup>13</sup>

The criminalization of *hanjian* is an example of how the Nationalist state forced upon its people patriotic ideologies in a totalitarian way. Before the War of Resistance, the legally defined crimes that were most similar to the crime of being a *hanjian* were “rebellion” (*neiluan*) and “offenses against the external security of the state” (*waihuan*). The origins of both crimes could be found in the *Great Qing Code*, the most comprehensive law code from China’s indigenous legal system before the introduction of modern legal ideas and practices from the west and Japan.<sup>14</sup> In the *Qing Code*, three of the ten “great wrongs,” that were, the ten most outrageous crimes in imperial China, were “plotting to overthrow the dynasty,” plotting to overthrow the emperor himself,” and “betraying one’s own country and secretly entering into the service of another country.”

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<sup>11</sup> Xu Xiaoqun, *Trial of Modernity: Judicial Reform in Early Twentieth-Century China, 1901-1937* (Stanford: Stanford University Press, 2008).

<sup>12</sup> Xu, *Trial of Modernity*; “The Fate of Judicial Independence in Republican China, 1912-1937,” *China Quarterly* 147 (1997), 1-28.

<sup>13</sup> Mühlhahn, *Criminal Justice in China*, chapter 2.

<sup>14</sup> *The Great Qing Code*, translation and introduction by William Jones (Oxford: Clarendon Press, 1994).

All three crimes resulted in the penalty of “slow slicing” (*lingchi*), and death penalty for all the criminal’s family members who were above sixteen years old.<sup>15</sup>

With the Qing overthrown and the establishment of the Republic of China, new laws redefined the crimes of “rebellion” and “betraying one’s own country,” converting them into crimes that threatened the stability and security of the nation state. In the context of ongoing legal reforms, the Nationalist government promulgated a new criminal code in September 1928, which replaced the *New Criminal Code of the Great Qing* which was still in effect during the Beiyang period (1912-1927).<sup>16</sup> In the 1928 criminal code, the phrase, “offenses against the external security of the state” was defined as “acts that amount to breach of allegiance and aiding and comforting enemy nations,” including ceding the nation’s territory, disclosure or delivery of secret documents, drawings or information in respect of national defense, willful failure to fulfill contracts concerning military supplies during war with other nations, and adherence to enemy troops.<sup>17</sup> Individuals who committed this crime were sentenced to one to seven years in prison, and five to twelve years if the acts were committed during wartime. Life imprisonment or the death penalty, however, could be imposed under

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<sup>15</sup> *The Great Qing Code*, 34-35.

<sup>16</sup> The Qing court issued the *New Criminal Code of Great Qing* in 1910, and the Republic of China continued to use it as a criminal code since 1911. Joseph Kai Huan Chen, “Chinese Law in Transition: The Late Qing Law Reform, 1901-1911,” (Ph. D. diss., Brown University, 1976).

<sup>17</sup> William S.H. Hung, *Outlines of Modern Chinese Law* (Arlington: University Publications of America, 1976), Chapter VI, 284.

aggravated circumstances, such as the destruction or handover to an enemy nation of important military facilities, instigation of native troops to surrender, rebel, escape, or neglect duty, and serve as a spy for an enemy nation.

In response to increasing internal and external crises, in January 1931, the Nationalist government promulgated the “Emergency Law on Crimes against the Republic (*Weihai minguo jinji zhizui fa*).”<sup>18</sup> This set of laws embarked on the practice that political crimes against the “national security and social order” were to be tried by military courts in areas under martial law.<sup>19</sup> The crime of “rebellion” and “offenses against the external security of the state” were first and second among the list of all crimes, indicating that they were deemed the most serious offenses to the nation and to the public good.<sup>20</sup> The criminal code defined “rebellion” as “taking up arms traitorously against the government,” and it generally resulted in six months to life imprisonment. “Rebellion” amounted to high treason. In some cases, the “Emergency Law on Crimes against the Republic” was applied, with the death penalty as a possible sentence.<sup>21</sup>

Due to the pervasive expectation of war with Japan in the early 1930s, the

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<sup>18</sup> The Second Historical Archive, ed. *Zhonghua minguo shi dang'an ziliao huibian* [A collection of the archives on the history of the Republic of China] (Nanjing: Jiangsu guji chubanshe), Vol. V, part I: Politics, 292.

<sup>19</sup> Meng Guoxiang, Cheng Tangfa, “Chengzhi hanjian gongzuo gaishu, 119. Xu Xiaoqun, *Chinese Professionals and the Republican State: The Rise of Professional Associations in Shanghai, 1912-1937* (Cambridge: Cambridge University Press, 2001), 102.

<sup>20</sup> Hung, *Outlines of Modern Chinese*, 283-284.

<sup>21</sup> This law was promulgated on Jan 31, 1931 and enforced on March 1, 1931. See Hung, *Outlines of Modern Chinese Law*, 283.

Nationalist government revised the criminal code in 1935. The criminal code of 1935 was much more specific about crimes listed as “offenses against the external security of the state,” and the severity of their punishment also significantly increased. These offenses included all the criminal conduct stipulated in the 1928 criminal code, prescribing more severe punishment for each of them.<sup>22</sup> The code also listed the following actions as crimes against the external security of the state, and prescribed the death penalty or life imprisonment for all of them:

Article 103: Those who collaborate with a foreign country or its representatives and intentionally plot to make that country declare war on the Republic of China will be sentenced to death penalty or to life imprisonment.

Article 104: Those who collaborate with a foreign country or its representatives and intentionally plot to make Republic of China a part of that foreign country will be sentenced to death penalty or to life imprisonment.

Article 105: Citizens of the Republic of China who are enrolled in the enemy army or fight against the Republic of China or its allied nations will be sentenced to death penalty or to life imprisonment.

Article 106: During a war with another nation or on the eve of a war with another nation, those who offer military benefit to the enemy nation or harm the military benefit of the Republic of China and its allied nations will be sentenced to death penalty or to life imprisonment.

As seen from these articles, actions that would induce war upon China, benefit an enemy nation, or harm the Chinese military’s physical strength or morale were considered offenses against the state. The increasingly radicalized and specific legal terms for crimes against national security built up to the “Regulations on Handling *Hanjian* Cases” (*Chengzhi hanjian tiaoli*, the “Regulations” hereafter) that was issued in

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<sup>22</sup> “The Criminal Code of 1935,” in *Zhonghua minguo shi dang’an ziliao huibian*, Vol. 5, Part I: Politics, 473.

August 1937, one month and a half after the War of Resistance against Japan broke out. The “Regulations” clearly defined the crime labeled “*hanjian*” as the most serious crime against the nation.

Corresponding to new laws, mobilization for war from the 1930s exacerbated the Nationalist party’s interference with the judiciary. In addition, the overlapping functions of administrative and judicial organs, which were characteristic of the earlier period, became even more evident. The Supreme Council of National Defense (*Guofang zuigao weiyuanhui*, the “Supreme Council” hereafter), established on January 28, 1939 by the government, concentrated legislative, administrative and military power at an unprecedented level.<sup>23</sup> All ministries and five branches of the Nationalist government were under the command of this council. Its main responsibility was to make all strategic decisions to help the Nationalist government and its army to win the War of Resistance with Japan. The president of the council was Chiang Kai-shek, and its executive committee included heads of the five branches (or five “Yuan”), the Military Affairs Committee, the Supervision Committee, and all other top organs of the government, the party and the army. Chiang Kai-shek’s government also granted the Supreme Council the right to make laws. Once laws were made, the Legislation Yuan was required to pass them without revision. If the laws were required on an emergency basis, the Nationalist

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<sup>23</sup> “Guofang zuigao weiyuanhui zuzhi dagang” [Outlines for organizing a Supreme Council of National Defense], *Geming wenxian* 79 (1979), 482-483.



government could immediately promulgate the laws drafted by the Supreme Council without retification. The Supreme Council was responsible for revising the “Regulations” repeatedly, following the changing political situation throughout the war period.

Based on the decisions of the Supreme Council before 1944, collaborators were subjected to military law. Under a declared emergency, Chiang Kai-shek’s government punished *hanjian* without following any legal procedure.<sup>24</sup> Once *hanjian* were captured with “sufficient evidence” of traitorous actions, the military, police, or secret agents would execute them immediately. Pro-Chongqing radio stations and newspapers commonly announced and celebrated the executions as a warning to potential collaborators. Even after 1944, with the right of investigating and trying *hanjian* cases transferred from military courts to advanced civil courts, the laws and regulations that pertained in such cases remained mostly the same, with marginal revisions.<sup>25</sup>

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<sup>24</sup> Judicial organs were also responsible for exposing *hanjian*. The Ministry of Justice issued several edicts, urging courts and procuracies (*jiancha yuan*) at all levels to expose *hanjian*. Xie Guansheng, ed. *Zhanshi sifa jiyao* [Brief records of laws and judicial activities during the war](1948: Taipei: Secretary office of the Judicial Yuan: 1971), 125.

<sup>25</sup> According to the “Regulations on Special Criminal cases,” those who were accused of the crime of collaboration, endangering the Republic, breaking the military laws and compromising the military actions, should be prosecuted and tried in courts of the second level: high courts and their branches. Furthermore, after a judgment was rendered, the defendant could only ask for a review of the case and had no right to appeal. See *Zhonghua mingguo guomin zhengfu gongbao* [Nationalist Government Gazette], January 12, 1944.

*Chuli hanjian anjian tiaoli: The Making and Tightening of Anti-hanjian Laws*

The “Regulations,” together with numerous sub-regulations clarifying the articles and explaining their applicability, served as the guiding principles for legal definition and punishment of *hanjian*. The “Regulations” listed acts that warranted the criminal label of collaboration. The main purpose of the “Regulations” was to form a legal ground for punishing *hanjian* following legal procedures, or by extralegal means. In addition, the “Regulations” were drafted to educate people in unoccupied regions in regard to the definition of *hanjian*. In this fashion these people might avoid being used by the Japanese, thus compromising the defense of such regions.<sup>26</sup> For this reason the 1937 version of the “Regulations” did not extend the definition of collaborators to anyone who participated in a puppet government or organization. Only in 1939 did the Supreme Council produce a supplementary provision, including those who joined the “puppet militia” (*weijun*) into “traitors who collaborated with the enemy nation and rebelled against the state.”<sup>27</sup>

The “Regulations” served to undermine the political authority of Chiang’s major opponent, Wang Jingwei. Upon the foundation of the Wang Jingwei government in Nanjing in 1940, the Chiang government in Chongqing immediately denounced Wang and his followers as “traitors to the party-state,” who were no more than “warlords who

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<sup>26</sup> An analysis of the “Regulations” by legal experts may be found in SHA 7(8931), “Jiangsu canjia weizuzhi bei jianju renyuan jiashu xiang quanguo sifa xingzheng huiyi huyu qing shifangyuanyu an.” The petition starts by citing a legal treatise written by members of China Research Society of Law (*zhongguo faxuehui*) on recently wronged cases of *hanjian*.

<sup>27</sup> No. 1891 edict of Ministry of Justice, 1939, cited in SHA 7(8931), “Jiangsu canjia weizuzhi bei jianju renyuan jiashu xiang quanguo sifa xingzheng huiyi huyu qing shifangyuanyu an.”

carved a part of the country for their own” (*beipan dangguo, gedi zixiong*). In addition, the Chongqing regime quickly issued and circulated a list of most-wanted collaborators that included the names of every important official in the Wang Jingwei government.<sup>28</sup>

On the other hand, Chiang’s government showed a quite different attitude to the Reformed Government led by Liang Hongzhi and to the Provisional Government led by Wang Kemin. It stated that these “local governments” were established partly because the persons in charge hoped to maintain regional stability of the occupied areas, and suggested that they deserved sympathy and understanding.<sup>29</sup>

The tightening of the “Regulations” seemed to be a counterstrike to the expansion of the Wang Jingwei camp. Wang not only attracted a large number of senior Nationalist party members and officials into his administration, he also invited influential businessmen, literary figures and artists to form various organizations, including research groups, professional associations, and propaganda enterprises. In order to check the growing number of participants in such collaborationist organizations, on April 12, 1940, Chiang’s Supreme Council expanded the definition of *hanjian* to anyone who was attached to Wang’s government branches or to associated puppet organizations.<sup>30</sup>

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<sup>28</sup> SHA 7(4)—206, “Guomin zhengfu mingling tongji zhi hanjian zuifan”[Hanjian criminals wanted by the Nationalist government], 1938-1945.

<sup>29</sup> *Shenbao*, March 30, 1940, cited in SHA 7(8931), “Jiangsu canjia weizuzhi bei jianju renyuan jiashu xiang quanguo sifa xingzheng huiyi huyu qing shifangyuanyu an.”

<sup>30</sup> No. 1978 edict of Ministry of Justice, 1940, cited in SHA 7(8931), “Jiangsu canjia weizuzhi bei jianju renyuan jiashu xiang quanguo sifa xingzheng huiyi huyu qing shifangyuanyu an.”

In 1944, since the war situation began to favor the Allies, including Chiang Kai-shek's Nationalist government, the government returned the power for trying most cases back to the judiciary. The Ministry of Justice issued the "Regulations on Prosecuting Special Criminal Cases" (*Tezhong xingshi anjian susong tiaoli*), stating that military courts were only responsible for trying cases in which the defendants were military personnel.<sup>31</sup> With the conclusion of the war in August 1945, Chiang's government returned to its original capital in Nanjing, and resumed its position as the national government in China. At this moment, most *hanjian* ceased to be real threats to national security, and the Nationalist government granted the judiciary the sole authority to investigate and try cases of non-military collaborators.<sup>32</sup>

On the other hand, in the post-war version of the "Regulations" passed in December 1945, the government did not narrow the political and social groups to which the term "*hanjian*" applied. Instead, the "Regulations" continued to target a wide variety of groups and individuals as they did during the war. In the post-war period, the "Regulations" were also implemented more effectively than in the wartime, due to the restoration of the Nationalist government's bureaucracy.<sup>33</sup>

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<sup>31</sup> *Tezhong xingshi anjian susong tiaoli* [Regulations on special criminal cases], *Zhonghua mingguo guomin zhengfu gongbao*, January 12, 1944.

<sup>32</sup> Xie, ed. *Zhanshi sifa jiyao*, 125.

<sup>33</sup> "Chuli hanjian anjian tiaoli" [Regulations on handling *hanjian* cases], in SMA Q (187)-1-204, *Xingshi tebie faling (hanjian)* [Special criminal statutes: *hanjian*], 5-7. For full version of the regulations, see appendix A.

Furthermore, the post-war campaigns against *hanjian* were haunted by factional tension and power struggle within the Nationalist government. Since punishing *hanjian* was a central issue in post-war national politics and an effective way to entrench political influence, the police, and military and the judiciary competed for the power of arresting and trying *hanjian*. The 1945 “Regulations,” as well as its legal explanations and revisions issued in the following years, were an attempt to resolve such power struggles. On January 29, 1946, Dai Li, the head of *Juntong* (Bureau of Investigation and Statistics within the Military Affairs Office), proposed to Chiang the establishment of a special tribunal for trying and reviewing *hanjian* cases. Dai argued that it was hard for various local courts to “maintain a uniform standard” in trying *hanjian* cases.<sup>34</sup> In order to increase the persuasive power of this suggestion, Dai Li asked his close friend, Zhang Shizhao, author of the 1903 discussion of *hanjian* discussed in the introduction and now a famous lawyer, to write a supporting letter. Beyond supporting Dai Li’s proposal, Zhang also commented on numerous individuals’ misuse of the opportunity to expose *hanjian* as a way to take revenge on those against whom they held personal grudges. He was also concerned with the workload of local courts, and the possibility that they would process *hanjian* cases without careful investigation. Indeed, the actual prosecution of many

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<sup>34</sup> The full name for *Juntong* is *Junshi weiyuanhui diaocha tongjiju*. For organization and leadership of *Juntong*, see Frederic Wakeman, *Spymaster: Dai Li and the Chinese Secret Police* (Berkeley: University of California Press, 2003). For Dai Li’s letter, see Qin Xiaoyi, ed. *Zhonghua minguo zhongyao shiliao chubian: duiri kangzhan shiqi* [A collection of important historical materials of the Republic of China: the War of Resistance] (Taipei: Zhongyang wenwu gongyingshe, 1981), Vol VI, 1625.

*hanjian* cases proved that Zhang's concern was not without reason. Nevertheless, Dai Li saw the establishment of the special courts as a way to exert *Juntong*'s control over the matter of punishing *hanjian* (*chengjian*). Chiang Kai-shek did not adopt his suggestion.

The post-war "Regulations" explicitly stipulated that only military officers who worked for the Wang Jingwei government or the Japanese army were to be tried by military tribunals. Local police and criminal courts were to take up the responsibility of the investigation and prosecution of other *hanjian*, while the military and intelligence agencies were to provide help to the judiciary only upon judicial request. In particular, Chiang Kai-shek rendered the power of arresting *hanjian* in Shanghai to the Shanghai police, and appointed Xuan Tiewu whom he deeply trusted as the head of the Shanghai police. Dai Li and his *Juntong* agents lost the power of arresting and disposing of *hanjian* in Shanghai that they had exercised during the war (more in chapter IV).

The 1945 "Regulations" were the most comprehensive version of the series, replacing the earlier versions as the legal guidance for post-war anti-*hanjian* campaigns. Accordingly to the 1945 "Regulations," *hanjian* included individuals who took positions at the third level of civil administration (*jianrenzhi* 简任职) or higher in the puppet government, and any civil or military staff of the puppet government who "used their power to harm others' lives or properties."<sup>35</sup> The regulations also labeled as

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<sup>35</sup> There were five levels within the civil administration of the puppet National government (*Nanjing guomin zhengfu*), following the structure of the Nationalist government since 1925. "Elective positions" (*xuanren*) filled the first level of bureaucracy, including Chairman of the Nationalist government,

collaborators special agents working in the intelligence branches of the puppet government or in the Japanese army. In addition, presidents of post-secondary schools, other cultural associations or business associations sponsored by the puppet regime were also considered *hanjian*. The “Regulations” specially targeted members of expansive puppet organizations, such as “New Citizens Association” (*Xinminhui*), “Harmony Association” (*Xiehehui*) and other puppet “councils.”<sup>36</sup>

Various supplements produced by other branches of the central government and by local governments increased the severity of the 1945 “Regulations.” For instance, the Central Supervision Commission (*Zhongyang jiancha weiyuanhui*) decided that the Nationalist party members who became *hanjian* during the war should be punished more severely than non-party *hanjian*, since they “betrayed the party,” on top of betraying the

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heads of five Yuans (the Executive Yuan, the Legislative Yuan, Judicial Yuan, the Examination Yuan, and the Control Yuan) and legislators. Below them were “specially appointed positions” (*teren*), including heads of ministries and councils under the Executive Yuan. At the third level were “appointed positions” (*jianren* 簡任), including heads of bureaus under each ministry, city mayors and other officials of the same rank. Below “appointed positions” were “recommended positions” (*jianren* 荐任), including heads of divisions in each bureaus, county mayors and officials of the same rank. See Liu Shanshu, “Wenguan kaoshi zhidu jianjie,” [A brief introduction on the Nationalist government’s civil administration], in Xu Chaojian, ed. *Wenshi ziliao cungao xuanbian: zhengdang, zhengfu* [A selected collection of historical accounts: the volume on political parties and governments] (Beijing: zhongguo wenshi chubanshe, 1982), 510.

<sup>36</sup> The “Harmony Association” (*Xiehehui*) was founded by the Japanese army in July 1932 after the establishment of the puppet *Manchukuo*. The Japanese-sponsored *Xiehehui* advocated harmony among five races (the Japanese, the Manchus, the Mongols, the Koreans and the Hans). See Beijing Municipal Archive, ed. *Riwei Beijing Xinminhui* [The puppet “New Citizens Association” of Beijing] (Beijing: Guangming ribao chubanshe, 1989), 1. After the occupation of Beijing on July 30, 1937, the Japanese army sponsored “New Citizens Association” (*Xinminhui*), borrowing the experience of *Xiehehui*, under *Xinminhui*, there were different occupational associations, newspapers and schools promoting collaboration with Japanese among all social groups. See *Riwei Beijing Xinminhui*.

nation.<sup>37</sup> All party members, regardless of their ranks in the puppet organizations in which they had participated, were considered “major *hanjian*” (*zhongyao hanjian*). They were to be expelled from the party and punished. “Severe punishment” (*congzhong zhizui*) applied, additionally, to those who took “specially appointed positions” (*teren*) in the puppet government.<sup>38</sup> Many provincial governments also composed their own regulations to punish local *hanjian*. Most such regional regulations incriminated additional social groups or prescribed additional severe punishments.<sup>39</sup>

After the promulgation of the 1945 “Regulations,” experts on jurisprudence, practitioners of law and commoners alike critically commented on the unnecessary strictness of the “Regulations” and the wide range of groups they targeted. A number of legal experts, including Ju Zheng, Minister of Legislation, argued that with the conclusion of the war, former members of puppet organizations could no longer do real harm to the national security. Therefore, they urged state clemency, especially for low-ranking staff of the puppet government.<sup>40</sup> Enforcement of the 1945 “Regulations”

<sup>37</sup> SMA Q (187)-1-204, “Zhongjian weiyuanhui mishuchu han wei funi xiangdi zhi dangyuan ying yifa chengban” [Notification from the Central Supervision Commission regarding the punishment of party members who surrendered to and collaborated with the enemy], in *Xingshi tebie faling: hanjian*, 11-12.

<sup>38</sup> SMA Q (187)-1-204, “Chao zhongyang zhixing weiyuanhui han” [A copy of the notification from the Central Enforcement Commission], in *Xingshi tebie faling: hanjian*, 27.

<sup>39</sup> See, for instance, SMA Q (187)-1-204, “Xingzhengyuan chaofa guangdongsheng lincanhui jianyi chengban huaqiao fudi hanjian yan” [Guangdong Provisional Council’s decision on punishing Chinese of other nationalities, forwarded by the Executive Yuan], in *Xingshi tebie faling: hanjian*, 27; “Xingzhengyuan guanyu Shandongsheng lincanhui lizhong chengjian jianyi yianchaofa yuanling” [The Executive Yuan’s decision on Shandong Provisional Council’s suggestions on punishing the disloyal and awarding the loyal], in *Xingshi tebie faling: hanjian*, 28.



also aroused great dissatisfaction among “minor *hanjian*” and their family members. They petitioned to the “National Judicial and Administrative Conference” (*Quanguo sifa xingzheng huiyi*), quoting many sections from a legal treatise published in “Law and Regulations Weekly” (*Faling Zhoukan*).<sup>41</sup> The petition pointed out that most staff in puppet regimes accepted nominal positions in order to survive the war. Only a few people saw collaboration as an opportunity for social climbing. The petition also raised questions about the compatibility of the “Regulations” with the Constitution. “The usage of *hanjian* to indict traitors to the nation,” according to the petition, “is contradictory to the principle of the equality of ethnic groups as stated in the Constitution.”<sup>42</sup>

Observers thus suspected that the wide range of personnel that were targeted by the 1945 “Regulations” reflected the Executive Yuan’s intention to overcome the financial predicaments faced by facilitating the confiscation of collaborators’ property. This hypothesis was supported by the judicial interpretation issued by the Executive Yuan, which asserted that “exposure of problematic figures should not be limited by the categories listed in the “Regulations,” and the property subject to confiscation should not be limited to property procured through collaboration.”<sup>43</sup> If the government was partly

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<sup>40</sup> *Qianxian Ribao* [Frontline Daily], May 1, 1945, cited in “Jiangsu canjia weizuzhi bei jianju renyuan jiashu xiang quanguo sifa xingzheng huiyi huyu qing shifangyuanyu an.”

<sup>41</sup> Ibid.

<sup>42</sup> Ibid.

<sup>43</sup> SMA Q (187)-1-204, “Xingzhengyuan 3136 hao jieshi: chuli hanjian anjian tiaoli” [Judicial interpretation of the “Regulations” by the Executive Yuan’s no. 3136 document], in *Xingshi tebie faling*:

motivated to acquire property, how did the Nationalist government process such property, and which parties benefited from this process?

*The Liquidation of “Puppet and Enemy Property”*

Due to the diversity of “puppet and enemy property” (*diwei chanye*, or *diwei* property hereafter) and the circumstances in which assets were seized, the Executive Yuan issued “Solutions for Confiscation and Utilization of Former Enemy Property by the Government Branches” (*Zhengfu jiguan jiashou yunyong diwei chanye chuli banfa*) to regulate the transfer of property.<sup>44</sup> This regulation considered the diversity of transferable property, and complications in location, condition and ownership. The primary principle for processing such property, according to the “Solutions,” was sale based on market price (*jiashou*). Enterprises owned by puppet governments should be sold; office buildings used by puppet administrations should be sold, rented or handed over to the “Enemy and Puppet Property Processing Committee” (*diwei chanye chuli weiyuanhui*) for further instructions.

Upon returning to regions previously occupied by the Japanese, agencies of the Chiang government took over *diwei* property for office space and supplies. Since the

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*hanjian*, 11-12.

<sup>44</sup> SMA Q (187)-1-270, *Chuli diwei chanye faling* [A collection of regulations on processing enemy or puppet property], 2-4.

various local bureaucracies of the Nationalist government were restored at different times, some local governments were already using the confiscated enemy property when the solutions were issued in May, 1946. According to the Solutions, government branches that had borrowed former *diwei* property for temporary use should apply to the Executive Yuan to obtain either sole access to the property, or shared access with other branches. The Solutions also specified how to utilize ports and storehouses formerly occupied by the Japanese army or a puppet government, after categorizing them according to their original functions and ownership.

Seen from the Solutions and other similar documents, various branches of the Nationalist government took part in the process of liquidating and transferring enemy and puppet property. “Receiving organs” (*chengshou jiguan*) were the military or judicial branches that first took over such property when they reclaimed lost territories or investigated *hanjian* cases. These agencies commonly made use of such property immediately due to their lack of office space and other resources. According to the Solutions, the receiving organs were to turn over confiscated property to the “Enemy and Puppet Property Processing Committee.”

This Committee took charge of calculating, recording and auditing all the confiscated property, and reporting this information to the Ministry of Finance. It also worked closely with the “Central Trust Bureau” (*zhongyang xintuojü*) affiliated with the

Central Bank. A significant amount of property was incorporated into the Central Bank. Based on the standards established by the Central Trust Bureau, all property was to be categorized into several types: *fabi* (“legal tender”), silver coins or other metal coins, central reserve currency issued by the Wang Jingwei government, foreign currency and gold, all of which were to be directly deposited into the Central Bank.<sup>45</sup> Precious jewelry, antiques, paintings, houses, land, furniture, vehicles, boats and other property were to be entrusted to the Central Trust Bureau for sale, rent or auction. The money from sales or renting of these items also went to the Central Bank.<sup>46</sup>

The Ministry of Finance worked as a supervisory body and kept records of the transactions of confiscated property and the income it engendered. After assessing and pricing pieces of property, the Ministry handed property profiles to the Central Trust Bureau for management and rental. In many cases, the Ministry of Finance authorized the Central Trust of China to manage this property directly.

For several years after the war, the “receiving organs” of the government, rather

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<sup>45</sup> *Fabi* was the currency issued by Chiang Kai-shek government’s central bank when Chiang was forced to retreat to Chongqing. During the war, *fabi* continued to circulate in free regions. The Wang Jiangwei regime was eager to establish its own central bank since it was established. On January 6, 1941, *Zhongyang chubei yinhang*, or the “Central Reserve Bank” was founded in Nanjing, and Zhou Fohai was appointed the director. This Central Reserve Bank issued its own currency, *Zhongchuan*. Chiang warned Shanghai’s banks that those who accepted the “puppet” currency would be tried for treason, but Wang’s regime launched a terror on Shanghai’s prominent bankers, and forced them to use *Zhongchuan*. Parks M. Coble, *Chinese Capitalists in Japan’s New Order: The Occupied Lower Yangzi, 1937-1945* (Berkeley: University of California Press, 2003), Chapter 1.

<sup>46</sup> SHA Q (187)-1-270, “Zhongyang xintuoju suzhewanqu diwei chanye qinglichu qingsuan nichan guize” [The principles of settling *diwei* property drafted by the “Jiangsu-Zhejiang-Anhui *diwei* property liquidation committee” affiliated to Central Trust of China, in *Chuli diwei chanye faling*, 48-50.

than the original owners had the priority to buy or rent such property. According to the 1946 property-processing solutions, if a “receiving organ” decided to purchase confiscated property, it needed to make payments to the local “*Diwei* Property Processing Committee.” If it could not immediately afford payments, the committee still granted access to the receiving organ, but entrusted the Ministry of Finance to appropriate and deduct funds from appropriations to that organ. Alternatively the receiving organ was permitted to purchase the property on mortgage. In 1948, a judicial explanation of this regulation granted priority to the original owner for reclaiming property, if the property had been forcefully taken by the Japanese or the puppet government during the war. This sub-regulation also ruled that original owners had to repurchase their properties, which most owners could not afford.<sup>47</sup> Furthermore, in practice, many local military divisions and local governments, which had first access to such property, had already taken their share before the original owners had a chance to redeem their property. In Shanghai, houses, vehicles and other property formerly owned by puppet institutions and collaborators were “taken for private use” (*juwei siyou*) by local military and government staff in Shanghai. The rate of privatization of such property was so high that the

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<sup>47</sup> SHA (7)-6513, “Xingzhengyuan jiaoyi chuli diwei chanye anjian shiyong falü yiyi” [The Executive Yuan Clarifications regarding confusions in applicable laws on processing enemy property], 10. According to this interpretation, if the value of the property in question had increased during the war, the original owner needed to pay for the additional value in order to take it back. In practice, the price they had to pay varied depending on location and nature of the property. Shanghai’s capitalists had to pay 70% of the current market price for factories they owned before the war, and this was the result of Shanghai capitalists’ hard negotiation with the Nationalist government. Cui Meiming, “Da jieshou yu Shanghai minying gongye,” [The catastrophic “taking-over” and Shanghai’s private-owned industries], *Dang’an chunqiu* 3 (1998), 43-46, 55.

Department of War (*lujunbu*) ordered Shanghai police to investigate all the property that had been embezzled.<sup>48</sup>

Various other government sectors and individuals became beneficiaries from the takeover of puppet property. As compensation for its management of seized property, the Bureau received five percent of the rent. Eight percent of the property was used to subsidize judicial branches nationwide, according to a March 1, 1947 Executive Yuan decision.<sup>49</sup> In individual *hanjian* cases, after the *hanjian*'s property was confiscated by the judicial branch, a certain amount of the property value was deducted to support the legal dependents of the accused, to reward the individual who had exposed the *hanjian*, and to compensate for the cost of assessing, maintaining, and remodeling the property.<sup>50</sup> Eight percent of what remained was awarded to the specific judicial organ in charge of the case.

Not all localities followed this stipulated pattern of confiscating and processing *hanjian* property. One primary reason for such deviation was the lack of an "Enemy and

<sup>48</sup> SMA Q(131)-5-226, *Shifu guanyu moshou weizuzhi ji funi renyuan zhi fangwu caichan ying gaiguigong yu jingchaju laiwang wenjian* [Correspondences between the Municipal government and the Shanghai police regarding the confiscation of property formerly owned by puppet organizations and collaborators], 47-48, September 25, 1945.

<sup>49</sup> SHA Q (187)-1-270, "Sifa xingzhengbu xunling: ling zhi moshou hanjian caichan zhuobo sifa buzhuifei fanwei yingzhi zhaoyou" [An announcement by the Ministry of Justice: a portion of confiscated *hanjian* property used as subsidies for judicial branches], in *Chuli diwei chanye faling*, 24.

<sup>50</sup> According to "Four Points on Processing *Hanjian*'s Property" (*Chuli hanjian caichan yijian sixiang*), the family members here referred to the legal dependents of *hanjian* who could not support themselves. The amount of money reserved for this purpose should be between one and twenty percent of the total value of the *hanjian*'s property, and should enable the family members to maintain an average living standard of commoner people. *Chuli diwei chanye faling*, 28-36.

Puppet Property Processing Committee” in many places. This committee did not own a regular government office. In the case of Shanghai, it was under the control of the Central Trust Bureau.<sup>51</sup> Prefectures adjacent to Shanghai lacked such a committee, to say nothing of areas that were out of effective control of the Nationalist government.

Therefore, in December 1947, the Executive Yuan ordered that in prefectures without such committee, local courts were to freeze enemy and puppet property and then entrust it to local governments.<sup>52</sup> The profits that a local government obtained from using or managing such property were to be deposited in the Central Bank. If the local government needed funds to maintain or remodel the property, it was permitted to utilize less than twenty percent of the deposited amount.<sup>53</sup>

The irregularity, local variation and corruption characteristic of the takeover was most evident in the disposal of private property of *hanjian*. In February 1948, the Executive Yuan issued “Solutions for Preserving and Utilizing Houses of *Hanjian*”

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<sup>51</sup> “Shanghai *diwei* property processing committee” was established in October, 1945, and was responsible for handling *diwei* property in Shanghai, Changzhou and the areas in between. In December 1946, it was removed, and its unfinished work was handled by the Central Trust of China. In 1947, the Central Trust of China established a “Jiangsu-Zhejiang-Anhui *diwei* property liquidation committee”(suzhewan *diwei chanye qinglichu*), which functioned as the previous committee did but covered greater geographical areas. It existed until March 31, 1949. See *Shanghaishi fangdichan zhi* [Gazetteer of Shanghai’s real estate], Chapter III, available at the official website of Shanghai Gazetteers-Compiling Office: <http://www.shtong.gov.cn/node2/node2245/node64514/node64523/node64587/node64593/userobject1ai58319.html>

<sup>52</sup> SHA Q (187)-1-270, “Xingzhengyuan dianzhi waixian hanjian caichan chuli yaodian wuxiang dian”[The telegraph from the Executive Yuan regarding five solutions to *hanjian* property in surrounding prefectures], in *Chuli diwei chanye faling*, 6.

<sup>53</sup> *Ibid*, 6-7.

(*hanjian fangwo baoguan shiyong banfa*).<sup>54</sup> The ultimate solution was to price and sell these houses. Before putting the houses on the market, however, public service organs (*gongwu jiguan*) were allowed to use or purchase them with the approval of the Executive Yuan. In practice, before the houses were put on sale or borrowed by government branches, high-ranking officials within the Nationalist government or influential figures had selected and appropriated for themselves the best houses. For instance, Miu Bin, the deputy principal of the Wang Jingwei government's Judicial Yuan, was sentenced to death, and his "grand mansion with garden" (*huayuan yangfang*) on Shaoxing Road, Shanghai, was confiscated.<sup>55</sup> After its confiscation, several parties fought over it, including the American embassy, Chiang Wei-kuo, Zou Haibin (a committee member of the Control Yuan) and Xia Qin (chief justice of the Supreme Court).<sup>56</sup>

Zou and Xia fought the final legal battle over the house. They both exhausted their connections and resources in order to get the property. On July 21, 1946, the Executive Yuan granted the house to Zou as his dwelling in Shanghai. The

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<sup>54</sup> SHA Q (187)-1-270, "Hanjian fangwo baoguan shiyong banfa," in *Chuli diwei chanye faling*, 13-14.

<sup>55</sup> SMA Q (188)-2-696, *Miu Bin Hanjian an* [The *hanjian* case of Miu Bin].

<sup>56</sup> Ibid. The American embassy requested Song Ziwen, then head of the Executive Yuan, to permit the temporary appropriation of the house to the embassy. Chiang Wei-kuo, second son of Chiang Kai-shek, was serving in the Shanghai Armored Vehicle Regiment at the time, and asked for the house for the purpose of accommodating part of his regiment. SMA Q (188)-2-696, *Miu Bin Hanjian an*. See also, Zhang Pengyuan and Shen Huaiyu, ed. *Guomin zhengfu zhiguan nianbiao* [Annual Report of the Nationalist government Bureaucracy](Taipei: Zhongyang yanjiuyuan jindaishi yanjiusuo, 1987).



Jiangsu-Zhejiang-Anhui Property Processing Committee, however, made the same promise to Xia. This caused tremendous trouble for the Shanghai High Court, to which both Zou and Xia appealed. The court suggested the two families share the house, but Zou did not want to share it with Xia. Later, the matter was resolved when Zou was promised another house formerly owned by a *hanjian*.

Individuals who benefited from the takeover of *hanjian* property exceeded government officials. The Nationalist government, besides encouraging common people to expose *hanjian* around them, also urged them to report the hidden property of *hanjian*.<sup>57</sup> If a commoner reported the existence of property that proved to be owned by a *hanjian*, he or she would receive ten percent of the property's value as a reward.<sup>58</sup>

#### *Restrictions on Minor Hanjian not Convicted under the "Regulations"*

The "Regulations" mainly targeted those who took relatively high positions in puppet institutions as well as those who used their positions to harm the local people. Most low-ranking staff members of various puppet institutions were not convicted on the basis of the "Regulations." They were, however, still subjected to various restrictions in

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<sup>57</sup> SHA 7 (4) 248, *Gedi minzhong shangsu jianju hanjian goujie diren zuixing xinjia* [Letters of exposing local *hanjian* from the people of various places]. The document also included the edict of the government encouraging common people to expose *hanjian*.

<sup>58</sup> SMA Q(187)-1-252, *Hanjian Xingshi tebie faling* [Special criminal codes regarding *hanjian*], November 6, 1946.

their careers. On August 15, 1946, the Executive Yuan announced the “Restrictions on Candidacy and Qualification of Former Staff in Puppet governments and Their Affiliated Organizations.”<sup>59</sup> Puppet organizations and their affiliated associations, according to the “Regulations,” included various puppet regimes, institutions headed by major collaborators, and cultural and occupational associations that had shown support for the puppet regimes. According to this regulation, those who took minor positions in puppet governments or organizations (*weizuzhi huoqi suoshu tuanti renzhiren yuan*, or “puppet staff” thereafter), although not convicted by the “Regulations,” were still not permitted to run for high office for two years. There were also restrictions if former “puppet staff” applied for jobs in the government; the higher ranked they were in the puppet government or organizations, the more years they were forbidden to work for the reestablished bureaucracy.<sup>60</sup>

The Nationalist government also denied any certificate or qualification issued by any puppet institution. If a former “puppet staff” had procured candidacy and qualification for a government position before August 1945, he or she was to be denied that position with the restriction taking effect. Upon being discovered as *hanjian*, former “puppet staff” who were running for public positions or applying for civil service

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<sup>59</sup> SMA Q(257)-1-49, “Weizuzhi huoqi suoshu jiguan tuanti renzhi renyuan houxuan ji renyong xianzhi banfa” [Restrictions on candidacies and qualifications of former staff of puppet governments and their affiliated organizations], September 12, 1946, 31-32.

<sup>60</sup> For the complete version of the regulations, see appendix B.

positions (*gongwuyuan*) would be immediately disqualified. Those who had already been elected or appointed after passing examinations or other procedures were to be immediately removed from their positions.<sup>61</sup> The law also urged local party, government and military organs to keep records of the names and profiles of former “puppet staff” who had not been convicted, and send the records to the central party committee and the Examinations Yuan. The restrictions also specified that, for “puppet staff” who proved beneficial in some way to local people or to the cause of the resistance, their restricted years (*xianzhi nianxian*) would be reduced.<sup>62</sup>

The restrictions affected the lives of a large number of individuals and hindered their career development, especially with the 1948 legal explanation. By this explanation the Judicial Yuan specified that the restrictions applied to all those who participated in puppet organizations and their affiliated associations, which meant that individuals who had participated in chambers of commerce, other economic organizations and cultural

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<sup>61</sup> “Restrictions on candidacy and qualification of former staff of puppet governments and their affiliated organizations,” article V.

<sup>62</sup> On November 27, 1946, the Executive Yuan issued clarifications for several items in the “restrictions.” One of them concerns the validity of proof for *weiyuan*’s wartime activities that benefited the people or the war effort. According to the clarification, the following branches of government or the army had the authority to produce proof letters: headquarter of each military district (*zhanqu*), headquarter of intelligence branches (*Juntong* and *Zhongtong*, or “Central Bureau of Investigation and Statistics”), Central Party Committee and ministries of the Nationalist government, provincial governments and directly administered municipal governments. Other clarifications were regarding *weiyuan* who worked in puppet government of particular localities, such as the *Manchukuo*, Taiwan and Beijing, due to strategic significance of such places or the unique nature of collaboration in these places. See SMA Q(257)-1-49, “‘weizuzhi huoqi suoshu jiguan tuanti renzhi renyuan houxuan ji renyong xianzhi banfa’ shiyong yiyi an shencha yijian” [Clarifications on confusions found in “Restrictions on candidacy and qualification of former staff in puppet governments and their affiliated organizations”], November 27, 1946, 33-34.

institutions associated with the puppet regimes were subject to the same restrictions.<sup>63</sup>

As a result, the restrictions met with protests from numerous social organizations.

The process of addressing such problems was filled with conflicts and compromises between state and society, and between different branches of the government. The debate in Shanghai regarding occupational associations served as a case in point. In 1946, the Shanghai Social Affairs Bureau (*Shanghai shi shehuiju*) reached the decision that occupational associations would not be considered “affiliated associations to puppet regimes,” and thus their participants were eligible for membership in the municipal council. The Ministry of Internal Affairs (*neizhengbu*) issued an edict against this decision, however, arguing that membership in the municipal council was equivalent to a “public position” (*gongzhi*), and thus could not be filled by former “puppet staff” of occupational associations. Such members, depending on their conduct during the war, would be disqualified for at least one year. The Ministry of Social Affairs in the central government supported the Shanghai Social Affairs Bureau, on the grounds that occupational associations had not been created by the puppet government, and thus should not be considered its “affiliated associations.” To settle the disputes, the Ministry of Internal Affairs identified “puppet organizations” (*weizuzhi*) as those established under the direct order of the puppet government, the members of which were appointed by the

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<sup>63</sup> SMA (Q1) 1-77, “*Shanghaishi zhengfu guanyu chengzhi hanjian faling*” [Statutes regarding the punishment of *hanjian* kept by Shanghai Municipal government], December 11, 1948.

puppet government. Therefore, if an association was founded spontaneously by members of an occupation, and its chairman was elected by its members, it should not be considered a “puppet association.”<sup>64</sup>

Social and occupational organizations fought for their own members. The Shanghai Chamber of Commerce (*Shanghai shi shanghui*) wrote a petition to the Executive Yuan and the Ministry of Social Affairs. The petition was on behalf of, and bore the signatures of, fifty-five occupational associations.<sup>65</sup> The letter stated that all these associations were founded for the sake of the development of each occupation, and had nothing to do with the puppet government. The letter confessed, however, when the puppet Dadao municipal government was established in December 1937, someone wrote a letter of congratulation in the name of these occupational associations. As a consequence, these associations had to deal with the puppet government “courteously yet perfunctorily” (*xu yu fuyan*). The petition further argued that if the government now expanded the definition of “puppet associations” so broadly, everyone who remained in the occupied regions was susceptible.

Legal professionals also protested against the unfair treatment of their peers who

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<sup>64</sup> SMA (Q201) 1-333, “*Benshi geyehui lianming yaoqiu zhengfu xiugai chengzhi hanjian tiaoli di shiwu tiao de yaoqiu*,” [A petition to the government on revision of Article 15 of the “Regulations on Punishing *hanjian*” by the united association of Shanghai professionals], February 20, 1946-April 9, 1948.

<sup>65</sup> These occupational groups included: merchants who sell frozen and fresh fish, salted fish, seafood and groceries, clothing, silk, iron cans, rubber, grease and make-up products and small businessmen in tourism, laundry, and so on. Fifty-five occupational associations jointly entrusted the Chamber of Commerce to draft and submit the petition.

had worked in the occupied regions. In early 1946, the Ministry of Justice held a judicial examination, for which it did not originally disqualify individuals who had worked in local courts or other judicial organs in occupied regions. As the scores later revealed, numerous individuals of this type passed the examination. After the promulgation of the restrictions in August 1946, however, the Examination Yuan annulled the scores of those who had worked in puppet courts or judicial organs. This action provoked dissatisfaction among legal experts nationwide. A member of a “Liberty and Human Rights Protection Association in Beijing” (*Beiping ziyou renquan baozhang weiyuanhui*), Ling Wei, wrote a petition to the Ministry of Justice, arguing for equal rights of all legal professionals to be considered for judicial positions if qualified.

Ling Hui pointed out the lack of legal ground for disqualifying these candidates, since the results of the exam were announced before the restrictions were promulgated. From a legal point of view, the recently issued restrictions could not disqualify those who were previously considered eligible by law. The earlier laws, the 1945 “Regulations” and their appendix, only prescribed a six-month suspension from governmental work for former “puppet staff.” The author suggested that the scores should be retained, and these qualified “puppet staff” should be hired after the suspension period.

Speaking from the standpoint of the legal professionals, this petition also argued for the relative innocence of personnel who worked in the judicial branches of puppet

regimes:

The work of judicial personnel was to process civil and criminal cases, and had little to do with political formation and activities, since during the war period political criminals were under the supervision of military and police branches. Therefore, the judicial personnel only served the interests of their own people by resolving disputes, not that of the Japanese and major collaborators. This may be seen from the fact that no Japanese were hired by the judicial branches of the puppet government.<sup>66</sup>

Whether or not there had been Japanese working in the judicial branches is difficult to determine, since this would require information about individual branches. Ironically, although legal experts attempted to prove the political innocence of the judicial branches based on this argument, employment of Japanese personnel was never prohibited by law during the war. Only immediately after the war, when the nation continued to be charged with anti-Japanese sentiments, did the Executive Yuan issue “Regulations on Employing Japanese Technicians and Personnel by Government and Organizations” (*Guanli gejiguan tuanti zhengyong riji jishu yuangong banfa*) to supervise Japanese employees hired by Chinese institutions.<sup>67</sup>

Ling Hui’s advocate for the continuous employment of personnel who worked in puppet judicial organs was reasonable considering the practical need for judicial staff.

After the Nationalist army recovered the occupied areas, the newly dispatched personnel were insufficient to staff local courts. Many local governments continued to use the staff

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<sup>66</sup> SHA (7)-210, “*Beiping ziyou renquan baozhang weiyuanhui Ling Wei chengsong sifaguan kaoshi jigerenyuan zhong zhi weiyuan renyong wenti de yijianshu*” [A petition by Ling Wei, a member of the “Liberty and Human Rights Association in Beijing,” concerning the qualification of *weiyuan* who passed the judicial examination], 1947.

<sup>67</sup> SMA Q(257)-1-49, “*Guanli gejiguan tuanti zhengyong riji jishu yuangong banfa*” [Regulations on Employing Japanese Technicians and Personnel by Government and Organizations], 42-43.

who had worked for puppet administrations during the war. In many cases, local governments acquiesced as individuals changed their names in order to keep their work because there was a real need for experienced staff. In addition, students who graduated from law schools sponsored by the puppet regimes also entered the judicial circles (*sifajie*) in response to the demand for qualified personnel. As a result, the restrictions on legal personnel who worked in puppet judicial institutions were impractical since a majority of trained judicial personnel were either trained in puppet law schools, or had worked for puppet governments.

Ling Hui concluded his petition by criticizing the anti-*hanjian* campaign as a whole and the government's irresponsibility. Although he considered it necessary to restore national moral standards and the integrity of its civil service, he viewed motivation as the key to determine if an individual had been loyal or traitorous. Only those who collaborated with the enemy for wealth and status should be severely punished, not individuals who took jobs in puppet institutions merely to survive. On the other hand, depending on their positions, individuals held different responsibilities to the nation. At a time when Chiang's government could not secure the safety and jobs of its people, and, moreover, left them in the occupied regions, the people should not be blamed for struggling to survive the war. This petition gained the sympathy of the Ministry of Justice, which forwarded it to the Examination Committee (*kaoxuan weiyuanhui*). This action,



however, did not produce any changes to the restrictions.

*“Hanjian” as a Criminal Label and Its Transnational Applicability*

The legality of anti-*hanjian* regulations was tested when the state attempted to apply these laws to *hanjian* beyond national boundaries, meeting resistance in the international arena. In some cases, the Chinese government redefined the crime in terms that could be accepted by the nation or region that hosted runaway *hanjian*. In other cases, the state compromised with conditions brought up by other nations in exchange for extradition of runaway Chinese *hanjian*. The weak legal basis on which the Nationalist government requested the extradition of *hanjian* was rooted in the very definition of the word itself.

Toward the end of the war, numerous collaborators fled abroad, or to regions beyond the Nationalist government’s reach. Others fled because they felt they would be suspected as collaborators when Chiang’s government started to “settle accounts” (*qingsuan*). Hong Kong was a popular destination primarily because it had been a British colony since 1842 and remained under British administration after the Second World War.<sup>68</sup> In addition, there had been close economic and intellectual ties between Hong

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<sup>68</sup> On December 25, 1941, the Japanese Imperial Army occupied Hong Kong, and the British government restored its rule in Hong Kong on September 12, 1945 after the Second World War ended. See Philip Snow, *The Fall of Hong Kong: Britain, China and the Japanese Occupation* (New Haven: Yale University

Kong and Shanghai. As Zhang Yingjin has observed, with a wave of migration from mainland China to Hong Kong, Hong Kong's population increased from 0.6 million by the end of the war, to 1.75 million by 1947. Among these migrants, there were a large number of Shanghai intellectuals and artists of "various ideological persuasions."<sup>69</sup> The renowned film producer Zhang Shankun was one of them. Zhang stayed in occupied Shanghai to continue producing films during the Japanese occupation, and had ties to both the Japanese and Chiang's regime.<sup>70</sup> He was suspected as a traitor, and thus he went to Hong Kong before the war ended. In 1947, the Nationalist government requested his extradition. Considering Zhang Shankun's film productions in Hong Kong, one might suspect the real reason behind the extradition request was the release of leftist films by Zhang's company, rather than Zhang's suspicious political integrity during the war.<sup>71</sup>

Because of the large number of such individuals in Hong Kong, the Nationalist government negotiated with the Hong Kong government and Hong Kong Supreme Court

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Press, 2003).

<sup>69</sup> Zhang Yingjin, *Chinese National Cinema* (New York: Routledge, 2004), 150-157.

<sup>70</sup> See Hu Jubin, *Projecting A Nation: Chinese National Cinema before 1949* (Hong Kong: Hong Kong University Press, 2003). Hu sees Zhang Shankun and other filmmakers who remained in the "lonely island" of Shanghai as passively resisting the Japanese cultural invasion. They managed to keep the vitality of Chinese cinema even in this Japanese-occupied city. Also, the costume films they made often pick historical stories that mirrored the realities. Hu, Chapter 5. Zhang Yingjin also discusses Zhang Shankun's activities in occupied Shanghai, and later in post-1945 Hong Kong. Zhang, *Chinese National Cinema*, 83-89.

<sup>71</sup> For legal documents concerning the extradition of Zhang Shankun, see SHA 7(4)-240, "Shanghai gaodeng fayuan qing yidu hanjian Zhang Shankun, Huang Tianshi" [The request by Shanghai High Court to extradite Zhang Shankun and Huang Tianshi], November 1947. Zhang, *Chinese National Cinema*, 158-160.

for a solution. During the negotiations, the poorly defined and ethnically confusing terms used in the anti-*hanjian* regulations created obstacles that made it difficult for the two governments to reach an agreement. In order to solve this issue, the Hong Kong Legislative Bureau (*Xianggang lifa ju*) passed an Act of “Deportation of Chinese Nationals who Cooperated with the Japanese within Chinese Territories during the War” in May 1946.<sup>72</sup> This was titled and filed as “*Hanjian* Deportation Act” (*yijie hanjian fa’an*) by the Chinese Ministry of Justice.

This act stipulated the following definitions:

“China” (*Zhongguo*) includes any territory that the Governor of Hong Kong, and thus the British government admits as constitutes of the Republic of China at the time when the order of extradition is issued by the Hong Kong government.

“The Chinese government” (*Zhongguo dangju*) refers to the representatives of the legitimate government of Republic of China in this colony, that admitted by the Governor of Hong Kong, and thus the British government.

“Chinese Nationals” (*Zhongguo ji min*) refer to those who, according to the opinion of the Governor of Hong Kong, remain Chinese nationals when he or she did the deeds that resulted in the extradition. This act does not affect those who were British citizens then or now.

“Individuals who attached themselves to the enemy” (*fudi fenzi*) refers to Chinese nationals who will be extradited based on this act and order of extradition issued by the Hong Kong government.

“The enemy” (*diren*) refers to Japan and any individual or organization that worked for, or collaborated with Japan.

“Wartime” (*zhanzheng shiqi*) refers to the period between July 7, 1937 and August 16, 1945.

The two parties then negotiated on how to proceed based on the terms of the Act.

<sup>72</sup> SHA 7(4)-240, “Xianggang zhengfu yijie hanjian fa’an ji Guangzhou xingying Xianggang zhengfu xieyi daibu yu yindu hanjian zuotan jilu he beiwanglu,” [“Deportation of *Hanjian* Act” and the minutes of the meeting between the Hong Kong government and Guangzhou headquarter of the Nationalist army regarding the extradition and arrest of *hanjian*, recorded by the Chinese side], May 1946-November 1947.

On May 21, 1946, a meeting between representatives of the Guangzhou Headquarters of Nationalist army and the Hong Kong government took place in the Hong Kong Supreme Court. The minutes recorded by the Chinese side clarified a number of important issues concerning the cooperation.<sup>73</sup> Seen from the minutes, the Chinese representatives also elaborated on the definition of the category “criminals” (*zuifan*) identified by this Act. “Criminals” referred to Chinese nationals who committed crimes as defined by the 1945 “Regulations,” according to which they needed to be arrested and extradited if abroad. As to who should be considered “Chinese nationals,” Chinese officials maintained that individuals who remained Chinese citizens after July 7, 1937 were subject to the Act, and they were to be considered “*hanjian*” even if they became citizens of other nations shortly after this date. The Hong Kong representatives accepted this term, with the added stipulation that British citizens were not subject to the regulation.

The Chinese government’s request for applying the “Regulation” beyond its territory met with suspicions and restrictions from the Hong Kong government. The Hong Kong government stipulated that the Chinese government, upon filing a request, needed to provide a specific, detailed package of information for the Hong Kong government, including the profile of the criminal, the indictment bearing the signature of a judge, any prior confessions of the criminal (if he or she had been arrested before), and other evidence of collaboration, including newspaper clippings and governmental documents. The Guangzhou headquarters, which handled the matter on behalf of the Nationalist government, was additionally required to submit a list of fewer than twenty

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<sup>73</sup> Ibid, May 21, 1946.

criminals for extradition at a time. Once these procedures were satisfactorily fulfilled, the Hong Kong government took the responsibility for arresting the designated criminals, with strictly limited facilitation from the Chinese government when necessary.

When it came to the enforcement of the Act, the tension between the two governments and among different branches of the Chinese government was so unsolvable that they held a second meeting for negotiation. In late May of 1946, representatives from the Hong Kong government, the Chinese Ministry of Diplomacy, the “*Hanjian* Elimination Committee” (*sujian weiyuanhui*) affiliated to the Nationalist army, as well as *Juntong*’s branch in Guangdong province met to decide on how to enforce the Act.<sup>74</sup> Discussion focused on three questions of jurisdiction: which party should arrest the criminals, how to deal with *hanjian*’s property (*nichan*), and how many Chinese agents should be posted to Hong Kong to coordinate activities with the Hong Kong police and judicial branch on this matter. As a result of this meeting, the Chinese government was permitted to “place *hanjian* under control” in Hong Kong when necessary, while notifying the British police in Hong Kong to arrest them. After the British police arrested *hanjian*, the colonial government agreed to freeze their property for inventory and liquidation, and to send this information to the Chinese government so that the two governments could negotiate how to settle the property. Unwilling to simply rely on the British colonial government for information, in 1948, the Executive Yuan ordered the “Guangdong- Guangxi -Fujian Enemy and Puppet Property Processing Committee” (*yueguiminqu chuli diwei chanye shenyi weiyuanhui*) to investigate and collect

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<sup>74</sup> Ibid, May 28, 1946.

information on enemy and puppet property in Hong Kong, with the help of Chinese associations and unions in Hong Kong.<sup>75</sup> The Executive Yuan also urged local courts to notify the Ministry of Justice if the *hanjian* cases they were investigating involved enemy and puppet property currently in Hong Kong. For cases that fell into this category, the Central Trust Bureau, as well as the “Enemy and Puppet Property Processing Committee” together would negotiate with the Hong Kong government to reclaim this property.

The tension between the two governments on this matter is best understood in the context of the colonial history of Hong Kong and the changing power relations between China and Great Britain after the Second World War. After the Japanese retreated from Hong Kong, there had been struggles and negotiations between Chiang’s Nationalist government and the British government regarding the surrender arrangements. As a result, the Governor of Hong Kong accepted the surrender of the Japanese on behalf of both the British government and Chiang Kai-shek, the commander of the China theatre of the Second World War.<sup>76</sup> Regarding the extradition of *hanjian*, the British were understandably reluctant to give free access to Chiang Kai-shek’s police or intelligence agents in Hong Kong to arrest certain individuals, not to mention their skepticism regarding the legality of punishment of “*hanjian*.”

The outcome of this meeting also reflected *Juntong*’s intrusion into legal procedures of punishing *hanjian*. Guangzhou headquarters was no longer the sole organ

<sup>75</sup> SMA Q (187)-1-270, “Sifa xingzhengbu xunling: guanyu gangjiu fangmian hanjian chanye qing tongzhi Guangzhou zhongyang xintuoju yueguiminqu diwei chanye qinglichu huibao” [An announcement by the Ministry of Justice: *Hanjian* property in Hong Kong should be reported to “*Diwei* property Processing Committee for Guangdong, Guangxi and Fujian” affiliated to the Central Trust of China], in *Chuli diwei chanye faling*, 23, April 9, 1948.

<sup>76</sup> For Hong Kong’s wartime history and the power struggle between the Chinese and British government, see Snow, *The Fall of Hong Kong*.

responsible for trans-boundary *hanjian*. *Juntong* insisted upon helping the headquarters to arrest *hanjian*. It also posted five agents in Hong Kong, to manage extradition requests and handle extradited *hanjian*, whereas the Guangzhou headquarters only sent one agent.

In a parallel move that similarly disregarded both nationality and jurisdiction, the Nationalist government labeled citizens of other nations “*hanjian*,” if they were present in China during the war and were believed to have cooperated with the Japanese during the war. In 1947, pressured by the French government and public opinion, the Chinese ambassador in France requested the Ministry of Justice to extradite a number of “French nationals who betrayed the Han race” (*faji hanjian*), who had been tried by Chinese courts and sentenced to imprisonment of various lengths. These convicts were not of Chinese ancestry, and appear to have been predominantly Caucasian.<sup>77</sup>

The best documented case of *faji hanjian* is that of Glovge Emelionoff, a Russian French who worked for the police of Shanghai’s French settlement. After the puppet Shanghai municipal administration took over this office on July 30, 1943, Emelionoff continued to work in his position, in which he was responsible for foreign citizens’ affairs in Shanghai. The Shanghai High Court put him on trial and sentenced him to imprisonment for two and a half years, for the crime of “practical facilitation of the rule

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<sup>77</sup> SHA 7(2)-119, “Zhufa dashi Qian Tai yu sifa xingzheng buzhang guanyu faguo qing jiang fajihanjian yu zaiyue hanjian jiaohuan yindu yijian laiwan han” [Correspondence between Chinese ambassador in France, Qian Tai, and the Minister of Justice on the matter of exchanging *hanjian* of French nationality and *hanjian* of Chinese nationality arrested in Vietnam], September 3, 1947-October 30, 1947. One of the convicted, Ragmund Bossuet, was half French and half Japanese.

of the collaboration government.”<sup>78</sup> Emelionoff considered this decision unjust and appealed to Chiang Kai-shek. He claimed that he only continued to work in the police office following the order from the French consul. In addition, he considered his job of registering foreign nationals in Shanghai to be almost entirely unrelated to the ongoing war. Moreover, he argued that he had no pecuniary motivation to collaborate - his salary was still paid by the French government, not by the Japanese or the puppet regime.

The French government’s subsequent actions indicated its support for Emelionoff. On December 18, 1948, at the urging of the French ambassador, Chiang’s Ministry of Foreign Affairs contacted the Ministry of Justice, and requested a special pardon of Emelionoff. For this purpose he proposed a “bilateral principle of exchanging *hanjian* of French nationality with *hanjian* of Chinese nationality arrested in Vietnam.” As a matter of fact, the French government had requested French nationals to be pardoned before, by providing the so-called “bilateral principle of exchanging *hanjian*,” but the Chinese government never accepted such requests.

The matter soon caused a series of diplomatic disputes. On September 3, 1947, Qian Tai, Chinese ambassador to France, wrote to the Chinese Minister of Justice under pressure from the French Ministry of Foreign Affairs.<sup>79</sup> Qian Tai related the French

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<sup>78</sup> SHA 7 (2)-120, “Faguo dashi genju huhui jiaohuan fajian hanjian yuanze yaoqiu teshe zhuri weihai zhongguofan Aiminuofu” [Reports on French ambassador’s request of the pardon of Emelionoff according to bilateral agreement of exchanging *hanjian* of French nationality and *hanjian* of Chinese nationality arrested in Vietnam].

<sup>79</sup> SHA 7 (2)-119, “Zhufa dashi Qian Tai yu sifaxingzheng buzhang guanyu faguo qingjiang faji hanjian yu



Ministry of Foreign Affairs expression of its respect for China's judicial independence, and its reluctance to interfere with the Chinese courts' legal decisions on *faji hanjian* (the French noted that these individuals "had only themselves to blame").<sup>80</sup> This said, the French Ministry of Foreign Affairs was concerned, however, that these "French traitors in China" (*zaihua fajian*) could use their connections in France in an attempt to escape the punishment of Chinese law. These individuals took the liberty to criticize the Chinese government and its foreign policies, which had a negative influence on the image of Chinese government in French eyes. "Out of concern for the relations between China and France," the French Ministry of Foreign Affairs proposed to extradite Chinese "*hanjian*" who escaped to Vietnam, in exchange for the return of French nationals who were sentenced to imprisonment for the crime of "*hanjian*."

Guo Yunguan, Chinese Minister of Justice, replied to Qian's letter with a thorough discussion of the Chinese government's legal position on this matter. On this basis he refused to release French nationals or to allow them to be tried under French law.<sup>81</sup> According to international law, Guo stated, criminals were subjected to the laws of the country in which they had committed the crime. Since, as he described it, China had already terminated the practice of extraterritoriality, he had no liberty to consent to a

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*zaiyue hanjian jianhuan yidu yijian laiwanghan*" [Letters between Chinese ambassador in French and the Minister of Justice regarding French government's request of exchanging *hanjian* of French nationality with Chinese *hanjian* arrested in Vietnam].

<sup>80</sup> Ibid, September 3, 1946.

<sup>81</sup> Ibid, October 30, 1946.

request that would harm China's legal sovereignty.<sup>82</sup> Guo also clarified the conditions under which China could agree to a French request for extradition, forcefully defending Chinese sovereignty. If a French national committed a crime in France and fled to China, Guo argued, France had the right to request extradition. Since these French nationals committed *hanjian* crimes in China, they should be subject to Chinese jurisdiction. Similarly, if a Chinese national committed a *hanjian* crime and fled to Vietnam, a French colony, China had the right to ask for his or her extradition. By "adhering to the principles of international law, China resisted any suggestion of an exchange."<sup>83</sup>

Despite the assertion of Chinese sovereignty, Guo struck a conciliatory tone, and offered profiles of French nationals who had been prosecuted for the crime of "*hanjian*." According to Guo, Chinese courts were particularly lenient toward foreign defendants who were accused of collaborating with the Japanese. The Supreme Court had processed twenty-one such cases involving foreign nationals, and there was still one case being processed. In almost all of the twenty-one cases, the court either withdrew the

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<sup>82</sup> In 1843, after Great Britain won the Opium War (1840-1842), it forced China to agree to extraterritoriality, under which the British subjects were exempted from Chinese jurisdiction. Later the rule of extraterritoriality was successively adopted by the United States, France, Austria-Hungary, Belgium, Brazil, Denmark, Germany, Italy, Japan, Mexico, the Netherlands, Norway, Peru, Portugal, Spain, Sweden and last of all in 1918 by Switzerland. The nationals of these powers had to be sued and prosecuted in their consular courts. China made many efforts to abolish extraterritoriality (beginning as early as 1902). Ultimately, wartime conditions brought an end to extraterritoriality in 1943. See Fishel Wesley R. *The End of Extraterritoriality in China* (Berkeley: University of California, 1952), 1-25; Pär Cassel, "Excavating Extraterritoriality: The 'Judicial Sub-prefect' as a Prototype for the Mixed Court in Shanghai," *Late Imperial China* 2 (2003): 156-182.

<sup>83</sup> SHA 7 (2)-119, "Zhufa dashi Qian Tai yu sifaxingzheng buzhang guanyu faguo qingjiang faji hanjian yu zaiyue hanjian jianhuan yidu yijian laiwanhan."

indictments or granted acquittal. Only one defendant, Emelionoff, was sentenced to two and a half years in prison.<sup>84</sup>

The Chinese government labeled French nationals “*hanjian*” based on the 1945 “Regulations,” which established the legal framework for punishing *hanjian* but did not specify the nationality or ethnicity of individuals to whom it applied (despite the character Han in the term itself). As a result, the Nationalist government considered anyone in China who had collaborated with the Japanese during the war as *hanjian*, and initiated prosecution. Although a few Chinese jurists challenged the legality of anti-*hanjian* campaigns based on the “Regulations,” many still celebrated the campaigns, with a hope that they became effective means of restoring social justice. When the Chinese government applied the “Regulations” to non-Chinese as determined by either nationality or ethnicity, nonetheless, it became evident that the law lacked legal ground and universal applicability.

### *Conclusion*

As this chapter shows, the Nationalist government issued a series of regulations that aimed to constitute *hanjian* as a legal category and institute rules to adjudicate *hanjian* crimes. “Regulations on Handling *Hanjian* Cases” served as the guiding law. By issuing

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<sup>84</sup> For the names of the indicted and the categorization of the results of their cases, please see Appendix C.

these regulations, the Nationalist government aimed to exploit popular hatred for *hanjian* and boost its political legitimacy. The Nationalist government also hoped that based on these regulations, those oppressed by the Japanese or collaborators could redress their grievances and bring wartime collaborators to justice. Nevertheless, many individuals who were not necessarily major targets of the Nationalist government or the were also victimized by the “Regulations.” It was obvious to all that in punishing *hanjian*, the Nationalist government swept up many who were guilty of little more than trying to survive the exigencies of wartime occupation. As a result, many of these individuals organized and expressed their discontent in groups, which undermined the legal authority of anti-*hanjian* laws as well as the government.

With the conclusion of the war, the practical needs of punishing *hanjian* faded away, and the harshness of anti-*hanjian* laws as well as their lack of legality appeared to be more conspicuous. The legal debates regarding the term *hanjian* were particularly intense when the Chinese government attempted to apply the “Regulations” to citizens of other nations. Domestically, the government failed to establish a set of coherent and consistent judicial procedures that could be easily followed when innumerable *hanjian* cases poured into courts at all levels. Problems emerged both with the “Regulations” themselves and with their implementation at various levels of the Nationalist bureaucracy.

First of all, the government did not issue one systematic set of regulations at the same time. Other than the 1945 “Regulations,” further statutes and regulations were produced to solve specific issues that arose in the process of arresting and trying *hanjian*. In many circumstances, local government branches handled *hanjian* cases according to the brief, preliminary regulations, and similar cases led to different results based on various agencies’ own interpretations of the law. When confusion developed, the central government produced more detailed extensions of the original regulations, but few local courts and judicial organs had the financial and human resources to readjudicate the already settled cases.

Second, too many government agencies participated in the legal campaigns against *hanjian* with often conflicting agenda. The government started to assign responsibilities to individual government organs immediately after the war. In practice, however, these organs still contended for control over “punishing-*hanjian*” (*chengjian*) matters, since *chengjian* was vital to the redistribution of resources and power in the post-war era. Subsequently, the following years never saw the establishment of a clear-cut system for adjudicating *hanjian* at each step.

Finally, miscommunication and tension between the central and local levels of bureaucracy complicated the process of punishing *hanjian*. The Chiang Kai-shek government returned to previously occupied regions with a determination to purge *hanjian*

from local administrations and important institutions, and confiscate the property of collaborators and puppet regimes. Local governments, however, did not execute the decision of the central government due to concerns for preserving local resources, or for maintaining harmonious relations with the local society. All these problems revealed themselves in a more evident way in the investigation and trial of individual cases of *hanjian*, as demonstrated in the following chapters.

## CHAPTER III

### FROM WARTIME TERRORISM TO POST-WAR TRIAL

The previous chapter examined the legal framework that Chiang Kai-shek's government established for the anti-*hanjian* campaigns. The formation and tightening of anti-*hanjian* laws were accompanied by the convergence of administrative and judicial power on the emergent institutions that Chiang Kai-shek set up during the war. Such institutions allowed the government to pass laws unconstitutionally, and allowed the replacement of routine judicial procedure with radicalized and abridged criminal justice operations. In addition, since most *hanjian* were in areas outside Chiang's government's jurisdiction during the war, the military, the police and intelligence offices were given the permission to arrest and immediately execute individuals identified as *hanjian*. This chapter starts with an investigation of such extralegal punishment of *hanjian*. Immediate execution and assassination of *hanjian* were quite common and often celebrated in occupied regions and war zones between 1932 and 1945.

With the conclusion of the war and the restoration of Chiang Kai-shek's bureaucracy in previously occupied areas, the judiciary was granted the power of punishing *hanjian* and war criminals. In this way the Nationalist government aimed to establish its own legitimacy as an arbiter of justice. However, the civilian criminal justice

system never successfully secured the power of independently investigating and trying *hanjian* cases. Other government branches competed for and interfered with the punishment of *hanjian*, since it was a central issue in post-war power struggle and social control. Important officials of the government often interfered in legal cases to shield those to whom they had personal connections.

This chapter will also discuss the popular elements in the accusation and trial of *hanjian*, and their fundamental influence on the anti-*hanjian* campaigns. Chiang Kai-shek called for the common people to expose *hanjian*, allowing them to launch accusations without using their real names. This method, while protecting plaintiffs from revenge from the accused individuals or their family and friends, made it convenient for many to frame those against whom they held personal grudges. In the context of the post-war economic difficulties and relocation of large population into previously occupied areas, many individuals easily attacked others as *hanjian* for motivations other than patriotism.

Political interference, corruption, “false accusations” (*wugao*), media attention to *hanjian* cases, and the sheer number of such cases exerted joint pressure on the judiciary, which was reflected on individual cases. This chapter examines cases of *hanjian* from diverse background, including top officials in the Wang Jingwei government, Chiang Kai-shek’s undercover agents, important government officials, and the common people.



These cases illuminate the legal procedures of the investigation and punishment of *hanjian* from different angles, reflecting the patterns underlying such procedures as well as the corruption of them by political and popular agency.

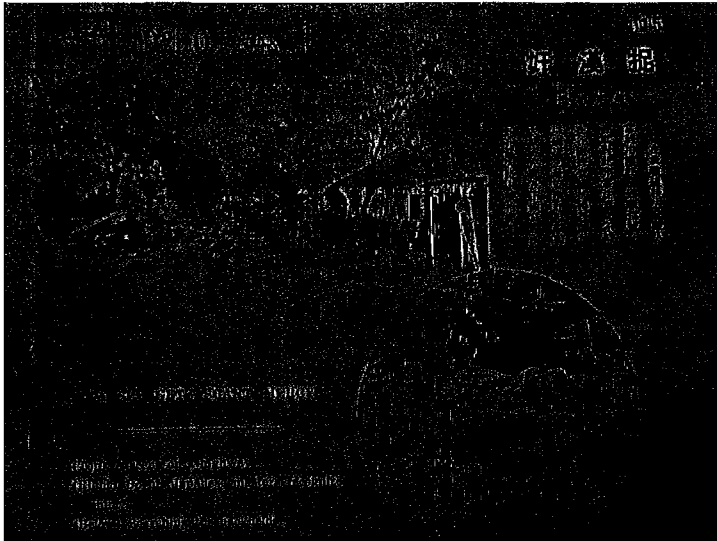
Finally, the chapter examines legal professionals as a group. Besides obstacles in the judicial process, legal professionals had to practice under the premise that certain political activities and beliefs were criminal, a premise of uncertain basis in law. In processing *hanjian* cases, they often showed a nuanced understanding of the crime labeled “*hanjian*” in cases in which the defendants were from other occupations, or were minor figures in the collaborationist regimes. On the other hand, due to the politically treacherous environment and competition within the profession, legal professionals were less lenient to their colleagues who were accused of collaboration.

*Work along Both Lines: Legal and Extralegal Punishment of Hanjian*

During the war, under a declared emergency, Chiang Kai-shek’s government punished *hanjian* without following any legal procedure. Once *hanjian* were captured with “sufficient evidence” of traitorous actions, the military, police, or secret agents all had the right to immediately execute them. For instance, during the defensive battle of Wuhan between June and October 1938, the Wuhan garrison troops shot on the spot

several groups of *hanjian* who worked for the Japanese and attempted to probe into the military information of the Nationalist army. In June 1938, while the Japanese air force was continuously bombing Guangzhou, the Nationalist army in Guangzhou executed 15 *hanjian* who were accused of signaling for the Japanese airplanes.<sup>1</sup> The Nationalist government also frequently published photos of execution of *hanjian* on media of war propaganda, as a deterrent to those who were considering working for the enemy (Figure 1&2):

Figure1. An example of the execution of *hanjian*. “Warfront News” (*qianxian zhanbao*), September 25, 1937. Caption on the upper right: “Catching *hanjian*.” It reads: “The enemy frequently used *hanjian* to probe into the rear of our battle lines. Our army pays special attention to *hanjian* and often search for them. After arresting them our soldiers execute them. Recently the number of *hanjian* has significantly reduced. In both photos, *hanjian* were shot to death on the road.” The English description on the left is: “A SPY GETS SCANT MERCY. Do his Japanese masters recognize him?” SMA, (D2)-0-2448.



<sup>1</sup> Meng Guoxiang, Cheng Tangfa, “Chengzhi hanjian gongzuo gaishu,” 106.



Figure 2. An example of the execution of *hanjian*. “warfront news” (*qianxian zhanbao*), September 11, 1937. Caption: The end of the national traitors. On the upper right: “Head on the tree.” Below: “Shot at the street.” SMA D2-0-2466-7.

Violence against *hanjian* extended into regions controlled by the Japanese and collaborationist regimes, although it was necessarily more clandestine. Chiang Kai-shek’s government sent out special agents to assassinate high-ranking collaborators in puppet regimes, both to punish their betrayal and to warn others. As Frederic Wakeman recounts in *Shanghai Badlands*, Chongqing’s secret agents, with the assistance of Shanghai’s underworld, produced numerous terrorist events, such as explosions and assassinations, in Western Shanghai (*huxi*) between 1937 and 1941. The Western Shanghai area was a triangular region west of the International Settlement and northwest of the French Concession, and the Japanese had no effective control over this region. The Nationalist government’s secret agents, Wang Jingwei’s police and intelligence personnel,

the Japanese army and Shanghai's underworld contended for the control of this region.<sup>2</sup> "Petty urbanites" in Shanghai also contributed to the assassination of *hanjian* out of patriotism and various other reasons.<sup>3</sup> The spring of 1941 saw a wave of "patriotic terrorism," resulting in 14 deaths, 60 wounded and 128 kidnapped between March 22-29 alone.<sup>4</sup>

Agents from Chongqing either directly planned such violent events, or supported spontaneously organized patriotic groups to conduct them. According to the report from the Western Shanghai Area Special Police Force (WASP) on March 20, 1941, "the Chongqing regime" (*yufang*) sent a 100-person suicide squad, the "Iron and Blood Youth *Hanjian*-elimination Team," to Shanghai.<sup>5</sup> A week later, Chongqing transferred 200 more team members from Jinhua and Jiaying County to Shanghai (which means that the team had personnel in many occupied regions). Guo Shaoyi, head of the "detection corps" (*wei zhenji dui*), a branch of Wang Jingwei's Shanghai police force, learned of their arrival in Shanghai. According to his report, these personnel carried explosives with

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<sup>2</sup> Frederic Wakeman, *The Shanghai Badlands: Wartime Terrorism and Urban Crime, 1937-1941* (New York: Cambridge University Press, 1996).

<sup>3</sup> Wakeman, *The Shanghai Badlands*, 26.

<sup>4</sup> Wakeman, *The Shanghai Badlands*, 123.

<sup>5</sup> SMA (R119-1-278), *Huxi tebie jingcha zongshu guanyu qingnian tiexue chujiantuan wenjian* [Files on the Iron and Blood Youth *Hanjian*-elimination Team, kept by the Western Shanghai Area Special Police Force], 4-10. The Wang Jingwei government and the Shanghai Municipal Council made a joint decision in establishing the Western Shanghai Area Special Police Force in February 1941 to control this area, and to protect the International Settlement and the French concession. See Wakeman, *The Shanghai Badlands*, 104.

the purpose of destroying automobiles and assassinating important figures in the Wang Jingwei regime.<sup>6</sup> Evidently, this *hanjian*-elimination team still successfully carried out their missions despite the leak of intelligence.

The *hanjian*-elimination team was by no means the only organization behind the wartime terrorism in Shanghai. Around 1941, there were at least three other similar terrorist-style groups in Shanghai sent by Chiang Kai-shek's government. These included the Revolutionary Youth Group (*geming qingniantuan*), Dai Li's Action Team (*Dai Li xingdongdui*) as well as the Grand Unity Party. Under the order of the Bureau of Investigation and Statistics under the Military Affairs Commission (*Juntong*), the Grand Unity Party took charge of all three groups starting from spring of 1941. The Three People's Principle's Youth League (*Sanmin zhuyi qingniantuan*, "*Sanqingtuan*" hereafter), the reserve force for the Nationalist party, contributed to the terrorist atmosphere by sending out threatening letters to officials of the Wang regime.<sup>7</sup> One recipient of their warnings was Yuan Houzhi, head of the Municipal Bureau of Finance. The letter warned Yuan that "if he did not wake up from the dream that he could perform traitorous deeds

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<sup>6</sup> SMA (R119-1-278), *Huxi tebie jingcha zongshu guanyu qingnian tiexue chujiantuan wenjian*, 13.

<sup>7</sup> Chiang Kai-shek established *Sanqingtuan* in July of 1938, and it merged into the Nationalist party in September 1947. As the president of Nationalist government and the head of the Nationalist party, Chiang became the leader of the league by default. The purpose of *Sanqingtuan* was two-folded. Firstly, Jiang was concerned with the corruption of the Nationalist party, and hope to use the league to reform the party. More importantly, *Sanqingtuan* was to absorb young, patriotic members of different political parties, to train them to be personally loyal to Chiang. So they could carry out secret missions to facilitate the fighting on the warfront. See Zhou Shuzhen, *Sanqingtuan shimo* [The history of the Three People's Principle Youth League] (Nanchang: Jiangxi renmin chubanshe, 1996).

without the people knowing,” *Sanqingtuan* would adopt “their more dramatic means against him.”<sup>8</sup>

Chiang’s regular army also took part in instilling a regime of fear in Shanghai. The commander of the Forty Fifth brigade of the Nationalist army, Chen Yaobang, ordered Xu Liansheng to lead a “Western Shanghai Commando” of more than 1000 men, providing them with salary and weapons. Their targets were the puppet police in Western Shanghai.<sup>9</sup>

Grass-root “*hanjian*-eliminating” activities preceded terrorist missions conducted by Chiang’s special and military. As early as 1932, Shanghai’s urban residents had organized a popular *hanjian*-elimination team to punish real or imagined traitors. Expectation of War against Japan and anti-Japanese sentiments became pervasive after the Shanghai Incident in 1932. Shortly after the incident, the Shanghai Coal Association (*Shanghai meiye gonghui*) received a threatening letter from the *hanjian*-elimination team, accusing one of their members, Gu Zhongshou, owner of the Yicheng coal store, of recently purchasing more than a thousand tons of “Japanese coal”( *rimei*).<sup>10</sup> If the coal association did not take steps to prevent similar “unpatriotic deals” from happening again,

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<sup>8</sup> Yuan received this letter on August 12, 1941, signed by “suicide squad of *Sanqingtuan*.” SMA (R119-1-278), *Huxi tebie jingcha zongshu guanyu qingnian tiexue chujiantuan wenjian*, 38.

<sup>9</sup> *Ibid*, 22.

<sup>10</sup> SMA (S304)-1-158, *Shanghaishi meishangye tongye gonghui jie Tiexue chujiantuan jinggao benye jianshang fanmai rimei youguan wenshu* [Documents on the Shanghai Coal Association and their reaction to the threatening letters from the Iron and Blood *Hanjian*-elimination Team], August 1932-August 1937. The earliest letter in this file indicated that this team had sent out similar warnings before.

the team threatened to “resort to effective actions.”<sup>11</sup> Before long, a second letter from the team arrived with further instructions:

Our research shows that various stores have dared to sell Japanese coal, and the current executive committee of your association dared to openly allow such behavior. Despite our repeated warnings, you pay no attention to this matter. Now we would like to present you a hand grenade, and this is a relatively small one. Please take the following measures, so that you will not get yourselves in trouble:

1. Stop all transactions involving Japanese coal within a week;
2. Publish an oath in major newspapers on behalf of the coal association, stating that you will never buy or sell enemy products.

The executive committee of the coal association thus drafted an oath and asked for the signatures of its members, although it clarified that this was only for the purpose of safety, and that no member should sign if they were unwilling. The document was ironically titled “A Pledge of Voluntary Promotion of National Products.”<sup>12</sup> The *hanjian*-elimination team was pleased by this action. They encouraged the coal association to provide names of any merchants who did not follow the oath, threatening that the team members would “use their iron blood to eliminate these running dogs.”<sup>13</sup> The team closely watched every move of the association. Under such pressure, in September 1932, the coal association established a twenty-person “suicide squad,” sworn to apply “iron and blood-ism” to fellow merchants who still sold enemy products.

The example of the coal association demonstrates the paranoid fear of traitors in

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<sup>11</sup> Ibid, 1.

<sup>12</sup> Ibid, 3.

<sup>13</sup> Ibid, 10.

Shanghai at the eve of the war, which was built up by war propaganda on the media. Between 1932 and 1937, Shanghai's newspapers devoted considerable space to the discussion of war mobilization. The prevention and elimination of *hanjian* was a major part of this discourse. New newspapers emerged with a war focus. For instance, the National Salvation Daily (*jiuwang ribao*) (1937-1941) published several special issues on *hanjian*.<sup>14</sup> These issues focused on how to prevent common people from being used by the Japanese, and how to reduce the number of *hanjian* by eliminating some and educating others. Charged with patriotic sentiments, urban residents and student groups devoted themselves to identifying potential *hanjian* and trying to "save" such individuals. Their judgments, however, were often ungrounded. For instance, the Shanghai Coal Association was in no way pro-Japanese, and this was a well-known fact. Even in their threatening letters, the team admitted that the association had helped injured troops and refugees right after the Shanghai Incident (it was the Nationalist government under Chiang Kai-shek that held a non-resistance attitude and was attacked harshly by its political opponents and public opinion back then).<sup>15</sup>

As Frederic Wakeman noted, the Chongqing government's special agents mostly targeted political figures as well as Wang Jingwei's special agents and police.<sup>16</sup>

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<sup>14</sup> For instance, see "Xiaomie hanjian zhuanji" [Special issue on eliminating *hanjian*], *Jiuwang ribao*, September 10-11, 1937.

<sup>15</sup> Coble, *Facing Japan*, 50-55.

<sup>16</sup> For instance, the WASP detective Yin Zhanqing, who served the Shanghai municipal police for sixteen



Self-professed patriotic urbanites targeted a much wider variety of social groups who joined puppet associations, had business connections with the Japanese, or were hired by the Japanese on temporary terms with little pay. Seen from newspapers at the time, such violence against collaborators, whether or not sponsored by the state, was widely considered justified.

*Trials of Hanjian: the Leading Collaborators*

The only legal justification for assassination and immediate execution of *hanjian* was the set of anti-*hanjian* laws and regulations issued by the Chiang Kai-shek government. Under such laws, Chiang Kai-shek's Ministry of Justice in Chongqing repeatedly produced lists of most-wanted collaborators who took major positions in puppet regimes.<sup>17</sup> All lists included leaders and top officials from the Wang Jingwei regime: Wang Jingwei, Zhou Fohai, Chen Bijun, Chen Qun, Miu Bin, Chu Minyi, He Shizhen, Mei Siping, Gao Zongwu, Ding Mocun, Lin Bosheng, Li Shengwu. Their crimes were all briefly listed as "attaching themselves to the traitor," except for Wang

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years but joined in the Wang Jingwei's police force, was assassinated on May 27, 1941. Evidence shows that agents sent by Chiang's government were behind the assassination. They hired Xie Qiaozun, who ran a casino in Zhebei District, to carry out the assassination. Xie in turn hired four hooligans to assist him, and the salary was eight hundred *fabi*, plus a subsidy they each could get from the casino every month. SMA (R1)-1-615, *Riwei Shanghai tebieshi huxi jingchaju guanyu zhenya kangri chujian huodong wenti gei suoshu danwei de mingling* [Orders given by the puppet WASP to its affiliated institutions regarding suppressing anti-Japanese and *hanjian*-elimination activities], 83-101.

<sup>17</sup> Chiang Kai-shek's government had announced groups of high-ranking officials in collaborationist regimes as *hanjian* and ordered them to appear in Chiang's judicial branches for investigation. If they refused to, which they did, the Ministry of Justice would put their names on the wanted list. Xie, *Zhanshi sifa jiyao*, 125. See also, SHA 7 (4)-206, *Guomingdang zhengfu mingling tongji zhi hanjian zuifan* [Collaborationist criminals wanted by the Nationalist government], 1938-August 1945.

Jingwei, who was accused of the crime of “collaborating with the enemy and endangering the nation.”<sup>18</sup> These lists functioned to educate the common people in both free regions and occupied areas about the crimes of these major collaborators, and to justify any violent punishment imposed on them. Some collaborators on such lists, including Fu Xiao’an, mayor of the puppet Shanghai Municipal Government, were assassinated by Chiang’s intelligence agents during the war.<sup>19</sup> Wang Jingwei died from illness in November 1944. A majority of the major collaborators survived the war and were put on trial.<sup>20</sup>

Starting from September 1945, the Capital High Court and Shanghai High Court held trials of major collaborators—officials who served in the Provisional Government in Beijing, the Reformed government as well as the National government in Nanjing. The outcome of such trials was pre-destined, since the courts rendered judgments primarily based on a series of laws and regulations issued by the Chiang Kai-shek government: Regulations on Special Criminal Cases of 1944, revised Criminal Procedural Law of 1935, Regulations on Punishing *Hanjian* of 1945, Provisional Law on Increasing Punishments for Party Members of 1931, as well as the revised Criminal Code of 1935. Other than their wartime conduct, the collaborators’ former political affiliations and their

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<sup>18</sup> Ibid.

<sup>19</sup> Fu Xiao’an was assassinated by his cook, who secretly worked for Dai Li, the head of *Juntong*. Frederic E. Wakeman, *The Shanghai Badlands*, Chapter 8.

<sup>20</sup> A few of them died before the trials. Some most-wanted collaborators, such as Dong Kang, went to hospital before the war ended, and died there shortly after the conclusion of the war. As a result, their cases never entered the judicial procedure.

personal relations to Chiang Kai-shek also affected the sentences they received.<sup>21</sup>

Individuals who followed Wang Jingwei closely in the formation of the puppet regime and took high position in it were deemed leading collaborators and were sentenced to either death or life imprisonment. These figures included Wang Jingwei's wife Chen Bijun, and Wang's loyal associates such as Chen Gongbo, Chu Minyi, and Lin Baisheng. Other major collaborators were sentenced to imprisonment for at least 15 years.<sup>22</sup>

Although the outcome of the trials was completely foreseeable to everyone at the time, the Nationalist government tried to demonstrate that the trials followed judicial procedures and that the judgments were rendered based on sufficient evidence. For the trial of Chen Gongbo, for instance, the court requested numerous files from the Shanghai Municipal Government, which just recently replaced the "puppet" municipal government run by Chen (Chen was appointed by Wang Jingwei as the mayor of Shanghai in 1940). Since "in his confession, all Chen said was to defend himself," the court needed evidence that could reveal "how Chen organized the collaboration government and a puppet army, negotiated peace with the Japanese, forged secret contracts with the enemy, gave up Chinese sovereignty, resisted the central authority, disturbed the financial order and enslaved the people through educational means."<sup>23</sup> The court accumulatively requested

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<sup>21</sup> Hwang, "Wartime collaboration in question," 75-97.

<sup>22</sup> SHA 7 (4)-305, "Shoudu gaodeng fayuan chengsong panguo hanjian Chen Gongbo Chu Minyi deng panjueshu ji xiaozhuan," [Indictments and brief biographies of traitorous *hanjian* Chen Gongbo, Chu Minyi, etc, sent by the Capital High Court].

over 50 volumes of documents on Chen's administration in Shanghai in order to render a judgment.

The Nationalist government also saw such "show trials" as good opportunities to reestablish its political legitimacy and indoctrinate nationalist ideologies among people. The indictments for the leading collaborators were elaborated by judicial personnel for such purposes, and they were read aloud at the end of each trial. Seen as legal treatises, the indictments usually consisted of three parts: sentence rendered by the court, criminal facts, and legal reasoning for the sentence. Such documents shed much light on Chiang's government's position on major issues related to the war and its position in it.<sup>24</sup>

The first issue concerns the alternative interpretations of nationalism. In her comparative study on post-war trials of collaborators in France and China, Zanasi reveals how such trials mythologized resistance and identified it as the only expression of nationalism.<sup>25</sup> For the Chiang Kai-shek government, emphasizing on resistance was particularly important since it adopted a non-resistance policy toward Japanese

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<sup>23</sup> SMA (Q1)-6-47, *Chen Gongbo deng hanjian zuixing gezhong anjuan wenti yu Jiangsu gaodeng fayuan jianchating de laiwang wenshu* [Correspondence with the Jiangsu High Court concerning documents on the *hanjian* case of Chen Gongbo and others], February 1946.

<sup>24</sup> Although the judgment was rendered by the court, one can strongly argue that the court was conveying the Nationalist government's position on such issues. One rumor was that during the trial, judge Sun Honglin said "Chinese history always blames noble men" (*Chunqiu zebei xianzhe*), meaning that noble men in high position always get blamed by those whom they fail to please, whereas no one notices what an ordinary person has done wrong. This was obviously a sympathetic comment to Chen. It was said that "Chen was quite excited after hearing this, and repeated the phrase several times during the trial." *Zhoubao*, April 13, 1946. The writer of the *Zhoubao* article took a very critical attitude towards this comment, and maintained that the judge failed his mission of trying *hanjian*.

<sup>25</sup> Zanasi, "Globalizing *hanjian*," 731-751.

imperialism between 1931 and 1937. Through legally denouncing collaborators, therefore, the Nationalist government aimed to establish its image as the leader of the War of Resistance and the only qualified government for China. In his self-defense, Chen Gongbo employed the “collaborationist nationalism” narrative, which resonated with the arguments Pétain and his lawyers made during Pétain’s trial.<sup>26</sup> Chen emphasized how he and the Wang Jingwei government actually contributed to the preservation of the nation’s strength, and, passively, to cooperation with the Chongqing government’s military resistance.<sup>27</sup> Another major collaborator, Chu Minyi, similarly claimed that the Wang Jingwei government’s strategy was that of “peaceful resistance to the Japanese.”<sup>28</sup> The court rejected such arguments in all cases, and denied any positive role for the Wang Jingwei government in preserving the nation and its people. “The puppet government,” according to the judge, “was merely a tool for the Japanese army to achieve the goal of using Chinese to control Chinese.”<sup>29</sup> The indictment then listed the Wang Jingwei government’s policies in the occupied regions, which included exploiting resources, issuing “puppet” money (*weibi*), selling opium, brainwashing youth and conducting a

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<sup>26</sup> Zanas, “Globalizing *hanjian*,” 732.

<sup>27</sup> Chen did, however, admitted in the confession that the he represented the Wang government to sign a number of treaties with the Japanese officials on the terms of their collaboration and establishment of regional puppet regimes, such as the Manchukuo. SHA 7 (4)-305, “Shoudu gaodeng fayuan chengsong panguo hanjian Chen Gongbo Chu Minyi deng panjueshu ji xiaozhuan,” 13.

<sup>28</sup> SHA 7 (4)-305, “Shoudu gaodeng fayuan chengsong panguo hanjian Chen Gongbo Chu Minyi deng panjueshu ji xiaozhuan,” 17.

<sup>29</sup> *Ibid*, 8.

“clearing the villages movement” (*Qingxiang yundong*).<sup>30</sup>

The court also denied any specific contributions of collaborators or the Wang regime. Chen Gongbo claimed that after the Japanese army surrendered, the Wang Jingwei government maintained the security of Nanjing and prepared for the take-over of the capital by the Nationalist army. Chu Minyi further stated that he devoted himself to the reconstruction of Nanjing and to the negotiations regarding the recovery of foreign settlements. Therefore, he was “not without contributions.”<sup>31</sup> In response, the court pointed out that the puppet regime was then dismantled and had no capability to reconstruct Nanjing. Even if the two collaborators had maintained security and so on, they only did it in exchange for a reduction of their foreseeable punishments. Finally, by negotiating for the recovery of foreign settlements, according to the court, Chu Minyi arrogated the power of the central government over diplomatic decisions.

The second issue, which the Nationalist government hoped to address through these trials, was that of the central government (*zhongyang zhengfu*). A significant concern of indictments for leading collaborators reveals that what was at stake was not

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<sup>30</sup> The Japanese army and the Wang Jingwei government launched the “Clearing the villages movement” in rural areas under their control. Its goal was to control of these regions militarily, politically, economically and in ways of education. This movement was directed by the “Clearing the Village Committee” affiliated to the Wang Jingwei government, which was at the same level of the government as its Executive Yuan and its Military Affairs Committee. See *The Second Historical Archives of China*, ed. *Riwan de qingxiang* [The “Clearing villages movement” of the Japanese and the Wang Jingwei government] (Beijing: Zhonghua shuju, 1995).

<sup>31</sup> SHA 7 (4)-305, “Shoudu gaodeng fayuan chengsong panguo hanjian Chen Gongbo Chu Minyi deng panjueshu ji xiaozhuan,” 17.

only their betrayal of the nation, but also their denial of the Chiang Kai-shek government. One major crime listed for the leading collaborators was that they acted against the resistance policies issued by the “central government.” More importantly, the Wang Jingwei regime, in which they served, had claimed that “after the National Government was restored in Nanjing, all policies or regulations issued by the Chongqing regime ceased to take effect, all armies should stop fighting and await further orders, and all government personnel should return and register with the National Government in Nanjing.”<sup>32</sup> Chen Gongbo, Chu Minyi and other top officials of the National government chose Wang Jingwei over Chiang Kai-shek. This was viewed as one of their criminal facts by the court, which functioned under the premise that the Chiang Kai-shek’s government was the only legitimate central government.

The third issue involves the concept of loyalty. Chen Gongbo, among others, emphasized his personal loyalty to Wang Jingwei when confessing the motivation for joining the puppet regime. Chen was charged with the crimes of collaborating with the enemy state and plotting to betray his own nation.<sup>33</sup> The charges were based on the facts that he was the head of the Wang Jingwei government’s legislative Yuan since its establishment, and that he was the deputy president of the government as well as head of

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<sup>32</sup> “Decision made by the Central Political Conference of the Wang Jingwei government,” quoted in SHA 7 (4)-305, “Shoudu gaodeng fayuan chengsong panguo hanjian Chen Gongbo Chu Minyi deng panjueshu ji xiaozhuan.”

<sup>33</sup> SHA 7 (4)-305, “Shoudu gaodeng fayuan chengsong panguo hanjian Chen Gongbo Chu Minyi deng panjueshu ji xiaozhuan,” [Indictments and brief biographies of traitorous *hanjian* Chen Gongbo, Chu Minyi, etc, sent by the Capital High Court].

the Executive Yuan after Wang died in November 1944. By these actions he “plotted to oust the central government, and chose to be the chief criminal against it.”<sup>34</sup> To defend himself, Chen first stated that he always had held the belief that “the party cannot be divided, and the nation will be unified (*dang buke fen, guo bi tongyi*).” He claimed that he never agreed with Wang’s plan to oppose Chiang’s Chongqing government and to organize a “puppet government,” but he failed to persuade Wang, and only followed Wang out of personal loyalty.

The court refuted this argument by listing Chen’s important activities in organizing and administering the collaboration regime, highlighting Chen’s announcement after Wang’s death that he was determined to inherit Wang’s “unfulfilled will” (*yizhi*). The court argued, significantly, that Chen showed utmost loyalty to Wang (*jinzhong*), but no loyalty to the nation. The underlying logic in the court’s argument was that one should always choose loyalty to the nation over personal loyalty, since political integrity (*dajie*) should always precede personal duty (*xiaoyi*).

The indictments for leading collaborators can be seen as judicial explanations of the “Regulations on Handling *Hanjian* Cases” when they were applied to the primary targets. In these cases that carried tremendous political weight, the judiciary had little room to render independent judgments. The trials of major collaborators served to re-establish the political legitimacy of the Nationalist government and to distract the

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<sup>34</sup> Ibid.



people from various problems with the post-war reconstruction. As Musgrove argues, the Nationalist government failed to achieve such political goals, at least seen from the “show trial” of Chen Bijun. Nonetheless, trials of major collaborators were only one part of the anti-*hanjian* campaigns, and a more balanced evaluation of the campaigns requires the examination of other *hanjian* cases.

#### *False Accusations and Dismissed Lawsuits against Hanjian*

For cases involving less well-known figures or common people, the judiciary was subjected to less political pressure and had greater flexibility to conduct thorough investigations. Cases of “minor *hanjian*” were brought to the court by individuals, instead of an organ of the government, such as the Ministry of Justice. The Chiang Kai-shek government encouraged common citizens to facilitate the anti-*hanjian* campaigns. In August 1946, under the suggestion of *Juntong*, the Ministry of Justice ordered courts at all levels to release the lists of wanted *hanjian* to newspapers, so that common citizens could help local courts and police officers to make arrest.<sup>35</sup> One month later, the government further encouraged commoners to voice their critical opinions, if they had any, about public trials of *hanjian* that they witnessed.<sup>36</sup>

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<sup>35</sup> Ordinance of the Ministry of Justice, No. 4263, August 15, 1946, in Xia, *Zhanshi sifa jiyao*, 132.

<sup>36</sup> Ordinance of the Ministry of Justice, No. 198, September 1946, in Xia, *Zhanshi sifa jiyao*, 134.

Most importantly, Chiang Kai-shek's government called for common people to expose *hanjian* that they knew of. Thereafter, individuals from all walks of life were faced with the danger of suddenly being labeled *hanjian*. Many people used this chance to get back at those whom they hated for various reasons. Even if they could not always succeed in sending their enemies to jail, the lawsuit would still damage their reputations and cost a considerable amount of time and money. Therefore, the problem of "false accusation" became a major concern of the judicial personnel, and they paid particular attention to the relation between the accuser and the accused while conducting investigations.

The issue of "false accusation" and how the court handled it in individual cases could be demonstrated by the case of Ding Guitang, one of the earliest high-ranking Chinese officials in the Chinese Maritime Customs Service (CMCS). Ding was accused of collaboration by an employee, Shen Bochen.<sup>37</sup> The CMCS first came into being in Shanghai in 1854 as a means to collect tax from ships going in and out of China. In 1858, one of the affiliated treaties to the Treaty of Tianjin between the Qing government and Great Britain established the rule that Chinese maritime customs should be standardized, and the Inspector General (IG) should be an English or American national appointed by the Qing government.<sup>38</sup> Therefore, as an institution that accounted for a large portion of

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<sup>37</sup> SMA (Q186)-2-20675, *Ding Guitang hanjian an ji Ding Guitang Kangbian shu* [The *Hanjian* case of Ding Guitang and Ding's self-defense letter], January 1947-December 1947.

the public finances of China, the CMCS was an internationally-staffed government agency from its inception.

Ding Guitang started to work for the CMCS as an intern after graduating from the Beiping Tax Affairs School in 1916. Within the CMCS at the time, foreign employees received higher salaries and better opportunities of promotion than Chinese employees. Ding saw this phenomenon as unjust and could not hold his temper when foreign employees bullied their Chinese colleagues. In addition, in 1929, when he was appointed by the Ministry of Finance as a member of the “Investigation Committee on Improving the Customs Service”( *gaishan guanzhi shencha weiyuanhui*), Ding helped the Chinese employees to gain equal treatment with foreign employees. Due to the Shanghai Incident of 1932, Ding reached the first turning point in his career. Kishimoto Hirokichi, a Japanese national and head of the General Affairs Office of the CMCS, requested a short leave since “his presence in the CMCS became sensitive due to recent events.”<sup>39</sup> Ding replaced him and became the first Chinese to lead this important office. In 1935, however, Wang Jingwei, then head of the Executive Yuan, returned the position to Kishimoto upon the request of the Japanese government.<sup>40</sup> Ding thus became the head of the Chinese

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<sup>38</sup> For the origin and development on the CMCS, see Donna Brunero, *Britain's Imperial Cornerstone in China: The Chinese Maritime Customs Service, 1854-1949* (Routledge, 2006).

<sup>39</sup> Ibid, 31. According to Ding's self-defense, which provided numerous pieces of evidence for his experience and vicissitudes in the CMCS and was viewed as quite honest by the court, he also promoted the use of Chinese in the CMCS. He did this to make information more accessible for Chinese merchants, and also to gradually prepare for the Chinese government to reclaim the Custom rights.

<sup>40</sup> Since Wang was still working under Chiang Kai-shek in 1935, it is difficult to decide whether he was

Documents Office (*hanwen ke*). In 1941, the Japanese army took over the CMCS and Kishimoto became the Inspector General. Chinese employees, especially Ding, were under close supervision. The Japanese army even arrested and interrogated Ding and several others in 1942, in order to find out who had acted as spies of the Chongqing government within the CMCS. Shortly after this, Ding managed to escape from Shanghai and joined the Chinese Maritime Customs head office established in Chongqing.<sup>41</sup> Since 1928, the IG had been Frederick Maze, Mei Lehe, a British national, who was detained by the Japanese army in 1941. Maze was released in 1943, and he resigned later that year. After he resigned, Ding worked as the provisional Inspector General, until Chiang Kai-shek's government appointed an American citizen, Lester Knox Little (Li Du), for that position. Ding then became the deputy Inspector General. When the war was over, Chiang Kai-shek sent Ding to take over the customs in previously occupied regions. Ding won recognition and several awards from the Nationalist government for his work in reconstructing the customs system. In this process of reorganizing personnel and resources, however, Ding also had to fire numerous individuals who were suspected of collaborating.

Shen Bochen, who later accused Ding Guidang of being a *hanjian*, was one of

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merely carry out Chiang's decision on this matter, or he took liberty to make the decision. Ding Guitang, for obvious reasons, blamed Wang for his loss of the position.

<sup>41</sup> There was one interesting episode on Ding's way to Chongqing. When he was stopped by the puppet army in Shangqiu, Henan province, the general of the First Corps of the puppet army showed sympathy to Ding and several other people who were traveling with him, and escorted them to the safe zone by tank. Ibid, 34.

them. In 1936, Shen accused Li Tonghua, then a custom officer in Jinan Custom, of embezzling embargoed goods. The accusation was found false and Shen was punished with demotion. Shen blamed Ding for this. Furthermore, while Ding was in charge of personnel affairs after the war, Shen was found guilty of collaboration by the “Committee for Investigating CMCS Personnel in Occupied Regions” (*Lunxianqu guanyuan shencha weiyuanhui*). The committee forwarded the case to the court. Although the court dismissed the case, Shen still lost his job, and he held Ding responsible for this misfortune as well.

Shen tried to get his job back by threatening that he would accuse Ding of participation in the puppet customs. And so he did. After a year-long investigation, the court decided to not prosecute the case, since sufficient evidence proved that Ding was not guilty of the charge. Ding’s 50-page letter of self-defense, which elaborated on his activities from the 1920s to post-war period with a number of attached documents as evidence, proved to be vital in the investigation. In 1949, Ding facilitated the Chinese Communist Army’s take over and nationalization of the CMCS, to which he was appointed Inspector General.

Seen from the evidence, Shen launched a false accusation against Ding because of a personal feud (*xiexian wugao*). This was particularly common during the

*hanjian*-exposing years between 1945 and 1947.<sup>42</sup> Shen at least used his real name and showed up for investigation. In many other cases, the accusers voluntarily withdrew accusations against others when they discovered that they could not provide any evidence as ordered by the court. Others used false names to launch accusations, adding tremendous challenges to judicial investigation. An examination of these cases will shed light on profiles of some accusers as well as the reasons behind their accusations. One can also see the underlying patterns behind the judicial decisions in what types of *hanjian* cases to prosecute.

In November 1945, Wang Xungao, a forty-six year old Shanghai resident, sued Wang Xuechen, a famous figure in Shanghai newspaper circles, for having done “*hanjian* deeds.”<sup>43</sup> Wang Xuechen was successively the chief editor of two major tabloids: *Shanghai Digest* (*Shanghai bao*) and *Shanghai Daily Digest* (*Shanghai ribao*).<sup>44</sup> Both

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<sup>42</sup> The National Advisory Council (*guomin canzhenghui*) was quite concerned about the phenomenon of “suing due to personal feuds,” while strongly urging legal apparatus to severely punish those who were proved to be *hanjian*. In its general meeting in July 1946, the National Advisory Council raised this issue and offered several suggestions to the Ministry of Justice as to how to filter out false accusations. In its ordinance on August 1, 1946, the Ministry of Justice forwarded the petition and urge courts to act accordingly. Xie, *Zhanshi xifa jiyao*, 132. The National Advisory Council was an institution formally organized by the Nationalist government, which it depended on to voice “public opinions” and advise on how to gain victory of the resistance war. See Shi Bolin, “Lun kangzhan shiqi guomin zhengfu de zhanshi zhengzhi tizhi” [A discussion of the Nationalist government’s political system during the wartime], *Kangri zhanzheng yanjiu* 1 (1994), 25-41.

<sup>43</sup> SMA (Q1)-6-48, *Wang Xuechen, Xi Rungang, Mi Jia deng hanjian an* [The *hanjian* cases of Wang Xuechen, Xi Rungeng, Mi Jia, etc].

<sup>44</sup> *Shanghai Digest* (*Shanghai bao*) was initiated on October 1, 1929, with Wang Xuechen as the chief editor. It suspended its publications after the Battle of Shanghai in August 1937, and resumed only briefly in 1938. *Shanghai Daily Digest* (*Shanghai ribao*) started on May 16, 1930, and Wang Xuechen was the chief editor. Its style was quite similar to *Shanghai Digest*. It stopped publishing in spring of 1943. See the online archives at Shanghai Archives Information Network:

tabloids were known for their emphases on political news and anecdotes concerning political figures. Both were quite popular and widely circulated.<sup>45</sup> Because of its keen reporting on political affairs, *Shanghai Daily Digest* was suspended from publishing for several times, and was eventually banned in 1943 by the Central Propaganda Committee of the Wang Jingwei Regime. In the accusation letter, however, Wang Xungao described Wang Xuechen as “notorious for his bad record and willingness to cling to the collaborators” (*niji zhaozhu, ganxin funi*). He took a step further and accused Shanghai Daily Digest of having corrupt content, since the papers were full of “hooligan literature” (*liumang xiaoshuo*), “reports for the purpose of political gambling and investment” (*dubo baodao, touji qingbao*), and “sex scandals” (*taose xinwen*).<sup>46</sup> According to Wang Xungao, Wang Xuechen and his main editors, including Shao Qianping and Zhou Jianfeng, were responsible for the political impurity of this tabloid. In his opinion, Shanghai Daily Digest was nothing but “one of the several tabloids that fortunately were banned,” clearly showing that he did not know who banned the tabloids.

Wang Xungao listed his accusations against Wang Xuechen in his letter, and mailed it directly to the mayor of Shanghai, Qian Dajun, and the deputy mayor, Wu Shaopeng. Despite the serious accusation, Wang Xungao did not provide any solid

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<http://202.136.215.235:9080/shcbq/shby/200509020008.htm>

<sup>45</sup> At its peak, Shanghai Daily Digest sold 24,000 copies a day. Ibid.

<sup>46</sup> SMA (Q1)-6-48, *Wang Xuechen, Xi Rungang, Mi Jia deng hanjian an*, 30.

evidence for collaborationist activities or publications for either Wang Xuechen or the *Shanghai Daily Digest*. While the Bureau of Social Affairs was ordered by the mayors to investigate into this matter, Wang Xungao did not show up for investigation until several months later. At the time of writing this letter, he was helping with a small business and was not engaged in any regular occupation. During the investigation, Xungao confessed that he used to be colleagues with Wang Xuechen and had never gotten along with him. Since he still could not provide any evidence to support his accusation, Xungao requested the withdrawal of the charge against Wang Xuechen. The Bureau of Social Affairs suggested that the Shanghai High Court confirm the request, noting, additionally, that “Wang Xuechen was then nowhere to be found, and thus his life must be difficult.”<sup>47</sup> In addition, the bureau held that Wang must be innocent, since the *Shanghai Daily Digest* had been long suppressed by Wang Jingwei’s Central Propaganda Committee, and it would be odd if Wang Xuechen had been involved in the collaboration regime.<sup>48</sup>

In some cases, the false accusations were not necessarily based on personal feud, although the accusers had other dubious agendas. In late 1948, several individuals, including a certain Shi Yujing, accused Zhou Feicheng, principal of Shanghai Gezhi Middle School, of several collaborationist activities and of addiction to opium.<sup>49</sup> The

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<sup>47</sup> Ibid, 35.

<sup>48</sup> Ibid, 36.

<sup>49</sup> SMA (Q188-2-661), *Zhou Feicheng, Wu Jie, Du Mengsheng hanjian an* [The *hanjian* cases of Zhou Feicheng, Wu Jie and Du Mengsheng], November 26, 1948-December 7, 1948. The accusation of opium



*hanjian* accusation against Zhou Feicheng seemed to be based on hearsay and suppositions. According to the accusation, Zhou was one of the earliest representatives of educational circles who supported Wang's puppet regime, and he "enthusiastically helped the regime to form relations with important figures in educational circles."<sup>50</sup> Zhou's collaboration, according to the accusers, started when he found out that his wife was a classmate of the wife of Ding Mocun, head of the Ministry of Social Affairs in Wang's regime. The accusers maintained that Zhou was too wealthy for an educator. The accuser further pointed out that after the war, Zhou was protected by a "magnate" (*jutou*), thanks to whom not only did he escape punishment by law, but also attacked those who had accused him before as *hanjian*.

Other than Zhou Feicheng, the accusers also exposed Wu Jie and Du Mengsheng. As the letter stated, Wu Jie was the secretary of Yuan Lüding, head of the Chamber of Commerce under the Wang regime. Wu himself was now a lawyer and professor in the Shanghai College of Law and Politics. His wealth was highlighted by his identification as a member of the "automobile-driving class" (*qiche jieji*).<sup>51</sup> Du Mengsheng worked for the puppet municipal party headquarters, and "dragged many low-ranking party members into the puppet regime." The accusers signed their names as Shi Yujing, Ding Wen and

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addition was dealt with separately, and Zhou was found not guilty based on examination conducted by a doctor. SMA (Q186)-2-40701, *Zhou Feicheng yapian an* [The opium case of Zhou Feicheng], November 1948.

<sup>50</sup> Ibid, 3.

<sup>51</sup> Ibid, 4.

Ke Ren. None of them were found at the addresses provided.<sup>52</sup> They also failed to show up for investigation.

The court decided to not prosecute the case against Zhou, Wu and Du, based on the fact that Zhou Feicheng was only a teacher in several high schools and colleges for many years during the war. It was a rumor that he had taken charge of the Education Committee of the puppet Dadao municipal administration. After the war, the investigation revealed, Zhou worked as the principal of the Shanghai Gezhi Middle School and a municipal congressman. He owned an automobile and was quite arrogant, which the court assumed was why many people in education circles disliked him.<sup>53</sup> As to Wu Jie, the court stated that there was no such name (吴介) either in the list of wanted collaborators, or among lawyers. There was, however, a Wu Jie (吴玠), who was indeed a lawyer and professor of law. But this Wu Jie was currently quite financially troubled, and was in no way a member of the “automobile-driving” class. Similarly, there was a Du Mengsen, instead of Du Mengsheng, who indeed worked for the puppet party headquarters. The court, however, could not confirm that he used that position to “harm the nation or its people and benefit the enemy.”

These accusations were obviously based on hearsay, which could explain the mistaken names and inaccurate description of “criminal facts.” In addition, the relative

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<sup>52</sup> The addresses of their dwellings were inside the affiliated middle school of Fudan University. Ibid, 6.

<sup>53</sup> Ibid, 2.

prosperity of the accused seemed to be key in arousing accusations, since for all three people who were accused here, the plaintiff stressed the fact that they owned cars. The procuracy (*jianchachu*) of the court, which carried out the investigation, also took into consideration the current economic status of the accused. The underlying assumption was that, if one did collaborate during the war, he or she must have accumulated some wealth. This reflected the common perception at the time that necessarily associated wealthy individuals with *hanjian* crimes. The court also obeyed the article from “Regulations on Handling *Hanjian* Cases,” which stipulated that taking position in puppet institutions alone was not sufficient to incriminate an individual. For people who took minor roles in the puppet institutions, “criminal evidence” referred to the actual harm they had done to the nation and the people, or the help they provided for the enemy.

Provincial high courts in general followed the pattern outlined above. Table 1 is a summary of all the cases that were submitted to the procuracy of the third branch of Hunan High Court which the office decided to dismiss.<sup>54</sup> The cases were from three counties of Hunan province: Huarong, Xiangtan and Hengshan:

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<sup>54</sup> SHA 7 (4)-1170, *Hunansheng gaodeng fayuan disan fenyuan jianchachu hanjian an bu qisu shu* [Decisions of dismissal for *hanjian* cases received by the procuracies of the third branch of the Hunan High Court], 1946-1948.

**Table 1.** A summary of *hanjian* cases dismissed by the third branch of Hunan High Court.

Accusers	The accused	Crimes committed according to the accusers	Reasons for dismissal of prosecution
Xu Yunqing	Chen Xikang and other individuals	Participated in local collaboration administration	No such person as Xu Yunqing was found. The names of the 16 people were not found in the list of local collaborators possessed by the procuracy. The “local council of party affairs, politics and police” and local gentry wrote to the court to prove their innocence.
Anonymous	Li Zhizhen	Appointed as head of the security group established by local puppet regime in Chengshi County	Although Li took the position as accused, he did not use that power to do anything that was beneficial to the enemy, or harmful to the people or the nation. He Zhenhuan, the County Chief of Chengshi was his witness.
Ye Rong (former <i>Zhongtong</i> agent)	Su Zefan (female)	When Xiangtan Country was occupied, Su worked as the contact for a maintenance committee, and used this privilege to set up a checkpoint to extort money from passersby.	No evidence was found for the accused crime. Yan Licun, head of a local security group ( <i>baozhang</i> ) was Su’s witness.

Table 1. (continued).

Accusers	The accused	Crimes committed according to the accusers	Reasons for dismissal of prosecution
Anonymous	Yi Nanzhen and other 30 people	Yi was the head of the puppet administration at the town level, the other accused were heads of the puppet chamber of commerce and other organizations.	The accuser could not be found, and his personal seal on the letter was fake (not made by the shop the name of which the seal carried). The court also received a letter stating that Yi was a <i>Juntong</i> agent (the document of non-prosecution did not specify who sent the letter).
Deng Yunxuan	Li Biying Ai Zulian Li Biren Liu Gengxin Huang Jiancheng Qin Dachun	The six accused had accused Deng Yunxuan earlier of being the head of security group established by the puppet administration in Chengshi County, and of embezzling tax income on salt. Deng Yunxuan in turn accused Li Biying and Ai Zulian of being the translators for a Japanese military officer, and the rest of having taken positions in the local puppet administration.	Li Biying and Ai Zulian were only 16 years old in 1945, with only elementary school education. The court did not considered them to be able to translate for the Japanese officer. Qin Dachuan was illiterate and had always been a carpenter. Only Li Biren did work for the local puppet administration and was now at large.

Table 1. (continued).

Accusers	The accused	Crimes committed according to the accusers	Reasons for dismissal of prosecution
Tan Shoujie	Xin Wenqing Xin's wife Xin Kuangshi	When Hengshan County was occupied, Xin partnered with "the enemy" in running "Great East Asia Cooperation Store," and led the enemy rob local people and killed a resident. His wife, Xin Kuangshi tricked local women to entertain the enemy.	No evidence on any of the accused crime for Xin Wenqing or his wife. As to whether Xin robbed and killed local residents, the local court would make a decision. The high court would not prosecute the couple for collaboration.
Feng Desheng, Huang Guomin	Luo Shaojun (a miner)	In 1945, Feng worked as an intelligence agent for the guerrilla force in Hunan led by the Nationalist army officer Lin Zhiyun. Luo learned about this, took the Japanese to Feng's home, arrested 9 people and killed Feng's cousin, Feng Rengui. Huang's father, Huang San, was also an intelligence agent who was ordered to investigate on <i>hanjian</i> in Xiangtan County; Luo discovered his identity, took the Japanese to arrest him and killed him.	Neither Feng nor Huang saw the tragedies happen in person, nor did the ones who informed them of the incidents. Luo Shaojun stated that he was hired by the Japanese to clean their rooms for two months. The Japanese promised him 4.5 kilograms of rice each month, but he did not get any of that. The court dismissed the case based on the deduction that Luo was merely a genitor and had no authority to take the Japanese to arrest people. There was no other evidence for his crime.

Table 1. (continued).

Accusers	The accused	Crimes committed according to the accusers	Reasons for dismissal of prosecution
Wen Zejia	Kang  Lezhong	Kang was the deputy head of the maintenance committee of Hengshan County, and provided the Japanese army with local resources. For this reason they took the lumbers Wen stored.	Kang admitted that he worked as the deputy head of the maintenance committee, but denied that he provided the Japanese with local resources. There was no supporting evidence for that, either. The one who took Wen's lumbers by force was Kang's wife, and for reasons "unrelated to Wen's position in the maintenance committee."

As is evident in these cases, the major reasons that high courts decided to dismiss cases were the absence of the plaintiff and insufficient evidence of criminal facts. According to Chiang Kai-shek's original idea of encouraging common people to expose *hanjian*, anonymous accusation letters or petitions were considered acceptable as a means of preventing revenge. Also, according to Chiang, the plaintiff's presence was not required during legal investigation.<sup>55</sup> In many cases, however, the plaintiff was the one

<sup>55</sup> Chiang's order on January 6, 1946, cited in SHA 7(4)-248, *Gedi minzhong shangsu jianju hanjian goujie diren zuixing xinjian* [Accusation letters against *hanjian* by common people in various regions], 6.

who was most familiar with the activities of the accused individuals, especially when the plaintiff was a victim of wartime actions of the accused. Without the presence of the plaintiff, investigation was difficult to carry out, and the court had to dismiss many cases in which the plaintiff refused to facilitate judicial investigation.

The cases involving minor *hanjian* show that the judicial branches often forgave passive participants in puppet institutions if they did not cause substantial harm to the nation and the people, or benefit to the enemy. This corresponded with Article III of the “Regulations on Punishing *Hanjian*.” Nevertheless, this article did not offer sufficient detail or guidance in practice, and different courts rendered varied interpretations. The confusion caused by this article was best reflected in cases involving “religious collaborators” (*zongjiao hanjian*) and “cultural collaborators” (*wenhua hanjian*), both of which will be discussed in Chapter IV.

Due to the tremendous volume of petitions for punishing *hanjian*, it is difficult to determine what percentage of the accused were ultimately convicted at the national level. For the convicted, the crimes of which they were found guilty varied from case to case. Seen from the cases of *hanjian* wanted by high courts of various provinces, the most common charges against non-military *hanjian* involved: heading the local puppet administration or puppet courts, providing various types of goods and materials to the enemy army, imposing new types of taxes on local people, attacking the Nationalist army



or other resistance forces, launching traitorous propaganda to influence common people, robbing, blackmailing or killing local residents, working as intelligence agents for the Japanese army, collaborating with the Japanese in stealing cultural relics (*wenwu*), and translating for the Japanese.<sup>56</sup>

### *Cases of Individuals Who Claimed To Be Undercover Agents*

For judicial personnel, the difficult part in most cases was to investigate both parties and collect evidence. This task proved to be particularly challenging in cases involving individuals who claimed to be undercover agents or double agents. The fact that these special agents were from different intelligence branches, and that all intelligence branches attempted to interfere with the judicial process further obstructed judicial investigation and trial.

As Wakeman demonstrated in *Spymaster*, Chiang Kai-shek heavily depended on his intelligence agencies to gather information, create political terrorism, and infiltrate the collaboration regimes in the occupied regions where he no longer had political and military control.<sup>57</sup> As a political leader, Chiang always tended to use one faction in his

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<sup>56</sup> SHA 7(4)-216, *Gesheng gaodeng fayuan jianchachu tongji hanjian renfan biao* [Forms of *hanjian* criminals wanted by the procuracies of high courts in various provinces], May 1949. In the cases of translators, all of those who were charged with the crime of collaboration had conducted at least one other activities listed above.

<sup>57</sup> Frederic Wakeman Jr., *Spymaster: Dai Li and the Chinese Secret Service* (Berkeley: University of

government to balance another (just as he established the *Sanqingtuan* to offset the party's power).<sup>58</sup> Among a number of organizations that were fully or partly engaged in intelligence and secret missions for Chiang, the Bureau of Investigation and Statistics under the Military Affairs Commission (*Juntong*) and the Bureau of Investigation and Statistics of the Party Central Office (*Zhongtong*) were the most powerful and always in rivalry. Legal cases that emerged in the post-war era reveal that both bureaus sent agents to infiltrate collaboration regimes or organizations. Compared to the C.C. clique which took charge of *Zhongtong*, Dai Li, the head of *Juntong*, had deeper involvement in underworld activities, and often hired underworld figures in his missions.<sup>59</sup>

With the conclusion of the war, *Juntong's* control over anti-*hanjian* activities extended into the legal realm. Seen from the brief biographies of major collaborators, a vast majority of them were arrested by *Juntong* before their trials.<sup>60</sup> Furthermore, an

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California Press, 2003), chapter 17, 237.

<sup>58</sup> Zhou Shuzhen, *Sanqingtuan shimo*, 61-72, 101-122.

<sup>59</sup> Probably because of Dai Li's early "hooligan" years in Shanghai, he had acquaintances in the underworld of Shanghai, including Du Yuesheng, leader of the Green Gang (*qingbang*). Introduced by Dai Li, Du met with Chiang Kai-shek in 1931, and later collaborated with Chiang in monopolizing the trade of opium and in suppressing the Communist movements in Shanghai. During the Japanese occupation of Shanghai, Du left Shanghai for Chongqing, but Dai Li's special agents often hired persons from Shanghai's lower classes and the underworld to carry out assassinations. Wakeman, *Spymaster*, chapter 17; *The Shanghai Badlands*.

<sup>60</sup> In 1948, the Ministry of Defense requested from Capital High Court the photos, brief biographies and indictments of major collaborators, and the court produced brief narratives regarding the early history, collaborationist actions, arrest and sentences of major collaborators. SHA 7 (4)-305, "Shoudu gaodeng fayuan chengsong panguo hanjian Chen Gongbo Chu Minyi deng panjueshu ji xiaozhuan." Other than *Juntong*, Shanghai Garrison Headquarter arrested several; and the Investigation Office of the Department of Army arrested Chang Yuqing before handing him to *Juntong*.

order from the Ministry of Justice in September, 1946 legalized *Juntong*'s status as the primary *hanjian*-arresting authority. According to this order, courts at all levels should submit lists of *hanjian* to *Juntong*, so that *Juntong*, as well as other "authorized *hanjian*-arresting apparatus" could investigate and arrest them.<sup>61</sup> As a matter of fact, Dai Li had sought to control the Chinese police forces since the 1930s, in order to gain "a legitimate cover for his men's secret service activities," and to use local public safety bureaus to penetrate urban political systems.<sup>62</sup> After the war, *Juntong* continued to pursue this goal, and it saw a great opportunity to achieve this goal in the project of punishing *hanjian*.

In the post-war *hanjian* trials, many individuals who were prosecuted or wanted by the state claimed that they worked as undercover agents who infiltrated the enemy camp (*fanjian renyuan*). Due to the secrecy of this type of job, most courts could not make decisions regarding their true identities. Some of these accused *hanjian* managed to get exculpatory letters from their acquaintances within the government or the party. This caused considerable confusion for judicial personnel in charge of their cases. In order to settle this issue, the Ministry of Justice ordered that only letters from the highest-ranking officers in military of intelligence branches could be used as evidence in such cases. These officers included commanders of military districts, and heads of *Juntong* and

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<sup>61</sup> Ordinance of the Ministry of Justice, No. 5072, September 23, 1946, in Xie, *Zhanshi sifa jiyao*.

<sup>62</sup> Wakeman, *Spymaster*, 206.

*Zhongtong*.<sup>63</sup> In practice, *Juntong* not only provided letters for its own agents, but also attempted to rescue many agents sent by other branches or officials for the sake of expanding its power and connections. They succeeded in many cases. In an official letter to the Ministry of Justice in January 1948, *Juntong* insisted that for all cases in which the defendants claimed to be undercover agents, *Juntong*, the Ministry of Justice, and military justice organs (if military personnel were involved), should inspect the cases together and make joint decisions.<sup>64</sup>

Among the accused who claimed to be undercover agents, some managed to show sufficient evidence. Tang Chengbo and Li Hexiang were both *Juntong* agents before the war, and they were sent to infiltrate the puppet regimes. Their contributions to the war were easily proved, and their cases dismissed shortly after the arrival of evidence provided by *Juntong*.<sup>65</sup> *Juntong* also helped to prove the secret identity of Xia Wenyun, an agent sent by Li Zongren to work in Shanghai and North China, with abundant evidence.<sup>66</sup>

On the other hand, especially before Dai Li's death on March 17, 1946, *Juntong* provided proofs for individuals of dubious political integrity in many cases, due to

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<sup>63</sup> Ordinance of the Ministry of Justice, No. 5601, October 8, 1946, in Xie, *Zhanshi sifa jiyao*, 135.

<sup>64</sup> Quoted from SHA 7(4)-229, *Xiang zuigao fayuan jianchashu, shanghai gaodeng fayuan fachu xunling zhengming Li Zufan, Tang Chengbo, Shen Nengyi deng Juntong ju gongzuoyuan bingfei hanjian* [Instructions to the Procuratorial Office of Supreme Court and Shanghai High Court regarding the *Juntong* agents identity of Li Zufan, Tang Chengbo, Shen Nengyi, etc.], August 23, 1947 –November 1, 1948.

<sup>65</sup> *Ibid*, 26-35.

<sup>66</sup> *Ibid*, 37. Li was the commander of the fifth military district during the War of Resistance.

personal connections or considerations of consolidating its power in a certain region. The *hanjian* case of Luo Hongyi not only reveals *Juntong*'s interference with the judicial process, it also reflects the collaboration between *Juntong* and Shanghai's underworld.<sup>67</sup> This collaboration set up tremendous obstacles for judicial investigation of the case.

Luo Hongyi was a shareholder of "Central China Grand Charity Hall" (*Huazhong hongji shantang*) sponsored by the Japanese in September 1939 and, from this point under Japanese control. The nominal owner of the organization was Sheng Wenyi.<sup>68</sup> The so-called Charity Hall was actually an organization to monopolize Shanghai opium traffic, which had been controlled by Du Yuesheng (and Chiang Kai-shek's government) before the war.<sup>69</sup> Du Yuesheng was the leader of the Green Gang, the most powerful underworld organization in Shanghai. Du allied with Chiang Kai-shek in suppressing the communist activities in Shanghai, and in monopolizing opium trafficking in Shanghai. Du went to Hong Kong after the Japanese took over Shanghai in November 1937.<sup>70</sup> After establishing Charity Hall, Sheng extended the organization by establishing

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<sup>67</sup> SMA (Q188)2-15, *Shanghai gaoyuan jianchachu diaocha Luo Hongyi nichan'an* [Investigation of *hanjian* Luo Hongyi's properties by the procuratorial office of the Shanghai High Court], September 1946.

<sup>68</sup> Sheng was the third nephew of Sheng Xuanhuai, the famous late Qing reformist official and later a successful industrialist in Shanghai. Sheng was known as Sheng the Third in popular anti-*hanjian* literature at the time. See "Bangzhu diren duhua zhongguo de Sheng laosan" [Sheng the third who helped the enemy to poison Chinese people], *Hanjian Choushi* (Shanghai: Datong chubanshe, 1945), Vol. 2, 1; See in the same volume, "Tu caizhu Sheng laosan de qipi" [Strange hobby of the local wealthy Sheng the third], 2.

<sup>69</sup> Wakeman, *Spymaster*, 238.

<sup>70</sup> For Du Yuesheng and the Shanghai Green Gang before the war, see Brian Martin, *The Shanghai Green Gang: Politics and Organized Crime, 1919-1937* (Berkeley: University of California Press, 1996).

Opium-banning Bureaus (*jiuyan ju*) in other locations of the occupied region, and helped the Japanese to monopolize opium traffic until the establishment of the “General Bureau of Opium Eradication (*jinyan zongju*) by the Wang Jingwei regime in 1940.<sup>71</sup> By holding shares in the Grand Charity Hall, Luo Hongyi made quite a fortune. One piece of evidence revealed that he owned a number of properties, which together were worth more than 3700 gold bars at market price, or 2,775,000,000 *fabi*.<sup>72</sup> The accusation against Long Hongyi for collaborating with the Japanese and poisoning Chinese people with opium reached the Capital High Court. In September 1946, the court ordered the Shanghai Municipal Government to provide more information on Luo Hongyi’s involvement with the Grand Charity Hall. The office of confidential documents (*jiyao chu*) replied, with the obvious intention of covering up for Luo.<sup>73</sup> Their response stated that, when Sheng Wenyi started the Grand Charity Hall with a Japanese whose Chinese name was “Li Jianfu,” Luo was in Hong Kong. He did not return until the end of 1940. Therefore he was not one of the shareholders or the executive members (*changwu lishi*) of the hall. In addition, Sheng and Li alone made all the important decisions as to how to

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<sup>71</sup> For more information on the Grand Charity Hall, see Cao Dachen, “Ribei qinhua jigou—huazhong hongji shantung” [Central China Grand Charity Hall- An institution founded by the Japanese to poison the Chinese people], *Kangri zhanzheng yanjiu*, 1 (2004), 113-137.

<sup>72</sup> This information was provided by Fang Mianfu. In his letter of accusation, Fang listed every property owned by Luo and provided maps and information of real estate agencies for each transaction. Upon being called into the court, Fang immediately showed up to facilitate investigation and provided a great amount of solid evidence. SMA (Q188)2-15, *Shanghai gaoyuan jianchachu diaocha Luo Hongyi nichan’an*.

<sup>73</sup> SMA (Q1)-7-111, *Luo Hongyi hanjian an* [The *hanjian* case of Luo Hongyi], September 1946- April 1947.

run the hall.

In this reply, the confidential office also provided two pieces of evidence to prove Luo's innocence on this matter. First, that Luo stayed in Hong Kong until 1940 could be attested to by Mr. Du Yuesheng, identified as the "former executive member of the Central Committee of Disaster Relief (*zhongyang zhenji weiyuanhui*)," who had also been in Hong Kong at the time. Second, Luo's name was not on the name list of shareholders of the Grand Charity Hall. Zhao Chen, Chief Justice of the Capital High Court, thus demanded to see this list. When the confidential office finally provided a copy of this list, Zhao responded with evident suspicion, and asked for the original copy. After several evasive replies, the confidential office responded by saying that the person who had provided all the information on the Grand Charity Hall had left Shanghai, and thus no original copy of the list could be found.

The court did not give up investigating the case, and Luo continued to seek protection from Du Yuesheng. The court file recorded the rumor that Luo was one of Du's disciplines (*tudi*). This does not appear to have been ungrounded speculation, especially if one considers the background of Wang Xinheng from the confidential office, the one who replied to all letters sent by the Capital High Court. A follower of Dai Li, Wang Xinheng was once a Communist party member and studied in Moscow. Thanks to his close personal relation to Du Yuesheng and many merchants in Shanghai, Dai Li

entrusted him with the chief position at the Shanghai Station for the Special Services Department.<sup>74</sup> Between 1943 and 1945, he was appointed director of the Political Department of *Juntong*. As stated before, he was obviously covering up for Luo Hongyi, since Luo's name was in fact on the list of the executive members of the Grand Charity Hall.<sup>75</sup> He attempted to construct a fake name list to trick the court but failed.

To make sure that Luo would not be convicted of the charges launched against him, Du arranged for several witnesses to attest that Luo was an underground agent for Dai Li's *Juntong*. These included several *Juntong* agents in Shanghai, as well as Du's butler, Wang Molin.<sup>76</sup> The Capital High Court was quite suspicious of these people's credibility, and ordered the Shanghai police to engage intense interrogation, but no further court files or documents exist to suggest that the prosecution continued.

The case of Shi Xixia, on the other hand, shows how a former *Juntong* agent in fact became a collaborator, and attempted to escape charges by forging documents from another intelligence agency. In March of 1948, Xiang Yingquan filed a lawsuit at the Shanghai High Court. The accused were Shi Xixia, a former special agent, as well as Wu

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<sup>74</sup> Established in April 1932, the Special Services Department was a forerunner of *Juntong*. Wang was assigned the chief of the Shanghai station in 1935, because Dai believed that as a former communist, he knew how to deal with the underground communist movements in Shanghai. Wakeman, *Spymaster*, 146-149.

<sup>75</sup> In his study of the Grand Charity Hall, Cao Dachen provides a list of the executive members from 1941, and Luo's name was one the list. Cao Dachen, "Ribei qinhua jigou—huazhong hongji shantung," 117.

<sup>76</sup> SMA (Q188)2-15, *Shanghai gaoyuan jianchachu diaocha Luo Hongyi nichan'an*, September 1946.



Mingfang, a “female *hanjian*.”<sup>77</sup> Xiang Yingquan used to work as the contact for one of *Juntong*’s affiliated organizations, the Korean Salvation Group (*Hanguo jiuguo tuan*).<sup>78</sup> Shi Xixia was a *Juntong* agent until 1940 when he was arrested in Hankou. After an imprisonment, he surrendered to the Wang Jingwei regime and worked as a detective in the office of the Shanghai Municipal Police within the International Settlement.<sup>79</sup>

In January 1945, Xiang Yingquan came from Chongqing to Shanghai to purchase educational supplies. He purchased 42 cases of supplies and stored them with a transit company (*zhuan yun gong si*). In May, however, Wu Mingfang, a “special kind of woman” (*tezhong funü*), mistress of Kobayashi (a Japanese national and head of the Huangpu office of the Shanghai Municipal Police), discovered this information and uncovered Xiang’s relation to *Juntong*.<sup>80</sup> She reported to Shi Xixia’s office, and the two of them, together with Han Shoushan, a policeman, arrested Xiang Yingquan and detained him for more than two months. They asked for 3 million *fabi*, otherwise Xiang

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<sup>77</sup> SMA (Q187)-2-779, *Shi Xixia, Wu Mingfang hanjian an* [The *hanjian* case of Shi Xixia and Wu Mingfang].

<sup>78</sup> Little information can be found about this organization. But one of the organizations based on which *Juntong* was established, the Society for Vigorous Practice (*lixingshe*), organized a number of satellite groups (*waiwei zuzhi*) in the 1930s, including the Chinese Boy Scouts (*Zhongguo tongzi jun*). It also established an Ethnic Movements Committee (*Minzu yundong weiyuanhui*) in 1932 that aimed to control the non-Han peoples’ activities within China as well as members of nationalistic movements abroad. The committee sponsored a League of Korean Righteous Martyrs (*Chaoxian yilie tuan*). See Wakeman, *Spymaster*, 77.

<sup>79</sup> It was not clear whether Shi Xixia started to work for Shanghai Police in the international settlement before or after the Japanese and Wang Jingwei regime took it over in August 1943, although he claimed that when he started to work there the international settlement had not fallen into the enemy’s hands yet.

<sup>80</sup> SMA (Q187)-2-779, *Shi Xixia, Wu Mingfang hanjian an*, Vol. 2.

would be imprisoned and interrogated as a “Chongqing element” (*Chongqing fenzi*).

Xiang did not have enough cash, so Shi, Wu and Han kept 13 cases of the supplies. After the war, Xiang accused the three of “having done deeds that were harmful to their countrymen” and therefore deserving sentencing for their *hanjian* crime.

Shi Xixia was found guilty of the charge, and he asked for a review of the case. He argued for his innocence based on several problems he saw with the accusation and the procedure of his trial. He claimed that he was an agent for *Zhongtong*, not *Juntong*, and he only pretended to surrender to the Wang Jingwei regime under the command of *Zhongtong* to infiltrate the puppet police force. Shi thus blamed the Shanghai High Court for insufficient investigation, since he had always maintained correspondence with *Zhongtong*, and the evidence for that should be easily found. He additionally presented a letter from one of *Zhongtong*'s contacts in Shanghai written on *Zhongtong*'s stationery. The letter, however, did not provide proof of Shi's innocence, only evidence of earlier correspondence regarding a secret mission.

The records of the earliest trial on this case suggested that Shi was probably lying and forging evidence. Upon his arrest, the police asked him why he surrendered to the puppet regime as a *Juntong* agent. Shi replied that his imprisonment demoralized him. He did not correct the judge that he was a *Zhongtong* agent, instead of a *Juntong* agent. The record of his earliest interrogation also confirmed that he claimed to be a *Juntong*

agent. Based on this evidence, Shi's appeal was overruled, and he was sentenced to four years in prison and deprived of civil rights for four years.

Wu Mingfang escaped before the investigation, and thus her name appeared on the list of wanted criminals issued by the Shanghai High Court. In 1948, the Shanghai High Court received an anonymous report of Wu's whereabouts that stated that the "notorious female *hanjian* and monster" was hosting guests and gamblers in an apartment on Ximo Road. It was not clear whether or not Wu was eventually arrested. She appears in a collection of scandals of *hanjian*, "The Hideous History of *Hanjian*" (*Hanjian choushi*).<sup>81</sup>

#### *The Fates of Legal Professionals and Judicial Personnel in Anti-hanjian Campaigns*

As this chapter has already demonstrated, a vast number of *hanjian* cases entered the judicial procedure, despite the fact that in many cases judicial investigation failed to produce any result. The judiciary was the primary medium through which the Nationalist party directed and conducted the anti-*hanjian* campaigns. Judicial personnel and legal professionals were also the primary group who interacted with both the state and society, compromising among different agendas behind the anti-*hanjian* campaigns. Judicial

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<sup>81</sup> Ibid, Vol. 6. "Jiaojihua Wu Mingfang Ruhe goujie diren" [See how the social butterfly Wu Mingfang seduced the enemy], *Hanjian choushi*, Vol. 2, 6. *Hanjian choushi* is a series of pamphlets published after the war. For more information and a discussion of the pamphlets, see Chapter VI.

professionals themselves were not exempted from the laws and restrictions on collaborators, as Chapter II has demonstrated. Instead, the Chiang Kai-shek government particularly requested loyalty from them. As a group, judicial professionals carefully maintained their overall political integrity during the war, as a moral choice and as a means of self-protection.

The Nationalist government led by Chiang Kai-shek had always stressed that whether or not its judicial system could solve lawsuits brought by common people was vital in determining “if people had faith in the government (*renxin xiangbei*).” Therefore, in February 1938, the Ministry of Justice demanded that “no matter how the local situation has worsened, if the local administration remains, courts and judicial personnel must function as normal.”<sup>82</sup>

In this context, legal professionals were subjected not only to the “Regulations” targeting collaborators in general. In addition, the Chiang Kai-shek government requested them to maintain their ethics and political integrity by reemphasizing the already existing regulations as well as by issuing new edicts. On December 8, 1938, the Ministry of Justice stipulated the punishments of lawyers who participated in puppet institutions. If collaborationist activities were confirmed, these lawyers should be disbarred, based on article 9 of the “Regulations of Bar Associations.” Such individuals were also to be reprimanded by the chief prosecuting attorney of the local court based on

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<sup>82</sup> Ordinance of the Ministry of Justice, No. 243, February 12, 1938, in Xie, *Zhanshi sifa jiyao*, 415.

article 35 of “Articles for Lawyers” (*lüshi zhangcheng*). Additionally, courts at all levels were to be notified their disbarment.<sup>83</sup> In January 1939, the Ministry of Justice further denounced judicial personnel and lawyers in the occupied regions “who willingly attached themselves to the enemy,” and ordered that people should immediately expose “such traitors.”<sup>84</sup>

To be fair, Chiang Kai-shek’s Ministry of Justice did attempt to provide material assistance to legal professionals in the occupied regions, where they could hardly keep practicing law while claiming political loyalty to Chongqing. As early as 1938, numerous lawyers and bar associations petitioned to the ministry to keep records of “righteous” lawyers, and to offer some subsidies, which would make it easier for legal professionals to maintain integrity. They observed that many lawyers in occupied regions, in order to support themselves and their families, started to practice in the “puppet courts.” Furthermore, because lawyers were generally well-connected in the community and relatively knowledgeable about politics and current affairs, they were an ideal group for personnel recruitment by local puppet administrations. According to Ren Tianqiang, a lawyer in Wu County, Jiangsu province, and a member of the local bar association, a majority of lawyers in Wu County participated in puppet organizations. Ren also

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<sup>83</sup> “Letter from Shanghai Bar Association to the Ministry of Justice regarding the punishment of collaborating lawyers,” in SHA (Q 190)-1-13802, *Shanghai lüshi gonghui funi lüshi ziliao*, 1. The ordinance of the Ministry of Justice was quoted in this letter.

<sup>84</sup> Ordinance of the Ministry of Justice, No. 395, January 28, 1939, in Xie, *Zhanshi sifa jiyao*, 415.

observed that most lawyers only participated in such organizations “in order to make a living.”<sup>85</sup> Ren thus suggested that the Chongqing government should provide relief to lawyers in occupied regions, and should suspend the certificates of the lawyers who practiced in puppet courts.

As will be shown later, Ren was not the only lawyer who urged the Ministry of Justice to revoke the licenses of “collaborating lawyers” (*funi lüshi*). It is unclear whether such suggestions were made out of hatred toward “unpatriotic colleagues,” or the desire to reduce competition. The Ministry of Justice did not adopt this suggestion, probably because its authority could not reach into those regions anyway. However, the ministry indeed issued several regulations that aimed to help legal professionals in occupied regions. In February 1938, it ordered that judicial personnel should register with the Ministry of Justice through local judicial branches.<sup>86</sup> In 1940, the Ministry of Justice decided to provide registered judicial personnel subsistence expenses “with discretion” (*zhuogei*).<sup>87</sup>

The Ministry of Justice encouraged lawyers to relocate to free regions, and to

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<sup>85</sup> SHA (7)-2966, *Ren Tianqiang deng guanyu lunxianqu löshi funi ji zhanqu löshi denglu shixiang de jianyi* [Suggestions on how to deal with collaborating lawyers in occupied regions and registration of lawyers in war zone].

<sup>86</sup> Ordinance of the Ministry of Justice, No. 162, February 1, 1938. Xie, *Zhanshi sifa jiyao*, 416. Attached to this ordinance is *Zhanqu sifa ren yuan dengji banfa* [Methods for the registration of legal personnel in war zones].

<sup>87</sup> Ordinance of the Ministry of Justice, No. 1739, May 28, 1940. Xie, *Zhanshi sifa jiyao*, 417.

register with the local courts and bar associations.<sup>88</sup> In contrast to provisions for legal personnel working in the state judicial apparatus, the government did not reimburse their travel expenses, except for lawyers from Shanghai.<sup>89</sup> The Ministry of Justice decided that Shanghai “attracts both domestic and international attention,” and thus the Shanghai lawyers could not be left unattended by the government in Chongqing.<sup>90</sup> As a result, if the members of the Shanghai Bar Associations (SBA) moved to inland regions, the Ministry of Justice would reimburse them according to standards enjoyed by government personnel at the fourth level of administration (*jianrenzhi*). If the lawyers wished to stay in Shanghai but refused to practice in courts that were controlled by the puppet government, they would receive a subsidy of two hundred *yuan* a month.<sup>91</sup>

Few lawyers in Shanghai actually received the subsidy, and they were faced with a difficult choice. By February 27, 1941, when the above ordinance was issued, three of five courts in Shanghai --- the District Court of Shanghai, Second Special District Court and Third Branch of the Jiangsu High Court (the last two were within the French

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<sup>88</sup> Ordinance of the Ministry of Justice, No. 1740, May 25, 1940. Xie, *Zhanshi sifa jiyao*, 417. Attached to this ordinance is *Zhanqu lüshi qianyi houfang zhixing zhiwu banfa* [Methods for lawyers in occupied regions to relocate and practice in free regions].

<sup>89</sup> Ordinance of the Ministry of Justice, No. 3814, October 30, 1941. Xie, *Zhanshi sifa jiyao*, 418.

<sup>90</sup> Xie, *Zhanshi sifa jiyao*, 419.

<sup>91</sup> Ordinance of the Ministry of Justice, No. 1037, February 17, 1941. Xie, *Zhanshi sifa jiyao*, 418. Attached to the ordinance is *Shanghai lüshi gonghui huiyuan jiuji banfa* [Methods of reliefs to members of the Shanghai Bar Association].

Concession) --- had already been controlled by the puppet regime.<sup>92</sup> The Chongqing government foresaw that the two courts within the International Settlement, the First Special District Court and the Second Branch of Jiangsu High Court, would soon be taken over. Its concern was that since litigation decreased, Shanghai lawyers could hardly make ends meet, and they would be easily seduced to work for the Japanese or puppet regime.

If a lawyer decided to practice in the puppet court or join the puppet organizations of any kind, however, he not only faced the punishment by the government, he was also to be alienated by the bar association. The Shanghai Bar Association was concerned with its members' choices, and was extremely strict to its members who decided to practice in the puppet courts. The Shanghai Bar Association was one of the earliest and best organized bar associations in China. In 1937, the number of lawyers registered with the SBA ranged between 1340 and 1415.<sup>93</sup> In his work on Chinese legal professionals, Xu Xiaoqun demonstrates the process by which the Nationalist government, upon its arrival in Nanjing, consolidated its control over the legal profession by reorganizing the Shanghai Bar Association.<sup>94</sup> As a professional association, the SBA went through great efforts to struggle for the legal professionals' group interests, accomplish its social duties,

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<sup>92</sup> For the transformation of Shanghai's courts, see Xu Xiaoqun, *Chinese Professionals and the Republican State: The Rise of Professional Associations in Shanghai, 1912-1937* (Cambridge: Cambridge University Press, 2001). 40.

<sup>93</sup> Xu, *Chinese Professionals and the Republican State*, 219.

<sup>94</sup> Xu Xiaoqun, *Chinese Professionals and the Republican State*.



while maintaining a cooperative relationship with the state. On the eve of the War of Resistance, the SBA was among the most vocal participants in the national salvation movements. Among other things, it asked the Ministry of Foreign Affairs to distribute copies of all international agreements and treaties regarding the Northeastern Provinces for lawyers to study. It also criticized Nanjing for the lack of a consistent foreign policy and for its reluctance to mobilize the people to resist Japan.<sup>95</sup>

The strong nationalism of legal professionals, however, did not indicate agreement with the state's definitions of criminal collaboration, or other criminalized political activities considered threatening to the state. Legal professionals actually had voiced various opinions concerning the promulgation of the "Emergency Law on Crimes against the Republic" (*Weihai minguo jinji zhizui fa*) in 1931.<sup>96</sup> Although the SBA could not change the law, the Shanghai lawyers tried to "restore some semblance of due process even in cases prosecuted under the emergency law and to provide legal protection for the defendants as much as possible."<sup>97</sup> No evidence shows that legal professionals challenged the legality of "Regulations on Handling *Hanjian* Cases" as a whole, but quite a few questioned specific articles of the Regulations, as well as the increasingly strict application of the law over time.<sup>98</sup>

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<sup>95</sup> Xu, *Chinese Professionals and the Republican State*, 245-257.

<sup>96</sup> *Ibid*, 102.

<sup>97</sup> *Ibid*, 252.

Seen from the SBA's activities in the national salvation movements, it was not surprising that the SBA took a nationalist stand in anti-*hanjian* campaigns and required its members to maintain political integrity. During the war, especially after the courts in the International Settlement and the French Concession were compromised, the SBA tightened control over its members and alienated politically problematic members without hesitation. The courts in Shanghai were taken over by the Japanese and puppet regime one by one, starting from the District Court of Shanghai in November of 1937. By December 1941, the Japanese had taken over all of Shanghai, and the puppet government controlled all five courts. At this time, there were still more than 1,300 lawyers in Shanghai.<sup>99</sup>

Despite the difficult situation, the SBA, as a professional association, remained loyal to the Chongqing regime. According to the *China Daily* (*Zhonghua Ribao*), organ of the Wang Jingwei government, since the National Government “restored” its capital in Nanjing on March 30, 1940, various groups and organizations had returned to their daily work. Only the Shanghai Bar Association remained to be “adjusted” (*tiaozheng*).<sup>100</sup> By

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<sup>98</sup> SHA (7)-210, “Beiping ziyou renquan baozhang wenyuanhui Ling Wei chengsong sifaguan kaoshi jige renyuan zhong zhi weiyuan renyong wenti de yijianshu” [A petition by Ling Wei, a member of the “Liberty and Human rights Association in Beijing,” concerning the qualification of *weiyuan* who passed the judicial examination], 1947.

<sup>99</sup> Xie, *Zhanshi sifa jiyao*, 418.

<sup>100</sup> Speech by Yan Lunkui at the meeting on “accommodating the Shanghai Bar Association,” quoted in “Tiaozheng Shanghai lüshi gonghui, zuo chengli jieshou weiyuanhui,” *Zhonghua Ribao*, December 30, 1940. This issue of *Zhonghua Ribao* appeared as evidence in the *hanjian* cases of Zhao Kun, Wang Shuqiao, Guo Fen, Qian Zhongdao and Zhang Yong. SMA (Q190)-1-13802, *Shanghai lüshi gonghui funi*

this point, the Wang government had reorganized the District Court of Shanghai, and Yan Lunkui was appointed the chief justice of the court. Since “the local courts should be responsible for supervising and guiding the local bars,” Yan Lunkui, as well as representatives from Social Affairs Bureau of the Dadao Administration and the party headquarters in Shanghai, jointly appointed a five-person “Accommodation Committee”( *jieshou weiyuanhui*). This committee was to be responsible for “reorganization” of the SBA. The five individuals on the committee, Chao Kun, Wang Shuqiao, Guo Fen, Qian Zhongdao and Zhang Yong, were all former members of the SBA. Journalists from Wang Jingwei’s “central news agency” (*zhongyangshe*) reported that the “SBA was in great agreement with the take-over and accommodation in principle, and all its executive committee members also showed consent to the change and possibility of further cooperation.” This reporter, however, also revealed that recently the bar association had ceased to function, and there was only a security guard at their office.<sup>101</sup> The five lawyers on the committee were disbarred by the Bar Association after the war.

Although individual lawyers became involved with puppet courts or associations, the SBA did not compromise. Instead, it held a strict attitude towards members who were suspected to have “unpatriotic behavior.” How then did the bar uncover information

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*lishi ziliao*, 2.

<sup>101</sup> Ibid.

about these lawyers? During the war period, the SBA had quite ineffective control over its members. The executive committee of the SBA was informed generally of their members' activities through exposure in newspapers and anonymous letters. After learning that its members were appointed to puppet positions, the SBA would send out letters of warning to the individuals in question, ordering them to publish an announcement for three days in *Shenbao* and *Xin Shenbao* in order to attest to their innocence. A letter attesting to their innocence signed by three other members of the bar was also necessary as supporting evidence.<sup>102</sup>

Many lawyers refused to publish such an announcement. Hu Yuanjun and Hu Yuansheng, for instance, were accused of practicing in a puppet court. Upon receiving letters from the Bar Association in January 1941, they argued that under the current circumstances, when even the association relocated its office, it was unfair for the SBA to demand that its members publish the announcement to demonstrate their “loyalty to the Han”(*hanzhong*)? The lawyers were afraid that once the announcement was published, retribution from Japanese authorities would follow, causing suffering to them and their families. Thus they urged the association to reconsider its decision on this matter.<sup>103</sup>

Others just simply ignored the letters. Chen Yijiong and Wu Bin were found guilty of collaboration after *Xin Shenbao* published the news of their appointments in the

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<sup>102</sup> SMA (Q190)-1-13802, *Shanghai lüshi gonghui funi lüshi ziliao*, 3.

<sup>103</sup> “Letter from the law office of Hu Yuanjun and Hu Yuansheng,” January 4, 1941, *ibid*, 5-6.

puppet Reform Government.<sup>104</sup> Neither of them replied to the letters they received, nor did they publish announcements as ordered by the bar. The executive committee of the bar considered this solid evidence of their collaboration, and reached the decision to disbar them.

On the one hand, the Shanghai Bar Association was faced with pressure from the Japanese and puppet regimes. On the other hand, it was closely watched by patriotic organizations and blamed for having collaborationist members. On October 19, 1940, the Shanghai Bar Association received a letter from *Sanqingtuan*.<sup>105</sup> *Sanqingtuan* attached to the letter a list of 34 lawyers, accusing them of either taking positions in puppet organizations or practicing in Japanese occupied regions of Shanghai. It urged the SBA to disbar these lawyers in order to restore the reputation of the profession, and to still enjoy the status of a “legal organization” (*fatuan*) without guilt. At least 5 of the 34 lawyers were informed of the incident and wrote to the office of the SBA. Yu Hualong claimed that he heard his name appeared on a list mailed to the bar, and although he did not know what the list was about, he was sure anything mentioned in the letter was fabricated.<sup>106</sup> Jiang Zongpan wrote that he was aware of the content of the letter and

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<sup>104</sup> Chen Yijiong was appointed chief judge of the Supreme Court under the Reform Government, and Wu Bin was appointed committee member of the National Audit Office. Xin Shenbao published the news on both events. “Letter from the Shanghai Bar Association to Shanghai Local Court of the First Special District regarding the collaboration of Chen Yijiong and Wubin,” *ibid*, 34-37.

<sup>105</sup> *Ibid*, 12, October 19, 1940.

<sup>106</sup> “A letter from the law office of Yu Hualong,” December 13, 1940, *ibid*, 13.

was shocked that his name was on the list, since he never asked about or got involved in political affairs (*bu wen zhengzhi*).<sup>107</sup> Gao Danhua, upon hearing that he was listed as one of the “traitors to the Han” (*hanzei*), confessed that although he was not able to fight for his nation, he had maintained his political integrity and refused “filthy deeds.” Borrowing the loyalty-betrayal dichotomy utilized by *Sanqingtuan*, Gao claimed that it would be clear soon who had been loyal to the nation and who were the traitors.<sup>108</sup>

The SBA had no ability to punish its members during the war other than disbarring them. The Chiang Kai-shek government, however, started to settle accounts with lawyers on a large scale once it returned to previously occupied areas, including Shanghai. Since February 1945, the Ministry of Justice continuously received anonymous reports of “lawyers who attached themselves to the puppet regime” (*funi lüshi*). The ministry forwarded these lawyers’ names to bar associations of various places and ordered local bars to investigate their wartime conduct. If anyone turned out to be a *funi lüshi*, they would be disbarred and punished.

In early 1947, the Ministry of Justice divided politically problematic lawyers into two categories: those who practiced in puppet courts in occupied regions, and those who had participated in puppet organizations. For those in the second category who were guilty of crimes listed in “Regulations on Handling *Hanjian* Cases,” they should be

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<sup>107</sup> “A letter from the Zhiping law office of Jiang Zongpan,” November 29, 1940, *ibid*, 14.

<sup>108</sup> “A letter from the law office of Gao Danhua,” November 11, 1940, *ibid*, 16.

disbarred and their certificates for practicing law revoked. Lawyers who only took nominal positions in puppet institutions and only practiced in puppet courts were to be suspended from practicing for two years.<sup>109</sup> This punishment corresponded with what was stipulated in “Restrictions on Candidacy and Qualification of Former Staff in Puppet Governments and Their Affiliated Organizations.”<sup>110</sup> Such ordinances in fact equated lawyers, a group of free professionals (*ziyou zhiye zhe*), with judicial personnel working for the judicial apparatus of the government.<sup>111</sup>

As how it treated the former “puppet staff,” the Nationalist government denied licenses issued by puppet legal branches. In order to practice in occupied regions, lawyers needed such certificates. In 1946, the Ministry of Justice declared that lawyers’ licenses issued by the puppet legal system were invalid, and if a lawyer was certified for the first time by a puppet judicial institution, he or she needed requalification from the current Ministry of Justice. For lawyers who had been certified before the war but had to practice using licenses issued by the puppet regimes, if they had not been convicted according to “Regulations of Punishing *Hanjian*,” they needed to bring the certificates to

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<sup>109</sup> “Ordinance of the Ministry of Justice on February 26, 1947, quoted in SHA (Q190)-1-13876, *Shanghai lüshi gonghui guanyu chuli diaocha funi lüshi wenti de xunling laiwang hanjian* [Orders, files and correspondence regarding collaborating lawyers kept by Shanghai Bar Association], 7.

<sup>110</sup> The ordinance of the Ministry of Justice issued on July 23, 1946 regulated that the suspension period should be one year. On October 25, 1946, however, a new ordinance issued by the Ministry of Justice extended the period to two years, making it accordant with “Restrictions on Candidacy and Qualification of Former Staff in Puppet Governments and Their Affiliated Organizations.” See Xie, *Zhanshi sifa jiyao*, 424.

<sup>111</sup> For the origin of the term “*ziyou zhiye zhe*” and its social connotation during the Republican period, see Xu Xiaoqun, *Chinese Professionals and the Republican State*, introduction.

local court and exchange them for new ones. The years they practiced using the “puppet licenses” would not be considered as “years of experience,” or *nianzi*. In addition, they had to pay for the new licenses, which cost 2,000 Yuan.<sup>112</sup>

As the number of lawyers increased in Shanghai after the war due to relocation and migration, many lawyers accused their peers of collaboration in order to reduce competitors within the profession. There emerged a “Shanghai Lawyer’s *hanjian*-Elimination Team” (*Shanghai lüshi sujiantuan*), which consisted of lawyers who were determined to expose their colleagues’ “crimes” during the war.<sup>113</sup> On July 27, 1946, the “Elimination Team” exposed “unforgivable” crimes committed by seven lawyers. After the Shanghai Bar Association investigated, however, it discovered that many of the accusations were untrue. For instance, according to the accusations, Ling Qihong was appointed as head of the Social Affairs Bureau in the puppet Dadao Municipal Government of Shanghai; Gong Wenhuan first worked in the same Bureau as Ling, then served in the Pudong “Clearing the Villages Committee;” Yuan Yang’an, originally a chief committee member of the Shanghai Bar Association, also practiced under a puppet court during the war. However, the investigation only confirmed that Ling and Yuan practiced in the puppet courts. There was no evidence as to Ling’s positions in

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<sup>112</sup> Ordinance of the Ministry of Justice, No. 4200, August 13, 1946.

<sup>113</sup> “Ordinance from the Shanghai Advanced Court regarding the investigation of four lawyers suspicious of collaborations, on January 28, 1947,” SHA (Q190)-1-13876, *Shanghai lshi gonghui guanyu chuli diaocha funi lüshi wenti de xunling laiwang hanjian*, 11.



the puppet Dadao administration. Yuan was indeed a committee member of the Shanghai Bar Association, but there was no such title as “chief” committee member.<sup>114</sup>

There were legal professionals who were guilty of the crime labeled *hanjian*, as defined by the Nationalist government, and the government purged them as it did to other social groups. On July 24, 1939, the Ministry of Justice issued a list of lawyers who participated in puppet institutions. Many individuals on the list had made substantial contributions to China’s legal reforms. Dong Kang was the first on the list (at this point, he was already disbarred by the SMA).<sup>115</sup> Dong Kang was a prominent figure in China’s legal reforms starting from the New Policy period of the late Qing. In 1902, he worked in the Law Codification Commission (*xiuding falüguan*) as Shen Jiaben’s assistant, and participated in compiling a number of important laws, including the first constitutional work in China, “Outline of the Imperial Constitution” (*qinding xianfa dagang*). After attending law school in Japan, Dong Kang returned to China, taking several important positions in the Beiyang government, including chief justice of the Supreme Court, President of the Law Codification Bureau, Minister of Justice, and acting Minister of Finance. Between 1923 and 1926, he worked as the vice-president of the Commission on

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<sup>114</sup> “Correspondence between Shanghai Bar Association and the Shanghai Advanced Court,” *ibid*, 12.

<sup>115</sup> “A list of collaborating lawyers,” in SHA (Q190)-1-13770, *Shanghai lüshi gonghui guanyu chengbao diaocha funi qingxing ji qing xunyu zhiding shenqing falü rikan you falü xiaoli han* [Letters from the Shanghai Bar Association regarding the investigation of the collaborating lawyers and the lawful publication of Law Studies Daily], 1-4.

the Abolition of Extraterritoriality.<sup>116</sup> In 1926, Dong Kang fled to Japan, since he was on bad terms with Duan Qirui, a Beiyang warlord and the Provisional President of the Republican government between 1924 and 1926.<sup>117</sup> When he returned to China in 1927, he became fully engaged in the study and practice of law. He taught in Shanghai Law School and participated in the administration of the school. Meanwhile, he was one of the most successful and expensive lawyers in Shanghai.<sup>118</sup>

In 1934, Dong Kang taught legal history in Japan for a short time, and in 1937 he started to work in the Provisional Government in Beijing sponsored by the Japanese. He was successively the head of the Judicial Commission (*sifa weiyuanhui*) and chief justice of the Supreme Court. In 1940, he was appointed as a congressman in Wang Jingwei's National Government. Dong Kang was arrested in 1945, and managed to postpone his trial by being hospitalized in a German hospital in Shanghai. In 1947, Dong died in the hospital, before any judicial decision was made on his case.

Since Dong Kang became a *hanjian*, the popular media at the time published brief biographies of him, minimizing his contributions and commenting negatively on

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<sup>116</sup> Jerome Cavanaugh, *Who's who in China: 1918-1950* (Hong Kong: Chinese Materials Center, 1982), Vol. 3, 398.

<sup>117</sup> He Dong, Yang Xiancai and Wang Shunsheng, ed. *Zhongguo gemingshi renwu cidian* [A dictionary of important figures in the history of Chinese revolution] (Beijing: Beijing chubanshe, 1991), 710.

<sup>118</sup> Chen Tong, "Zai falü yu shehui zhijian: minguo shiqi shanghai bentu lüshi de diwei he zuoyong"[Between law and the society: the position and function of lawyers in the Republic of China], *Shilin* 1 (2006), 55-69. On average, a lawyer charge hundreds of Yuan for a case, but Dong charged at least several thousand Yuan. Chen, 62.

every aspect of his life. Even his calligraphy, which had been quite popular, was said to be “quite naive” in style, and was only popular because of Dong’s high social status. Although the author of one such biography admitted that Dong had not been very involved in politics after “resigning from his government position in 1924” (an inaccurate statement), he commented that Dong “dug his own grave and became a traitor to the nation by surrendering to desire for power and status.”<sup>119</sup>

Like Dong Kang, Wang Manyun was also a lawyer-turned government bureaucrat. A graduate of the Shanghai School of Law and Politics, Wang worked for the Shanghai Municipal Party Headquarters while practicing as a lawyer. He later joined the Wang Jingwei regime and headed several offices in the Ministry of Agriculture and Mining as well as the Ministry of Justice. Wang was arrested and tried by the Chiang Kai-shek government after the war, and was sentenced to 15 years’ imprisonment.<sup>120</sup>

Ye Changyi served as an example of an ordinary lawyer who was later convicted of the crime labeled *hanjian*. A member of the Shanghai Bar association, Ye went back to his hometown of Qingpu after the war broke out, and became the head of the puppet Qingpu county administration. He accompanied the Japanese army to rob local residents, which resulted in several deaths. In the winter of 1939, he moved to Yanping County and

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<sup>119</sup> SHA (34)-812, Du Han, *Dong Kang zhuanji ziliao* [The biographical information of Dong Kang], copied from *Dafeng xunkan*, 4 (1947), 123.

<sup>120</sup> SHA 7 (4)-363, *Shanghai Gaodeng fayuan chengsong panguo hanjian Liang Hongzhi, Fu Shishuo, Yan Jiazhi, Cai Pei deng xiaozhuan* [Short biographies of traitorous *hanjian* Liang Hongzhi, Fu Shishuo, Yan Jiazhi, Cai Pei, etc, sent by Shanghai High Court to the Ministry of Justice], June 1948.

changed his family name to Fang. He then started to work for the Japanese army, collecting intelligence information. He was arrested in May 1943 for committing robbery in the suburb of Shanghai, and was sentenced to three years' imprisonment. He was released from prison in 1945 and lived in Shanghai with his mistress Mao Yuemei. During the post-war trials of *hanjian*, an anonymous letter revealed Ye's wartime conduct and current address, and he was arrested again and put in prison as a *hanjian*.<sup>121</sup>

### *Conclusion*

As this chapter shows, towards the end of the War of Resistance, the judicial organs of Chiang Kai-shek's government took up the responsibility of investigating and punishing non-military collaborators. The Nationalist government held public trials for major collaborators, especially those who worked for the Wang Jingwei regime. Such trials carried much political weight, since the Nationalist government used them as opportunities to address various issues pertaining to the War of Resistance and the post-war reconstruction. For cases brought by individual accusers, judicial personnel had greater liberty to investigate all parties and render decisions based on evidence from various sources. In addition, since judicial professionals themselves were also targeted by anti-*hanjian* laws, they understood the difficulties to make wartime choices. As a result,

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<sup>121</sup> SHA 7 (4)-248, *Gedi minzhong shangsu jianju hanjian goujie diren zuixing anjian*, 96.

the judiciary showed much caution in prosecuting *hanjian* cases and courts at the provincial level were often reluctant to punish more individuals than those whose names were already on the lists of local collaborators they produced during wartime.

In comparison with the extremely violent means of punishing *hanjian* during wartime, the treatment of *hanjian* after the war was relatively humane. This was partly because Chiang Kai-shek's government was eager to restore its political legitimacy, an important part of which was based on a functional judicial system to settle injustice. In practice, however, the government did not respect legal authority or judicial independence. The legal professionals processed cases based on laws that not only failed to convince them, but also could potentially victimize them. Furthermore, political interference from the party and the government as well personal connections created numerous obstacles in the judicial process of punishing *hanjian*.

## CHAPTER IV

### “ECONOMIC COLLABORATORS” ON TRIAL

*Jingji hanjian*, or “economic collaborator,” was a commonly used term in newspapers in the post-war years.<sup>1</sup> No laws, regulations or other documents clearly defined the term. In an article in the Shanghai-based newspaper *Zhoubao*, the left-wing writer, Zheng Zhenduo, considered “anyone who had trade, commercial or financial contacts with the Japanese” as “*jingji hanjian*.”<sup>2</sup> Generally speaking, newspapers and popular literature used the term quite broadly to refer to individuals who conducted economic or financial activities with the Japanese, and businessmen or political figures who took positions in financial and banking branches of collaborationist regimes. As Parks Coble points out, recent Chinese scholarship only considers patriotic those industrialists who relocated their factories to free regions during the war.<sup>3</sup> This was also the attitude of the Nationalist state and the consensus of society immediately after the war. Industrialists who stayed in occupied regions were vulnerable to suspicions of having betrayed their

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<sup>1</sup> For instance, the term *jingji hanjian* can be found in “Guanyu Li Ze yi’ershi” [A couple of anecdotes on Li Ze], *Daying yebao*, January 9, 1946. See also, “Jianshang qingshi benguo keren” [Traacherous merchants looked down upon Chinese customers], *Heping ribao*, January 10, 1946.

<sup>2</sup> Zheng Zhenduo, “Chujianlun.” [On eliminating *hanjian*], *Zhoubao*, September 15, 1945, quoted in Wang Chunying, “Zhanhou jingji hanjian shenpan: yi Xinxin gongsi Li Ze an weili,” 132-146.

<sup>3</sup> Parks Coble, *Chinese Capitalists in Japan’s New Order*, Introduction.

nation in some way, especially if they remained wealthy throughout the war.

This chapter examines the post-war trials of Chinese capitalists who stayed in occupied Shanghai between 1937 and 1945. Before 1937, Shanghai had the most advanced industrial base and banking system in China, and “the Chinese capitalists of the Shanghai area represented a significant social and economic force.”<sup>4</sup> After the war, anti-*hanjian* campaigns in Shanghai were more radical and complicated than those of other regions. Shanghai was the industrial center of China before the war. Since the war broke out, only about 150 out of 5525 factories in Shanghai were relocated to Chongqing, and many of the factories remaining in Shanghai were taken over by the Japanese.<sup>5</sup> The recovery of these properties was crucial to post-war reconstruction, and the “purification” of Shanghai’s capitalists was vital to strengthening the power of the Nationalist government. The government put a number of major collaborators on trial, and common people exposed others, sometimes against the wish of the state.

During their trials, all “economic collaborators” rejected the label of “*hanjian*.” In many cases they provided solid evidence on how they provided intelligence information to Chongqing, or how they did not “harm the people” by easing the economic burdens of residents in occupied regions. The judiciary rendered different degrees of punishment to

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<sup>4</sup> Parks Coble, “Japan’s New Order and the Shanghai Capitalists: Conflicts and Collaboration, 1937-1945,” in David Barrett and Larry Shyu, ed. *Chinese Collaboration with Japan, 1932-1945* (Stanford: Stanford University Press, 2001), 135-155.

<sup>5</sup> The statistics is from *Caizheng pinglun* [Financial review], January 1946, quoted in Cui Meiming, “Da jieshou yu Shanghai minying gongye.”

individuals whose wartime conduct was similar in the eyes of society. This was because some industrialists worked with Chongqing secretly although they took positions in puppet governments or associations. They were deemed having contributed to the war effort by Chiang Kai-shek's government. Some, on the other hand, escaped severe legal punishment because they were connected and protected by powerful figures in the government. Newspapers, as the chapter will demonstrate, frequently noticed and ridiculed the judiciary's uneven measures of punishment. This further weakened the authority of the court and the government, which had already been compromised by the unsystematic and corrupt process of arresting *hanjian*.

In addition, many individuals who were tried as "economic collaborators" were victims of factional struggle within the Nationalist party and government. Factional struggle for power was present in every aspect of anti-*hanjian* campaigns, but it particularly corrupted the process of punishing "economic collaborators." Most of the prominent "economic collaborators" were concentrated in Shanghai and the Yangzi Delta regions, where every government branch and political faction wanted to solidify its power. Individuals and factions like *Juntong* that gained tremendous executive and punitive power during the war attempted to retain their authority after the war, and extend it in recovered regions. On the other hand, Chiang Kai-shek started to restore the normalcy of the government and the civil justice system to counterbalance the



irregularity of wartime institutions. All cases of “economic collaborators” reflected the conflicting interests of different political groups within the Nationalist government. The dynamics of these power struggles greatly influenced the course of the trials and the fates of the individuals involved.

Economic conflicts and political struggle beyond the Nationalist government also significantly affected certain cases. The difficult economic conditions between 1945 and 1948 provided the background for the radicalized class conflicts and the hatred that emerged in regard to “economic traitors” among all types of traitors. Impoverished residents in Shanghai found collaboration to be the perfect explanation for the capitalists’ affluence during and after the war, when inflation and limited resources haunted other social groups. The government’s punishment of “economic collaborators” provided an outlet for popular anger. On the other hand, the Chinese Communist Party grew tremendously in number and organizational capacity, and it started to organize labor movements in Shanghai immediately after the war. As the case of Li Ze, manager of Xinxin company and an “economic collaborator” put on trial after the war, recounted below will demonstrate, Communist representatives in Shanghai’s department stores helped employees to turn their grievance into accusations. Accusations against “economic collaborators,” supported by the Communist party were detrimental to both Shanghai’s capitalist class and the Nationalist government’s authority.

There has been some scholarly attention to the economic difficulties and political dilemmas that faced Shanghai's capitalists in wartime. In *Shanghai Splendor*, Wen-hsin Yeh briefly discusses the accusation against Li Ze, bringing attention to the changing expectation of petty urbanites from Shanghai's corporate leaders during and after the War. She points out that accusations against "economic collaborators" were often intertwined with the workers' denunciation of former corporate patriarchs as capitalists.<sup>6</sup> Parks Coble and Brian Martin introduced specific circumstances in which individual capitalists made different choices of collaboration or resistance.<sup>7</sup> Martin further mapped out the presence of several political and underground forces in Shanghai, which left minimal space for Shanghai's capitalists to make their own choices. Martin and Wakeman also mention the assassination of Shanghai's collaborators, but most of these figures, although economically connected to the puppet regime or to the Japanese, were not Shanghai industrialists.<sup>8</sup>

Historians in China have maintained a generally condemnatory attitude towards "economic collaborators" for several decades. References to specific collaborators' trials may be easily found, but few scholarly works touch on the precise complexity of their

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<sup>6</sup> Yeh Wen-hsin, *Shanghai Splendor: Economic Sentiments and the Making of Modern China, 1843-1949* (Berkeley: University of California Press, 2007), Chapter 7.

<sup>7</sup> Coble, "Chinese Capitalists in Wartime Shanghai," 46-65. Brian Martin, "Resistance and Cooperation: Du Yuesheng and the Politics of the Shanghai United Committee, 1940-1945," in Yeh and Henriot, *In the Shadow of the Rising Sun*, 187-208.

<sup>8</sup> Martin, "Resistance and Cooperation," and Frederic Wakeman, *The Shanghai Badlands*.

collaboration or examine the trials in the context of the post-war political and economic background. The only exception is Wang Chunying's study of the case of Li Ze.<sup>9</sup> Wang focuses on the factional struggle within the Nationalist party and its consequences reflected in Li Ze's arrest, trial and punishment. Her interpretation of the significance of Li Ze's case sheds light on the diverse social groups that engaged in the post-war anti-*hanjian* campaigns, but she offers little contextual information on the relative scale of the campaign, or comparison with other cases. This chapter examines the cases of several prominent industrialists in Shanghai, including Li Ze. Each case provides a different perspective on the campaign. Together they illuminate the choices and fates of these Chinese capitalists as a group.

### *Background*

Under the Japanese-established economic order of the “co-prosperity sphere” of Shanghai, the Japanese extracted tremendous resources from China, and reoriented Chinese production to serve Japan's requirements for waging the war. Furthermore, the Japanese established economic institutions to control the flows of commodities, and they encouraged the participation of influential Chinese businessmen in such institutions. Under Japan's sponsorship, the Wang Jingwei government established the “National

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<sup>9</sup> Wang Chunying, “Zhanhou jingji hanjian shenpan: yi Xinxin gongsi Li Ze an weili,” 132-146.

Commerce Control Commission” (*quanguo shangye tongzhi weiyuanhui*) in March of 1943.<sup>10</sup> This commission regulated the shipment and sales price of twelve types of products, so that the Wang regime could be a little less financially dependent and the Japanese could benefit most from the new economic order.<sup>11</sup> All influential Chinese businessmen who remained in Shanghai were lured or forced to join in these imperialist or puppet set-ups. Some of them, such as the leading industrialist in China, textile tycoon Rong Desheng, rejected such requests from the Japanese under the pressure of the Chiang Kai-shek government. Most Chinese businessmen, however, were pressured or enticed to give in to the Japanese.<sup>12</sup>

Upon its return from Chongqing to its power base in the Yangzi Delta in the fall of 1945, the Chiang Kai-shek government made clear that its major concerns were to restore economic order, increase its revenue and secure its control over the financial and banking circles. Shanghai became the most important geographical center for completing this mission. The recovery of Shanghai’s financial and industrial sectors was crucial to post-war reconstruction, and to the government itself, which had suffered from huge

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<sup>10</sup> This association facilitated the Wang government’s control of the price and circulation of cotton, wheat, rice, edible oils, and general consumer goods. Japan established a Central China Commodity Control Association in 1939 to regulate the shipment and sales price of twelve types of products. After the establishment of the Wang Jingwei regime, the Japanese decided to give up some control over the trading system, so that the Wang regime could be a little less financially dependent. The result of the negotiation between Wang and the Japanese was the establishment of *quanguo shangtonghui*. See Coble, *Chinese Capitalists in Japan’s New Order*, Chapter 4.

<sup>11</sup> Parks Coble, *Chinese Capitalists in Japan’s New Order*, Chapter 4.

<sup>12</sup> Coble, “Japan’s New Order and the Shanghai Capitalists,” 151-153.

economic losses and was faced with an increasing budget deficit.<sup>13</sup> In addition to confiscating enemy and puppet property, the Nationalist government also developed new monetary policies. Li Chengji, a former manager of Xinxin Company (*Xinxin gongsi*), one of the four major department stores in Shanghai, recalled the financial reforms directed by Chiang's government's central bank, and their harm to Shanghai's business life.<sup>14</sup> After the government, financial sectors and large segments of the population returned to the Yangzi delta, an enormous amount of *fabi* ("legal tender") flooded Shanghai's market. However, the currency issued by the Wang Jingwei government, *zhongchuan*, was yet to be abolished. The double-currency system created financial chaos in the lives of both businessmen and commoners. Moreover, on September 29, 1946, Chen Xing, head of the central bank, set a ratio of two hundred *zhongchuan* to one *fabi*, a rate that favored *fabi*. Shanghai's financial and industrial circles considered the policy unfair, but no one dared to oppose it, since defending the value of *zhongchuan* risked the label of "*hanjian* behavior."<sup>15</sup>

As long as the capitalists obeyed its rule, it is unlikely that the government

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<sup>13</sup> In 1941, the government expense exceeded the budget at 45%; in 1944, the government expenses was two and half times of the budget; and in 1947, the government expenses was three times more than the budget. See Li Tang, *Guomindang tongzhi shiqi zhongyang caizheng de wenluan* [Financial crises under the Nationalist rule], in Wenshi ziliao wenyuanhui, ed. *Wenshi ziliao cunqao xuanbian* [Selected collections of literary and historical materials] (Beijing: Zhongguo wenshi chubanshe, 2002), Vol. 21, 18-22.

<sup>14</sup> Li Chengji, "Ruotao sixiong resheng guansi"[My cousin Li Ze was involved in lawsuit], *Zhongshan wenshi* 59 (2006), 92-97.

<sup>15</sup> Li Chengji, "Ruotao sixiong resheng guansi."

seriously intended to universally impose the *chengjian* policies on them. The vast majority of Shanghai capitalists remained in occupied Shanghai, and many of them participated in puppet regimes and associations for various reasons. To incriminate all capitalists whose wartime activities were questionable would have disastrous consequences for Shanghai's economic and social order.<sup>16</sup> Moreover, their support was vital to post-war reconstruction and the consolidation of Chiang's power.

The Nationalist government produced a "List of Economic Collaborators Who Attached Themselves to the Puppet Wang Jingwei Government," and required the arrest and trials of major economic collaborators.<sup>17</sup> Shanghai's prominent capitalists who contributed to the Japanese "control economy" (*tongzhi jingji*), including the "three elders of Shanghai" (*haishang sanlao*), Wen Lanting, Yuan Lüden and Lin Kanghou, were major targets.<sup>18</sup> In September of 1945, right after the war ended, Dai Li, head of *Juntong*, arrived in Shanghai and set up the *Juntong* office in Shanghai, the main function of which was to arrest collaborators and to confiscate enemy and puppet properties.<sup>19</sup>

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<sup>16</sup> There was evidence indicating that Chiang was concerned with the social consequence of too many *hanjian* being exposed and punished. According to a verdict issued by the Nationalist government's military committee, the police branches would not arrest or investigate any *hanjian* exposed by individuals or associations. The Nationalist government commented that this verdict was to "ease public mind and stabilize the social order." SHA 7 (34-22) Guomin zhengfu gongbu fangzhi hanjian huodong faling [A collection of the Nationalist government's verdicts regarding *hanjian* cases], verdict issued on December 13, 1946.

<sup>17</sup> SHA (7) 4—1982, Riwei Nanjing zhengfu jingji hanjian minglu [List of Economic Collaborators Who Attached Themselves to the Puppet Wang Jingwei Government].

<sup>18</sup> Yeh Wen-hsin, ed. *Wartime Shanghai*. (New York: Routledge, 1998), 12.

<sup>19</sup> Yang Shi, "Juntong jieshou Shanghai nichan ji Deng Baoguang, Chen Naichang weirenmin Baoquan

These collaborators were soon interrogated, and the Shanghai High Court conducted a series of trials of the “economic collaborators.” Not everyone who was accused of the same crime received punishment to the same degree. For instance, Zhu Boquan, a Shanghai banking magnate, was the head of the Shanghai Banking Association and on the board of the Central Reserve Bank, Communication Bank and the Central Savings Society. When the Japanese took over the Chinese Industrial Bank by force in 1943, Zhu Boquan volunteered to serve on the board of the Japanese controlled bank, and accepted a position in the puppet “Securities and Exchange Commission.” Zhu was considered as a “great economic collaborator,” or *jingji fujian*, who committed the crime of “collaborating with the enemy nation, betraying the home country and disturbing the financial order.”<sup>20</sup> Qian Dakui, vice president of the Central Reserve Bank, was sued for the same crime. However, Zhu received an unexpectedly light punishment----two years’ imprisonment and deprivation of his civil rights for two years, while Qian was sentenced to the death penalty.<sup>21</sup>

Journalists called attention to the discrepancy in the punishment of these two

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caichan de qingkuang,” [Juntong’s takeover of puppet properties in Shanghai and how Deng Baoguang and Chen Naichang helped protect people’s properties], in *Wenshi ziliao cunqao xuanbian: Kangri zhanzheng* [Selected collection of literary and historical archives: the Anti-Japanese War period] (Beijing: Zhongguo wenshi chubanshe, 2002), 718-727.

<sup>20</sup> In *Bujian lumi*, a pamphlet published in 1948 that anecdotally revealed the process of arresting infamous collaborators, Zhu Boquan was referred to as a “great economic collaborator,” *jingji fujian*. See Shanghai Huobaoshe, *Bujian lumi* [Secret accounts of arresting *hanjian*] (Shanghai: Qingnian wenhua fuwushe, 1948), 23.

<sup>21</sup> Kōichi Masui, *Kankan saiban shi: 1946-1948* [A history of trying traitors of the Han: 1946-1948] (Tokyo: Misuzu Shobo, 1977), 141.

figures. According to a report in *Shenbao*, the court stated that “Qian Dakui prepared for and organized the establishment of the puppet Central Reserve Bank under the instruction of Zhou Fohai.” It further pointed out that “the greatest wrong Qian committed was to set up a 2:1 exchange rate at which people in occupied areas were forced to exchange *fabi* for *Chongchuquan*.” Qian reportedly also “provided the enemy with a large amount of currency and supplies, and disturbed the financial order by issuing 46,000 billion *Chongchuquan*.” The conclusion was that Qian’s crime was comparable to that of Zhou Fohai, and that he deserved death.<sup>22</sup>

Of the “economic collaborators” arrested and tried after the war, Wen Lanting, Lin Kanghou and Yuan Lüden were most influential. As representatives of Shanghai’s successful capitalists, they all joined the puppet Commodity Control Commission and were economic advocates of the Wang Jingwei government in Shanghai. Their wartime experiences were typical of “economic collaborators.” While working half-willingly with the Japanese and the puppet government, they clandestinely collected and provided financial information to the Chongqing government. This type of wartime conduct, which resembled the actions of a double agent, created great difficulties for judicial organs in terms of the identification and measurement of crime and punishment. Ambiguities made such cases vulnerable to political intervention. An examination of these cases will shed light on the circumstances of economic collaboration and how the

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<sup>22</sup> *Shenbao*, January 17, 1947.



Nationalist government interpreted this category of crime after the war.

*Trials of “The Three Elders”*

Wen Lanting, “a big name in Shanghai’s industrial circles,” was put on public trial on August 23, 1946, for the crime of “supplying the Japanese army with grain and cotton cloth.”<sup>23</sup> Before the war, Wen Lanting was a successful industrialist who owned a dozen textile factories in Shanghai, south Jiangsu and several provinces along the Yangzi River. He held positions in several commercial and industrial associations as well as charity enterprises. Wen Lanting was also one of the main founders of the Shanghai Stock & Goods Exchange, the first exchange in Shanghai.<sup>24</sup>

By the time of his trial in 1946, Wen was quite ill with heart disease. Although physically weak, he emphatically denied that he had betrayed his nation and that he was a *hanjian*. He refuted the charges against him as follows:

“I exhausted myself in charitable works. I cannot admit to the crimes listed in the indictment. I did what I did by following orders from the central government. So I cannot agree with what *Juntong* has written about me in their accusation letter, either. I have rescued many individuals who were arrested by the Japanese. While I was working with the enemy, I helped to preserve national sovereignty.”<sup>25</sup>

<sup>23</sup> Masui, *Kankan saiban shi*, 146.

<sup>24</sup> “Wen Lanting deng guanyu choubei Shanghai wupin zhengquan jiaoyisuo de laiwang hanjian” [Correspondence regarding the establishment of Shanghai Stock & Goods Exchange between Wen Lan-ting and others], *Dang’an yu shixue* 4(2001), 10-19.

<sup>25</sup> Masui, *Kankan saiban shi*, 148.

Considering his conduct at different stages of the war, Wen's self-defense was not without reason. During the Shanghai Incident in 1932, Wen Lanting actively solicited donations and provided support for the Nineteenth Route Army. When the War of Resistance broke out in 1937 and the Japanese army started to attack Shanghai on August 13, 1937, Wen Lanting headed the Red Cross Society of China. During the three-month battle, Wen immediately organized several rescue crews, and dispatched them to the warfront to help the injured soldiers.<sup>26</sup> Wen Lanting's patriotic deeds during the Battle of Shanghai seemed to contradict his later involvement in the Wang Jingwei regime. His arrest attracted considerable media attention in Shanghai.

Wen Lanting was accused of collaboration mainly because he participated in the Commodity Control Commission (*shangtonghui*) and "provided a large amount of rice and cotton to the enemy."<sup>27</sup> Wen Lanting did participate in the Commodity Control Commission that reoriented Chinese industries and raw materials to Japanese needs, but this was not a decision that he made at his liberty. One can hardly argue that he took the puppet position for wealth or status. Instead, evidence suggests that an important motivation for Wen's "collaboration" was to liberate a number of Chinese textile industries from Japanese hands. After the Japanese occupied Shanghai in 1937, many Chinese industrialists registered their businesses under the names of their foreign friends,

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<sup>26</sup> Huang Huiying, "Wen Lanting de shoushen he gaipan," [Trial and retrial of Wen Lanting] *Minguo chunqiu* 2(1996), 61-62.

<sup>27</sup> Masui, *Kankan saiban shi*, 150.

and some moved their businesses to the French Settlement and the International Settlement. For instance, a number of textile factories, including two Shenxin factories owned by the Textile magnate, Rong Desheng, employed this technique. After the Japanese entered the International Settlement in 1941, all these factories became “enemy property” and were confiscated by the Japanese.<sup>28</sup> In the negotiations that followed, between these factory owners and the Japanese, the Japanese agreed to return these factories to their Chinese owners. In exchange, they asked for a leading figure among Chinese textile industrialists to lead the Commodity Control Commission under the Wang Jingwei regime, and they required all these industrialists work closely with the Japanese textile industry, especially in facilitating Japanese purchase of raw cotton from China.<sup>29</sup>

This placed Chinese industrialists in a dilemma. They were well aware that the commission was mainly established to serve the Japanese economic interests, and, moreover, that serving in such an organization might bring disastrous political consequences if the Chongqing government won the war and returned. Rong Desheng, owner of Shenxin Textile Industry, suffered the greatest losses from the confiscation. Due to his influence in the business circles, however, he was also the person whom the Japanese and the Wang Jingwei government wanted to entice initially. Rong Desheng

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<sup>28</sup> Huang Huiying, “Wen Lanting de shoushen he gaipan,” 61.

<sup>29</sup> Coble, “Japan’s New Order and the Shanghai Capitalists,” 152.

refused to work for the puppet commodity commission, and he did not allow his son or nephew to participate in the institute.

The Japanese then turned to the next most influential textile magnate, Wen Lanting. It seemed that Wen was a less promising prospect for service on the commission. He was seventy-six in 1942, and he did not own any of the factories confiscated by the Japanese. Eventually, however, Wen gave in upon the repeated requests from both the Chinese textile industrialists and pressure from Nanjing. In his confession during the trial, Wen Lanting stated that he was instructed by *Zhongtong* to “permeate the puppet commission.”<sup>30</sup> *Zhongtong* agents did not confirm this statement. However, Qi Zaisheng, a *Zhongtong* agent, testified that Wen had facilitated his release from prison several times after he was arrested by Wang Jingwei’s agents. In addition, Qi confirmed that Wen provided information for the “central government” regarding the economy in occupied areas and the supplies of the Japanese army.<sup>31</sup>

The court summoned several witnesses who shed light on Wen’s relations with the Commodity Control Commission and the Japanese. These witnesses admitted that Wen worked in the commission, but they indicated understanding and sympathy for Wen’s decision and emphasized its positive consequences. Wu Kunsheng, manager of Shenxin factory, testified that in 1942, Wen Lanting, as the head of the Textile Industry

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<sup>30</sup> Masui, *Kankan saiban shi*, 147.

<sup>31</sup> *Ibid.*

Association, negotiated with the Japanese in an attempt to rescue the factories they seized. Wu also stated that Wen's work in the Commodity Control Commission involved facilitating Japanese purchasing of raw materials from China, but Wen made continuous efforts to minimize the amount of raw cotton the Japanese absorbed from China.

Mr. Yang Zhiyou from Minfeng Textile Factory confirmed Wu's evaluation of Wen's work. He argued that Wen used a "delay policy" (*huanbing zhiji*), a form of passive resistance, on the Japanese. Yang recalled that when the Japanese planned to purchase cotton at low prices, Wen Lanting managed to postpone the request for quite a while. Therefore, Yang Zhiyou considered that Wen Lanting had contributed to "preserving national strength."<sup>32</sup> Mr. Huang Hanzhi, head of the Shanghai Refugee Relief Association, revealed that Wen Lanting was exceptionally active in charity and war relief. According to Huang, Wen helped numerous refugees and injured soldiers during the Battle of Shanghai and the following occupation period.

Wen's defense lawyer, Lu Huimin, acted strongly on Wen Lanting's behalf, as he stated, out of deep sympathy he held for Wen.<sup>33</sup> Lu himself was arrested several times by the Japanese, and he was rescued one time by Wen Lanting. Although Lu Huimin considered it dishonorable for Wen to take a puppet position, he nonetheless defended Wen by pointing out that "Wen was too aged to escape from Shanghai, and he had no

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<sup>32</sup> Masui, *Kankan saiban shi*, 147.

<sup>33</sup> *Ibid*, 147.

other choice under pressure from the enemy.”<sup>34</sup> Since common people assumed that most collaborators betrayed their nation for material wealth, Lu particularly emphasized that Wen had always lived a frugal life. Lu pointed out the well-known fact that Wen did not own any real property; instead, he lived in a rented house throughout his life.<sup>35</sup> Another defense lawyer, Sha Yankai, also noted Wen’s simple lifestyle by adding that Wen “had not tasted the flavor of meat for several decades.”<sup>36</sup> Sha then raised the question “how can such a person be a *hanjian* and sell out his nation for personal gains?”<sup>37</sup> The trial was interrupted several times, since Wen Lanting was so ill and emotionally agitated that at several moments he had to call in a doctor.

Despite his broad social connections and efforts of his sympathizers, the court found Wen Lanting guilty of collaboration based on three main findings. First, he published a speech in the puppet-run *Shenbao* celebrating the “Great East Asia War” and the “return” of the puppet Wang Jingwei regime to Nanjing. Second, he provided a large amount of grain and cotton to the Japanese army. Additionally, while he was working as the head of the Shanghai Residents’ Association, he raised one billion *Zhongchuan* as

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<sup>34</sup> Ibid, 148.

<sup>35</sup> Huang Huiying, “Wen Lanting de shoushen he gaipan,” 61-62.

<sup>36</sup> Wen Lanting was a Buddhist, and this is probably the reason why he quitted eating meat. But Sha Yankai did not specify Wen’s religious belief during the court debates; rather, he used this piece of information to emphasize Wen’s lack of material desires. See Wu Mengqing, *Shanghai zongjiaozhi* [A record of the religions in Shanghai] (Shanghai: Shanghai shehui kexueyuan chebanshe, 2001), 128-129.

<sup>37</sup> Masui, *Kankan saiban shi*, 149.

an air defense fund for the Japanese army, which in turn reduced the effectiveness of the Allied army's air attack. On September 12, 1946, the court reached a decision on the case of Wen Lanting. Wen was sentenced to eight years' imprisonment, with deprivation of his civil rights for eight years. In addition, all his property except for what was necessary to support his family was to be confiscated. The *Shenbao* pointed out that this punishment was lighter than what the general public had expected, and that the court reached this decision by taking into consideration Wen Lanting's contributions to the winning of the war.<sup>38</sup> Evidence showed that Wen did rescue several underground agents sent from Chongqing, and that he provided important information to Chongqing from a secret radio station he set up in his home.<sup>39</sup> The court also showed leniency to Wen because of the circumstances of his collaboration: he was aged and weak and thus was unable to flee Shanghai. After the court announced its decision, Wen's defense lawyer immediately requested bail since Wen was ill with cancer.

Wen Lanting's trial attracted intense media attention. Even after the case was settled, *Shenbao* paid close attention to Wen's bail and his health conditions. It reported in February that Wen Lanting had surgery to treat his colon cancer, but he was still extremely weak. According to *Shenbao*, everyday numerous individuals came to visit

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<sup>38</sup> *Shenbao*, September 12, 1946.

<sup>39</sup> Masui, *Kankan saiban shi*, 150.

Wen, filling three guest books with visitors' signatures.<sup>40</sup> Later in 1947, the Supreme Court negated the original court decision upon Wen's appeal and requested a retrial in the Shanghai High Court for Wen Lanting's case. Ji Xizong, dispatched by the headquarters of the Nationalist party, testified that Wen Lanting took the puppet position under orders from Chongqing. During the retrial, Wen Lanting appeared at the court on a stretcher. As in the first trial, he completely denied the label of "*hanjian*." Wen Lanting was sentenced to imprisonment for three and a half years, but he and his family decided to appeal again. Wen died in July 1947 while the case was still unsettled.

Yuan Lüding, a leading figure in Shanghai's financial circles, followed a similar path in his participation on the Commodity Control Commission. Yuan was the manager of Shanghai Ningbo-Shaoxing Steamship Company and the American Tobacco Company, and was one of five Chinese board members of the Shanghai Municipal Council.<sup>41</sup> Yuan was also active in a range of voluntary and charitable associations. He was a board member of the Shanghai Ningbo Sojourners' Association, the Young Christian Association and the Chinese Women's and Children's Welfare Association, among others. As the secretary general of the Shanghai Refugee Relief Association, Yuan helped organize donations and war relief during the Battle of Shanghai. Yuan's road to "collaboration" began in the spring of 1941, when Wang Jingwei's followers came to

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<sup>40</sup> *Shenbao*, February 13, 1947.

<sup>41</sup> Yuan Lüding, "Yuan Lüding huiyilu"[A memoir of Yuan Lüding], *Dang'an yu shixue* 10 (1995), 28-33, 71.



Shanghai and reorganized the Chinese board of the Shanghai Municipal Council and invited him to remain a board member for the Municipal Council controlled by the Japanese. Out of the five Chinese board members, Guo Shun and Chen Tingrui had already left for Hong Kong. Yu Qiaqing had fled to Hong Kong after the Japanese entered the International Settlement and Xi Yushu had secluded himself from all outside affairs. In contrast, Yuan Lüding decided to remain on the board since he felt that “he had a clear conscience and did not fear misinterpretation of his decision.”<sup>42</sup> He claimed in his confession that at the time he considered it “a minor sacrifice made to preserve what was more important (*baoquanzhe da xishengzhe xiao*).” However, he was aware of what was at stake, and after he accepted the position, he immediately notified Du Yuesheng, leader of Shanghai’s underworld and Chiang Kai-shek’s ally. Yuan explained the circumstances of his collaboration to Du, hoping Du would pass on the message to Chongqing.<sup>43</sup>

In 1942, Mei Siping and Ding Mocun, key members of the Wang Jingwei regime, reorganized the Shanghai Chamber of Commerce. They could hardly find any old members of the chamber to serve in its puppet reincarnation. Yuan Lüding

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<sup>42</sup> Yuan Lüding, *Yuan Lüding zibai shu*[A confession of Yuan Lüding], *Dang’an yu shixue* 4 (2000), 19-21.

<sup>43</sup> “Gaoyuan gengshen: Yuan Lüding chengren cuole.” [Retrial of Yuan Lüding: he admitted that he had done wrong], *Shenbao*, April 19, 1947. When Yuan contacted Du Yuesheng in 1941, Du had already left Shanghai for Hong Kong. Du maintained close relations to the Chongqing government during the wartime, and Yuan hoped that through Du Chiang Kai-shek would receive the news and his explanation. For Du’s activities in Shanghai and his wartime connections to Chongqing, see Brian Martin, “Resistance and Cooperation,” 187-208.

considered the lack of this organization a negative influence on many occupations, and thus agreed to work in the puppet Chamber of Commerce. In 1943, the Wang Jingwei government reorganized the National Commodity Control Commission and Chamber of Commerce, and Yuan was invited again to be on board of both commissions. Yuan admitted in the confession that he took these positions as a businessman who hoped to benefit the business community, and he ignored the political consequences.

In September 1945, *Juntong* agents arrested Yuan Lüden. The Shanghai High Court held his trial in May 1946, and sentenced him to life imprisonment on May 31, 1946. Yuan and his family were devastated by the news, and they appealed to the Supreme Court for a retrial with the help of Chen Tingrui, a renowned lawyer and a long-time friend of Yuan's.<sup>44</sup> With the advice of Chen, Yuan and his family worked in several ways to seek lenience. They contacted intelligence agents whom Yuan rescued from Wang Jingwei's prison during the war, including Huang Hanzhi and Yu Bingjian, so that they could come to the retrial and testify on behalf of Yuan. On the other hand, Yuan handed in several confessions to *Juntong* and the Shanghai High Court to clarify the reasons for his "unconscious collaboration."<sup>45</sup> According to "Regulations on Punishing *Hanjian*," penalties should be reduced for collaborators who were proven to have helped

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<sup>44</sup> Chen Tingrui was also a Chinese board member of the Shanghai Municipal Council. He went to Hong Kong before the Japanese entered the International Settlement, so he escaped being forced or enticed to join in the Japanese controlled municipal council.

<sup>45</sup> *Yuan Lüden zibai shu*.

the resistance forces during the war, or to have conducted activities beneficial to the Chinese people. Therefore, in his confession before and during the trial, Yuan focused on the positive consequences of his conduct while he was working for the Commodity Control Commission. Yuan recalled that in the fall of 1943, the Japanese army started confiscatory purchase of rice in and around Shanghai at 200 *yuan* per picul, or *dan*.<sup>46</sup> Since the market price for rice was 400 *yuan* per picul, urbanites and farmers were extremely discontented and panicked. The Japanese also terminated rice rationing in Shanghai, which caused more turbulence.<sup>47</sup> Zhou Fohai, deputy director of the Executive Yuan of the Wang Jingwei government, persuaded Yuan to participate in the Rice and Grain Control Commission under the Executive Yuan. Yuan agreed “under the condition that the Wang government would negotiate with the Japanese to increase the purchase price of rice.”<sup>48</sup> Due to the negotiations, the Japanese raised the purchase price to 820 *yuan* per picul, and resumed the rice rationing system. Yuan, with good reasons, argued that he had contributed to these policies that alleviated burdens on Shanghai’s residents.

With new evidence and witnesses who supported Yuan, on September 30, 1947, the Shanghai High Court decided that Yuan’s period of imprisonment was to be reduced

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<sup>46</sup> *Dan* is a unit of dry measure for grain, and 1 *dan* equals to 29.76 kilogram.

<sup>47</sup> The rice rationing system, or “household rice” (*hukoumi*), was a distribution system of food stations that handed out rationed allotments of the staple to each registered household at controlled prices. From July 1942 to August 1945, the *hukoumi* system was carried out in all parts of Shanghai by the Japanese and the Wang Jingwei regime. When this system was terminated, Shanghai’s residents could hardly find ways to purchase rice. See Henriot and Wen-Hsin Yeh, *In the Shadow of the Rising Sun*, 127.

<sup>48</sup> *Yuan Lüdong zibai shu*, 19.

to seven years. The court explained that “Yuan actively facilitated the work of Chongqing’s intelligence agents in Shanghai, and the court received a petition letter from many renowned figures asking for a reduction of Yuan’s punishment.”<sup>49</sup>

Nonetheless, Yuan remained unsatisfied. He appealed again to the Supreme Court, and this time his appeal was dismissed. He was imprisoned in Shanghai Tilanqiao prison, together with a large number of prominent collaborators, including Wen Lanting and Li Ze. In March 1948, Chiang Kai-shek was elected to be the president, and Chiang granted a “Great Amnesty” to selected groups of prisoners.<sup>50</sup> Yuan Lüdeng was released. He moved to Hong Kong for a brief period and then moved back to Shanghai. In August 1953, while the People’s Republic of China held renewed trials for *hanjian*, the Shanghai People’s Court sentenced Yuan to ten years’ imprisonment. But the court decision was suspended because Yuan was seriously ill. Yuan died in Shanghai in December 1954 at age 76.<sup>51</sup>

Lin Kanghou, a successful industrialist and the third of the “three elders,” collaborated with the Japanese under similar circumstances. He, too, found chances while

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<sup>49</sup> Masui, *Kankan saiban shi*, 153.

<sup>50</sup> The Great Amnesty was indispensable part of the legal system in imperial China, a tool of the emperor to spread his benevolence and to counterbalance the effects of heavy punishments. There were different types of amnesties. Great Amnesty (*dashe*) was announced at the beginning of a reign, on the emperor’s birthday, or at other auspicious occasions. See Wallace Johnson, trans. *The Tang Code* (Princeton: Princeton University Press, 1979). Chiang Kai-shek announced Great Amnesty several times after the War of Resistance, showing a traditional rationale of ruling based on strict codes and occasional measures of benevolence.

<sup>51</sup> Fang Zhanhong, “Da Hanjian Yuan Lüdeng shoushenji”[A record of the trial of Yuan Lüdeng, a major traitor], in *Wenshi tiandi*, 1(2010), 31-33.

working for the puppet regime to provide information for Chongqing. Lin Kanghou was sentenced to two years imprisonment, and his properties were confiscated beyond what was required to support his family. If “the three seniors” were the most conspicuous among all the convicted “economic collaborators,” they were by no means the only ones.

Table 2 indicates the names, sentences and disposition of other prominent economic and financial figures who were convicted of collaboration.

**Table 2.** Names, positions and sentences of “economic collaborators” tried by the Nationalist government

<b>Name</b>	<b>Title or positions in puppet institutions</b>	<b>Sentence</b>	<b>Notes</b>
Li Zulai	Manager, Bank of China	Imprisonment of five years; Confiscation of properties.	His major crime was “to disturb the financial order.”
Zheng Hongnian	executive officer, Central China Railways	Imprisonment of eight years; deprivation of civil rights for ten years; confiscation of properties	
Sun Yaodong	Manager, Reconstruction Bank	Imprisonment of seven years;	
Miao Lanting	Head, Jinan Chamber of Commerce	Imprisonment of ten years.	Xie’s main crime was “to collaborate with the enemy nation, and provide the enemy military supplies.”

Table 2. (continued).

Name	Title or positions in puppet institutions	Sentence	Notes
Tang Shoumin	President, Reconstruction Bank	Life imprisonment; deprivation of civil rights for life	Tang appealed to Shanghai High Court for a retrial. He managed to get powerful individuals within the Nationalist government, especially Song Ziwen, to interfere in his case. In the second trial he was sentenced to imprisonment for eight years. He was released in early 1949 due to the “grand amnesty,” so he was imprisoned for 3 and a half years.
Ma Jiliang	Head of the Department of General Affairs, Central Reserve Bank	Imprisonment of fifteen years; Deprivation of civil rights for ten years.	
Zhang Luping	Influential merchant in Suzhou; Founder of Suzhou Tobacco Joint Venture; head of Suzhou Commercial Bank	Imprisonment of five years	Jiang was granted lenity because evidence showed that “he was permitted by <i>Zhongtong</i> to participate in the puppet Commodity Control Commission, and he helped preserve 220 textile factories.

**Table 2. (continued).**

Name	Title or positions in puppet institutions	Sentence	Notes
Xu Tieshan	Manager, South Pacific Cigarette Co.	Imprisonment of three years	
Wang Wuquan	Head, Hangzhou Chamber of Commerce	Life imprisonment; deprivation of civil rights for life; confiscation of all properties (with reservation of a portion to support his family members)	Miao was ordered to be arrested by He Siyuan, provincial governor of Shandong. After Jinan High Court reached the decision, representatives of Jinan's
Jiang Shangda	Influential figure in Shanghai's textile industry; Deputy head of the textile association of Jiangsu, Zhejiang and Anhui; member of the Cotton Control Commission and Commodity Control Commission	Imprisonment of one year and three months; deprivation of civil rights for two years.	

As is evident in the cases of “the three seniors” and those described in Table 2, many “economic collaborators” claimed that they participated in the puppet institutions with the permission of, or at the request of the Chongqing government, or its intelligence agency, *Zhongtong*. Many of them did provide intelligence information to Chongqing,

and helped to rescue Chongqing's secret agents arrested by the Wang Jingwei government. These agents generally were willing to testify in favor of the accused, and some even provided documentary evidence. However, it is impossible to determine if the accused did receive orders from Chongqing to work as underground contacts. These claims aroused considerable suspicion among media and observers at the time. A journalist from the *Dagongbao* commented that all those accused of being collaborators, regardless of whether or not they were truly underground contacts for Chongqing, should be investigated and put on trial. Only in this way “the smoke curtain of ‘underground work’ would not hinder the work of investigating *hanjian*.”<sup>52</sup> This comment also implied a critique of the ambiguities of the Chongqing government's clandestine underground work, as well as the confusions the continuing lack of clarity created for post-war trials of *hanjian*.

### *The Case of Li Ze*

The Chiang Kai-shek government arrested and tried “the three seniors” and major participants in the puppet Commodity Control Committee despite their connections to the government and their contributions during the war. The power

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<sup>52</sup> “Hanjian yu dixia gongzuo,” [*Hanjian* and underground work], *Dagongbao*, January 16, 1946, quoted in Wang Chunying, “Zhanhou jingji hanjian shenpan: yi Xinxin gongsi Li Ze an weili,” 133.



struggle between Chiang Kai-shek's two intelligence agencies, *Zhongtong* and *Juntong*, was a considerable stimulus to the quick arrest of these collaborators after the war. Most of the "economic collaborators" mentioned above were connected to *Zhongtong*: they either claimed that they had the permission from *Zhongtong* for joining the puppet institutions, or had rescued *Zhongtong* agents who later testified for them. Their connection to *Zhongtong* explained their quick arrest. With the conclusion of the war, *Juntong* immediately entered Shanghai and arrested most of these capitalists, including "the three elders."

The struggle was not just between these two intelligence agencies. After the war ended, Chiang Kai-shek started to consciously weaken the power of special governmental organs established during the war as well as intelligence, especially *Juntong*. Threatened by the reinstatement of routine civil justice, such government, military and intelligence organs were faced with the loss of Chiang's patronage. In Shanghai, the Songjiang-Shanghai Garrison Command (*Songhu jingbei silingbu*), which took orders from *Juntong*, was in charge of arresting and suing collaborators immediately after the war. With the Garrison Command and *Juntong*'s Shanghai branch under his authority, Dai Li had assumed authority over the police force in Shanghai. In response, Chiang Kai-shek appointed Xuan Tiewu, a trustworthy friend who was always on bad terms with Dai Li, as the head of Shanghai Municipal Police, in

order to check Dai's expanding power in Shanghai. The conflicts that ensued between the Shanghai Municipal Police and *Juntong* may be illustrated in the case of Li Ze, manager of the Xinxin Company.<sup>53</sup> As Wang Chunying points out, the case of Li Ze provided a good opportunity for the Shanghai Municipal Police and Shanghai High Court to take over the cause of punishing *hanjian*, thereby undermining *Juntong*'s power in Shanghai. The victims of this power struggle included Li Ze, only one of many collaborators in wartime Shanghai, and Bi Gaokui, superintendent of the Song-Hu Garrison Command, who was in *Juntong*'s service and attempted to protect Li Ze.

Beyond the factional struggles within the political elite, the case of Li Ze also reflected class conflict in post-war Shanghai.<sup>54</sup> In contrast to Chiang's more solicitous attitude toward businessmen and industrialists, the impoverished average residents of Shanghai were hostile to those who managed to remain wealthy during the war. Newspapers, especially left-leaning ones, questioned capitalists' wartime integrity, and were inclined to address them in language that could easily provoke greater public disdain. In this climate, when workers could not obtain satisfying results from negotiations with their employers, they often took advantage of the opportunity to accuse their employers as *hanjian*. The lawsuit against Li Ze, which aroused enormous public attention in post-war Shanghai, is a case in point. *Daying yebao* reported that

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<sup>53</sup> Wang Chunying, "Zhanhou jingji hanjian shenpan: yi Xinxin gongsi Li Ze an weili," 132-146.

<sup>54</sup> Ye Wen-hsin, *Shanghai Splendor*, chapter 7.

after Li Ze was attacked by his employees and put on trial, labor unions from other companies and factories seized the opportunity presented by *hanjian* accusations to attack their employers.<sup>55</sup> Shanghai's capitalists were put in a politically radicalized and volatile atmosphere. At the same time, left-wing newspapers severely criticized the Nationalist state's inefficiency and the unfair system of punishing *hanjian*, claiming that many collaborating capitalists did not receive punishment they deserved.<sup>56</sup>

Although Li Ze participated in the puppet Commodity Control Commission, he played a relatively minor role. Due to his connection with *Juntong* (this will be clarified later), he was not identified as *hanjian* or arrested by the government. His wartime collaborationist conduct was exposed by his former employee Shu Yueqiao, who responded with great enthusiasm to Chiang Kai-shek's call for common people to expose *hanjian*. Shu was from Cixi in Zhejiang province, the hometown of Chiang Kai-shek. He received a middle-school education in Beijing and several months' training in a military academy in Northeast China. After that he joined the army, where he served as regiment commander under Liu Zhennian.<sup>57</sup> Shu came to Shanghai in

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<sup>55</sup> "Li Ze zuo jiudai hou, Xianshi gongsi quanti zhigong qunqi xiangying," [Li Ze was arrested yesterday, and employees from the Xianshi Company responded], *Daying yebao*, January 8, 1946; see also "Kangyuan zhiguanchang zhigong jianju Xiang Kangyuan," [Employees from the Kangyuan can factory exposed Xiang Kangyuan for his *hanjian* conduct], *Daying yebao*, January 10, 1946.

<sup>56</sup> See, for instance, "Li Ze bei chu tuxing sannian, Shu Yueqiao dahu taiqing," [Li Ze was sentenced to three years' imprisonment, and She Yueqiao commented that this was too light a punishment for him], *Tiebao*, June 9, 1946.

<sup>57</sup> Liu Zhennian was a Shandong-based warlord. He joined Chiang Kai-shek in 1928, and was appointed commander of the first Army Group of the National Revolutionary Army, the national army of the

1933, where he found work as an elevator operator in the Hongkou Hotel. In 1934, he was employed as a waiter in Xindu restaurant, which was affiliated to the Xinxin Company. During the occupation period, he “depended on tips to survive.” However, Li Ze, manager of Xindu restaurant, confiscated all the tips in the name of the company, leaving the waiters only their meager salaries to live on. Other employees were “angry but did not dare to say a word.” Shu articulated his dissatisfaction and asked for a share of the total amount of the tips. As a result, he was fired by Li Ze and subsequently lived in poverty.

On October 5, 1945, Shu gave a public speech at the door of Xinxin Company, revealing the collaborationist activities of Li Ze, then manager of Xinxin Company, with flyers and posters.<sup>58</sup> Shu was arrested immediately for “disturbing the public order.” In the police office, he explained that he gave his speech to welcome the government’s *chengjian* policy. He was soon set free.<sup>59</sup> In fact, before he revealed Li Ze’s “*hanjian* behavior” in public, Shu Yueqiao had written several letters to various branches of the government as well as to the third Front of the Nationalist army led by Tang Enbo. However, he did not

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Republic of China. Between 1928 and 1930, he owned an army of more than 20,000 soldiers, established a military academy in Shandong province, and purchased a large amount of weapons from abroad. During the same period, he assimilated a number of talented young people into his army, including several Communist party members. Later, with Chiang’s order of eliminating the Communists, he destroyed several underground Communist party branches and arrested many party members. See the online database of Shandong Provincial Archive:  
<http://sd.infobase.gov.cn/bin/mse.exe?seachword=&K=a&A=84&rec=2856&run=13>.

<sup>58</sup> Xia Hua, “Shu Yueqiao jun fangwen ji”[An interview with Mr. Shu Yueqiao], *Shishi xinbao*, January 7, 1946.

<sup>59</sup> SMA, Q187 (1-204), “Xingshi tebie faling: hanjian”[A collection of special criminal laws on *hanjian*].

receive a reply.<sup>60</sup> One of his letters was addressed to the Ministry of Justice, which later produced a compilation of “*hanjian* accusation” documents written by people in various places that were occupied by the Japanese during the war.<sup>61</sup> In this letter, Shu accused Li Ze as a *hanjian* based on the following charges:

1. Purchasing Japanese products. While the Shanghai people were boycotting Japanese goods in late 1936, Li Ze purchased products in Japan and transported them to China, escorted by a Japanese warship. This cargo was confiscated by Chinese customs, and the custom records could serve as evidence. Li Ze also monopolized the company’s decision-making and became extremely wealthy during the war.
2. Taking positions in puppet institutions. During the occupation period, Li served as board member of the “National Commodity Control Commission.”<sup>62</sup> In addition, Li participated into the puppet “Enemy Property Management Committee” (*Dichan guanli weiyuanhui*), which managed Allied-owned properties taken by the Japanese.<sup>63</sup>
3. Donating 200,000 *jin* of iron to the Japanese.<sup>64</sup>
4. Hiring a senior captain named Kishida Yutaka from the Japanese navy as a consultant to Xinxin Company.

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<sup>60</sup> In winter 1944, Chiang Kai-shek organized the land forces of the Nationalist army into four Fronts (*fangmian*). He Yingqin is the commander in chief of all four Fronts. See He Yingqin, *Rijunqinhua banian kangzhanishi* [A history of the War of Resistance] (Taipei: Liming wenhua shiye gongsi, 1982).

<sup>61</sup> SHA7(4) 248, *Gedi minzhong shangsu jianju hanjian goujie diren zuixing xinjian* [Letters of exposing local *hanjian* from the people of various places], 36-37.

<sup>62</sup> In this letter, Shu listed several other members of the committee, who were also renowned businessmen and Li’s close friends. They were chairmen of Xinda Bank, Xinxin Industrial Company, Yongfu Real Estate Company, Qimei Clothing Store, Fu’an Tobacco Company and Xindu Restaurant.

<sup>63</sup> According to an interview with Li Ze, *Dichan guanli weiyuanhui*, or “Enemy Property Management Committee,” was a committee in charge of purchasing at low price properties that belonged to foreigners who escaped after the war broke out. For instance, Silas Aaron Hardeen’s property on Nanjing road was purchased by the Japanese via this committee. See SMA, Y15 (1-134), *Xinxin gongsi jingli Li Ze hanjian de choushi* [The Hideous history of *hanjian* Li Ze, manager of Xinxin company] (Shanghai: Rexue chubanshe, 1946), 4. See also “Li Ze funi zhengju zai zhenchazhong” [The evidence for *hanjian* case of Li Ze is under examination], *Shishi xinbao*, January 9, 1946. The last paragraph of the article published the entrust of Hardeen’s property to Yongfu Real Estate Agency, also managed by Li Ze. This entrust carried the seal of Hardeen’s firm and the Japanese Imperial Army.

<sup>64</sup> *Jin* is a weight-measuring unit widely used in China. 200,000 *Jin* equals to 100,000 kilograms.

5. Sending representatives and gifts for the anniversary celebration of *Manchukuo*.<sup>65</sup> In addition, Li sent presents on the occasion of Zhong Fohai's wife's birthday, as well as for the intermarriage between families of Zhou and Wu Songgao, the secretary-general of the puppet Shanghai municipal government.<sup>66</sup>

Since his previous petitions denouncing Li Ze as a collaborator received no result, in this letter, Shu expressed his anger that Li Ze not only remained at large, but also masqueraded as a "contributor to the War of Resistance" (*kangzhan youkong fenzi*) after the war ended.

Shu Yueqiao decided to pursue a legal case by relying on the media, since newspapers at the time evinced considerable passion in exposing *hanjian* and supervising their trials. Left-wing newspapers were particularly interested in cases of "*jingji hanjian*," capitalists who had betrayed their country during the war. The left-wing newspaper, *The Weekly (Zhoubao)*, was the first to follow this case closely. *Zhoubao* published an open letter titled "An open letter from Xinxin employees" on October 8, 1945.<sup>67</sup> In comparison with Shu Yueqiao's accusation letter, this statement strategically employed patriotic rhetoric, especially in the opening paragraph, in order to provoke nationalist sentiment from the audience and win their sympathy:

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<sup>65</sup> The Chiang Kai-shek regime as well as the Chinese Communist regime referred to this state as *Wei Manchuguo*, "the puppet Manchukuo." In August 1945, the Soviet Union declared war on Japan, invaded Manchuria and abolished the Manchukuo government. See Shinichi Yamamuro, *Manchuria under Japanese Domination* (Philadelphia: University of Pennsylvania Press, 2005).

<sup>66</sup> Wu Songgao was a legal expert and professor in Fudan University. He was once appointed as the secretary general of Shanghai Municipal Government by Wang Jingwei. For his relations to Zhou Fohai, see Jiong Xiongbai, *Wang zhengfu de kaichang yu shouchang* [The beginning and ending of the Wang Jingwei regime] (Taipei: Li Ao chubanshe, 1988), Vol.II, chapter 75.

<sup>67</sup> "Xinxin zhigong yifeng gongkaixin"[An open letter from employees of Xinxin company], *Zhoubao*, October 8, 1945.

The great war to liberate our nation from foreign control finally ended with our victory. While millions of citizens are celebrating this moment, we also hope for a bright future for our country. With roaring joy and excitement in our hearts, we pay respects to our highest leader Generalissimo Chiang. In the last two months, newspapers and magazines are filled with words of punishing *hanjian*. A quantity of *hanjian* have been identified and put on trial, which cheered the oppressed common people. The consensus among the people, however, is to expose and eliminate traitors once and for all. It seems that the state has not been able to achieve this goal. For instance, the manager of Xinxin Company, Li Ze (a.k.a. Li Ruotao), is indeed a problematic figure. ...

The open letter detailed a number of Li Ze's problematic activities during the war as listed in Shu Yueqiao's letter. It ended with an expression of citizen resolution.

We now sacrifice material interest to expose our manager, and are determined to carry out this process. ... We have always heard that your newspaper holds a righteous and strict attitude on political and social matters, and we hope you could allow us a space in your newspaper to publish this letter. In this way the sense of justice in this society will bring about an appropriate judgment on this matter, and this will be fortunate for our nation and our people.

Such a letter by itself might be easily forgotten. Shu's earlier actions at the door of the Xinxin Company only achieved limited publicity. The case did not regain public attention until January 3, 1946, when *Times Daily* (*Shidai ribao*), *Selected News and Literature* (*Wencui*) and other newspapers published similar versions of the open letter signed by ten representatives of Xinxin's employees.<sup>68</sup> Later news reports claimed that eight hundred Xinxin employees supported this cause.<sup>69</sup>

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<sup>68</sup> "Xinxin gongsi zhigong gei gejie renshi yifengxin"[A letter to people of all social circles by employees of Xinxin Company], *Shidai ribao*, January 3, 1946; "Xinxin gongsi zhigong jianju hanjian Li Ze"[Employees of Xinxin company exposed Li Ze, the collaborator], *Wencui*, January 3, 1946.

<sup>69</sup> "Benshi da jianju an: Xinxin gongsi babai yuangong jufa zongjingli Li Ze tongdi,"[Major *hanjian* case in the city: eight hundred employees from Xinxin Company exposed the collaborationist activities of their manager, Li Ze], *Wenhuibao*, January 5, 1946.

One of ten representatives of the eight hundred, Han Wucheng, played a leading role in this case. It is not possible to determine precisely who was responsible for writing and publishing the open letter published in October 1945, since it had been sent in the name of “employees of Xinxin Company.” Three months later, Han Wucheng managed to convince eight hundred fellow employees to sign their names to the letter. Nine of these individuals volunteered to be representatives. Half a century later, Li Ze’s cousin Li Chengji, a Xinxin manager, recalled this case and provided a hint as to Han Wucheng’s agenda.<sup>70</sup>

Han Wucheng was a leading member of the Shanghai General Labor Union who had disguised himself as a salesman in the Xinxin Company.<sup>71</sup> According to Li Chengji, Han was preparing for a labor movement within Xinxin Company’s workforce, and Shu Yueqiao’s prosecution of Li Ze provided a perfect opportunity.<sup>72</sup> Records from the Communist party confirmed Li Chengji’s statement. According to Chang Kai’s *History of China’s Labor Movements*, there was a Communist party branch at Xinxin Company, and the head of it, Wan Qiting, decided to expand the campaign against Li Ze to the whole

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<sup>70</sup> Li Chengji, “Ruotao sixiong resheng guansi.”

<sup>71</sup> “Lijie dangzu chengyuan minglu,” [A list of the Communist party representatives at Shanghai General Labor Union], available at the Shanghai General Labor’s homepage: <http://www.spcsc.sh.cn/renda/node5902/node6688/node6689/node6777/userobject1ai1268524.html>. See also “Han Chengwu(1923-1982),” [Biography of Han Chengwu], available at the homepage of Shanghai Gazetteer Compilation Office: <http://www.shtong.gov.cn/node2/node2245/node4471/node56386/node56418/node56420/userobject1ai43065.html>

<sup>72</sup> Li Chengji, “Ruotao sixiong resheng guansi.”



capitalist class in Shanghai. Since the Nationalist government issued “Regulations on Punishing *Hanjian*,” these communist leaders decided that they would employ the legitimate means of accusing collaborators to eliminate a number of capitalists.<sup>73</sup>

Numerous Xinxin employees responded and supported the accusation against Li Ze because Li Ze’s wealth increased rather than shrank during the war, while most people, including Xinxin employees, were impoverished.<sup>74</sup> In any case, Xinxin employees became the first group of workers in post-war Shanghai who attempted to overthrow the capitalist order by taking advantage of the anti-*hanjian* campaign.<sup>75</sup> Xinxin employees’ accusations against Li Ze set an example for a wave of campaigns against capitalist *hanjian* conducted by industrial workers. They stepped up and exposed their employers as collaborators during the war, out of hatred toward collaboration itself, and out of dissatisfaction with the increasing gap between their living standard and that of these “traitors.”

These accusers were quite aware of the important role of the media. On January 7, Xinxin employees held a press conference, and repeated “five demands,” which they had printed on flyers and disseminated the day before.<sup>76</sup> They demanded 1) Li Ze’s immediate

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<sup>73</sup> Zou Bei and Li Zhen, ed. *Zhongguo gongren yundong shihua* [History of China’s labor movements](Beijing: Zhongguo gongren chubanshe, 1993), Vol. 5, 17.

<sup>74</sup> “Xiaoyaofawai de hanjian: Shouchi jintiao tuyan tianxiaren ermu” [*Hanjian* at large: Li Ze tries to hide his crime by bribery], *Qianxian ribao*, January 7, 1946.

<sup>75</sup> Chang Kai, ed. *Zhongguo gongyunshi cidian* [Dictionary of China’s labor movements](Beijing: Laodong renshi chubanshe, 1990), 928.

arrest, trial and sentencing, according to the “Regulations on Punishing *Hanjian*,” 2) confiscation of Li Ze’s property to support the unemployed; 3) participation in the accusation of Li Ze by any fellow citizens who were suppressed in any way by Li Ze during the occupation. The last demand encouraged people of all social circles, by affirming that this served the best interest of the nation. Han Wucheng, the organizer of these events, further asserted that these employees did not hold a personal grudge against Li and they only took such actions out of love for their nation. Xinxin employees achieved their desired result by holding the press conference--the journalists present promised to support the employees’ righteous cause. One journalist even encouraged the employees by referring to a case in which a corrupt official from Guangxi province was sentenced to life imprisonment only because the government was under constant pressure and supervision by the media.

Later on the day of the press conference (January 7, 1946), Xuan Tiewu, the head of the Shanghai police, ordered the arrest of Li Ze. During the months in which Shu Yueqiao fought for Li’s arrest and punishment, he had gained support from numerous people, and this case attracted more and more public attention. This fact, however, was not the major reason why Xuan finally decided to arrest Li Ze. Xuan acted because of the competition for power between the Shanghai police and *Juntong*, to which Li Ze was

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<sup>76</sup> “Xinxin gongsi zhiyuan jinri zhaodai jizhe”[Xinxin employees met with the press today], *Wenhuibao*, January 7, 1946.

connected.<sup>77</sup> Dai Li, head of *Juntong*, was aware of Li's collaboration with the Japanese during the war. But considering that Li had facilitated *Juntong* agents' work during the war, and that Li was an asset to the solidification of *Juntong*'s power in Shanghai, Dai Li decided to help him escape. In November 1945, while *Juntong* was in the process of arresting a number of "economic collaborators," Dai Li arranged to send Li Ze and Guo Shun, manager of Yong'an Company, to flee to the United States. Guo Shun left, but Li Ze did not. Xuan Tiewu learned this shortly after, and decided to show Dai Li that he was the one in charge of punishing-*hanjian* by arresting Li Ze.<sup>78</sup> Immediately after Li Ze's arrest, a journalist from *Dagongbao* led a "reporters group" to the police office to inquire about progress on Li Ze's case. Xuan Tiewu stated that he personally disdained actual *hanjian*, but insisted that the police had done their part by arresting Li Ze, and the rest should be left to the Shanghai High Court.<sup>79</sup>

Most newspapers at the time celebrated Li Ze's arrest as the victory of the common people against the morally corrupt wealthy parasites. When Li Ze was arrested on January 7, 1946, newspapers drew attention to the event with catchy headlines, and celebrated it by elaborating on every detail. For instance, *Daying Evening Paper* (*Daying yebao*) titled its editorial, "First Anti-*Hanjian* Battle by Common Citizens Produces Result: Xinxin

<sup>77</sup> Wang Chunying, "Zhanhou jingji hanjian shenpan: yi Xinxin gongsi Li Ze an weili," 132-146.

<sup>78</sup> Wenshi ziliao wenyuanhui, ed. *Wenshi ziliao xuanji* [Selections of literary and historical materials] (Beijing: Zhongguo wenshi chubanshe, 1996), Vol. 129, 144. *Daying yebao*, among other newspapers, released the news of Guo Shun's escape in winter 1945. *Daying yebao*, January 8, 1946.

<sup>79</sup> *Xinxin gongsi jingli Li Ze hanjian de choushi*, 10.

Company's Manager Li Ze Arrested.”<sup>80</sup> In an article titled “Exclusive Details Of Li Ze's Arrest Scene,” the *Iron Gazetteer (Tiebao)* revealed that when the police arrived in his office, Li Ze's face turned pale, yet he still demanded to be taken to the police office in his own car. The police declined.<sup>81</sup>

Left-wing newspapers focused on the efforts of Li Ze, his family and his friends to extricate him from the lawsuit and scandals. Days before he was arrested, Li Ze held a banquet for about twenty “distinguished guests” in the Xin Yong'an Club at a total expense of 90,000 *fabi*.<sup>82</sup> Not only Li's family, but also the managers of the three other major Shanghai department stores feted government and military officials on Li's behalf.<sup>83</sup> After Li Ze was arrested, Li Shanchu, a loyal subordinate of Li Ze, reputedly attempted to doctor the Xinxin Company accounts. Li Ze's daughter and one of his relatives, Liu Zuqiang, were reported to have hosted “two important officials” in room 705 of Xindu restaurant.<sup>84</sup> The reporter urged the government to pay close attention to these incidents and hold an open trial for Li Ze as soon as possible. *Tiebao* also revealed that

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<sup>80</sup> *Daying yebao*, January 8, 1946.

<sup>81</sup> Sinong, “Xinxin gongsi jingli Li Ze beibu miwen” [Exclusive particulars on the scene of arresting Li Ze], *Tiebao*, January 8, 1945.

<sup>82</sup> “Li ni Ze jinchen shoushen: sanrilai Li qinshu xiyan xiangui,” [The vicious Li Ze was interrogated this morning: His family has been buying dinner for important guests for three days], *Qianxian ribao*, January 10, 1946. This news article even provided the menu number (4793) of the dinner Li paid for.

<sup>83</sup> According to *Qianxian Ribao*, managers of the four companies (Xianshi, Yong'an, Xinxin and Daxin) were treating guests for dinner at the Sojourning Guangdong Merchants' Club on the tenth floor of Xin Yong'an Plaza, *Ibid*.

<sup>84</sup> *Qianxian ribao*, January 9, 1946.

immediately after publishing the earliest open letter accusing Li Ze in October 1945, the editors of *Zhoubao* received a warning. They ignored the warning since “it was well-known that Li Ze took a position in *Shangtonghui*,” in other words, the facts of the accusation were already established.<sup>85</sup> While the case gained publicity, Shu Yueqiao reported that several times “strange visitors” came to his house, alternately threatening him to give up the lawsuit, or attempting to buy him over.<sup>86</sup> According to *Warfront Daily* (*Qianxian ribao*), Li Ze was spotted buying up all of the issues of *Times Daily* that published the accusation letter at 300 *fabi* per copy, whereas the normal price was 10 *fabi*. The news reporter thus commented that “a major *hanjian* is also a major *jianshang* (treacherous merchant),” since he thought that he could use money to escape the law and public denunciation.<sup>87</sup>

Despite all these efforts, Li Ze was nonetheless put on trial on January 10, 1946. The day before, the price of Xinxin Company’s stock reportedly rocketed, because the board members of Xinxin Company were competing for the manager’s position by purchasing shares.<sup>88</sup> Meanwhile, in order to save the company’s reputation, the board of Xinxin Company announced that the case had resulted from an industrial dispute. Xinxin employees refuted this explanation, pointing out that the company only published this

<sup>85</sup> Sinong, “Xinxin gongsi jingli Li Ze beibu miwen,” *Tiebao*, January 8, 1945.

<sup>86</sup> *Xinxin gongsi jingli Li Ze hanjian de choushi*, 10.

<sup>87</sup> “Xiaoyaofawai de hanjian: Shouchi jintiao tuyan tianxiaren ermu.”

<sup>88</sup> *Daying yebao*, January 9, 1946.

announcement because the political integrity of other members of the management was also questionable. The representatives Li Ze sent to the Manchukuo celebration were Fang Xuehu (head of the interior design department of Xinxin Company), Liang Gongchen (head of clothing department) and Chen Bosong (head of carpet department). Each brought merchandise from their own departments for the event. Furthermore, as Warfront Daily reported, several members of the board, such as Xie Xiaochu, Zhou Bangjun, He Quansheng, and Shen Changgeng, were “notorious major *hanjian*. ... No wonder they defended Li Ze.”<sup>89</sup>

For this trial, both parties in the case sought help from Shanghai’s renowned legal experts. The famous lawyer and active organizer of various patriotic activities during the war, Sha Qianli, was hired as the legal consultant for the accusers. Li Ze and his family first sought help from influential and well-respected political figures, including Wu Tiecheng and Zhang Naiqi. Wu Tiecheng was one of the founders of the Nationalist party, then secretary general of the party’s central committee. Zhang Naiqi was a core member of China Democratic League (*Zhongguo minzhu zhengtuan tongmeng*) and a former board member of the Xinxin Company. Both Wu and Zhang suggested that there were “political complications” behind the case, and stated they could not offer any help. Their

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<sup>89</sup> *Qianxian ribao*, January 9, 1946. According to another news article, Zhou Bangjun was the Chairmen of the “Anti-Britain-America Association” (*fan ying mei xiehui*); Xie Xiaochu and Shen Changgeng were members of the puppet “Chinese Merchants’ Stock Exchange (*wei huashang zhengquan jiaoyisuo*); He Quansheng was a member of the puppet “Oil Trade Control Committee” (*wei youye tongzhi weiyuanhui*); Jiang Kanghu was the head of the “Examination Yuan” (*kaoshi yuan*) of the Wang Jingwei government. *Xinxin gongsi jingli Li Ze hanjian de choushi*, 33.

recommendation was to follow legal procedures and obtain a group of experienced defense lawyers.<sup>90</sup> Therefore, Li Ze hired three well-known and well-connected defense lawyers: Zhang Shizhao, Chen Tingrui, and Guo Rui (Chen Tingrui was also the defense lawyer of Yuan Lüding). While asked why he was willing to defend someone who was accused as a “hanjian,” Chen admitted that he took the case because he had been the legal consultant for Xinxin Company for many years.<sup>91</sup>

The first two trials produced no result, since the proceedings did not resolve several controversies in this case. Among the crimes listed by Shu Yueqiao and Xinxin employees, only one seemed beyond doubt: Li Ze had taken a position in the National Commerce Control Commission. Li’s party argued that this was a strategic action to protect the company as well as Li himself, and that the media and Shanghai residents in general possessed a certain understanding of the circumstances for such a decision. Court discussion mostly focused on whether Li Ze had sent representatives to Manchukuo, and whether he provided a large amount of iron to the Japanese military. Li Ze’s witnesses and evidence suggested that the iron was sold to Senda Iron Factory, not given to the Japanese.<sup>92</sup> Furthermore, at the same time, Li Ze’s faction for the first time mentioned that he worked for *Juntong* during the war, but failed to present any evidence.

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<sup>90</sup> Li Chengji, “Ruotao sixiong reshang guansi.”

<sup>91</sup> *Daying yebao*, January 10, 1946.

<sup>92</sup> “Hanjian Li Ze panxing sannian,” [Li Ze, the traitor, was sentenced to three years’ imprisonment], June 9, 1946. This article contained information on the court debate regarding the matter of the iron supposedly sold to the Japanese.

Shu Yueqiao's motivation for accusing Li Ze became the subject of one of the court debates. Shu admitted that he decided to expose Li's misdeeds partly because he was unemployed, and Li, as a *hanjian*, was becoming wealthier and more powerful. On the other hand, Mu Yunbo, Li Ze's witness, stated that Shu Yueqiao was taking revenge on Li Ze after failing in efforts to blackmail him. The court concluded that Shu's motivation was irrelevant to the question of whether or not Li Ze committed *hanjian* crimes.<sup>93</sup> But this did not stop newspapers from publishing more inside stories. A reporter from *Xinbao* visited Li Ze's house after hearing of this statement. Li Ze's oldest daughter, Li Yuxian, who was a 16-year-old middle school student, claimed that her father had been wronged. She suggested that his employees bore a grudge against him because Li had prohibited them from performing a play and refused to increase their salaries. According to Li's daughter, the play celebrated China's war victory, and Li Ze had been ordered (by the state) to control spontaneous employee performances. The employees, however, had interpreted the prohibition as Li's personal suppression of their rights. She also repeated the assertion that Li Ze was an undercover agent for *Juntong*, again with no evidence.<sup>94</sup>

The news report also focused on the ethics of the judicial personnel involved in the Li Ze case. One editorial commented that "Li Ze had too many gold bars at home, and tried

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<sup>93</sup> "Li Ze an yuding bari xuanpan,"[The court will reach a decision on the case of Li Ze on the 8<sup>th</sup>], *Shenbao*, June 4, 1946.

<sup>94</sup> *Shenbao*, January 9, 1946. In this report, Li's wife, as described by the reporter, appeared to be an uneducated housewife, who left responsibility of defending her husband to her daughter.



to buy his innocence by stuffing gold bars into officials' pockets. ... As a result, since the beginning of this case, there have been more than a hundred people who are likely to be incriminated for corruption."<sup>95</sup> The editor even compared this case to the case of Yang Naiwu and Xiao Baicai, a late Qing case that was well known for the large number of officials incriminated for miscarriage of justice.<sup>96</sup> Some officials involved were indeed removed from their offices, not because of any integrity concerns of the Nationalist government, but primarily because they were on the side of *Juntong*. There was good reason to believe that Chiang Kai-shek decided to use Li Ze's case to weaken *Juntong*'s power in Shanghai.<sup>97</sup> For instance, Bi Gaokui, superintendent of the Song-Hu Garrison Command that was under the control of *Juntong*, was dismissed from his post for "an error in an old case," as claimed by Song-Hu Garrison officials.<sup>98</sup> Before his dismissal, Bi was responsible for interrogating Li Ze, and he apparently had distorted the interrogation to minimize Li's crime. He was dismissed soon after Chiang Kai-shek replied to Shu Yueqiao's letter, in which Chiang promised to order the judicial organs to investigate in Li

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<sup>95</sup> "Xinxin gongsi jingli Li Ze hanjian de choushi," 19.

<sup>96</sup> "Xinxin gongsi jingli Li Ze hanjian de choushi," 19. For the case of "Yang Naiwu and Xiao Baicai," see William Alford, "Of Arsenic and Old Laws: Looking Anew at Criminal Justice in Late Imperial China," *California Law Review* 6 (1984), 1180-1256.

<sup>97</sup> "Bi Gaokui yajie Nanjing, Li Ze jiang gongkai shenxun," [Bi Gaokui was sent to Nanjing for trial, and Li Ze will be put on trial], *Wenhuibao*, January 24, 1946.

<sup>98</sup> "Jushuo shi jiu'an, Bi Gaokui chezhi," [Bi Gaokui was dismissed for failing an old case, as the Song-Hu Garrison asserted], *Wenhuibao*, January 16, 1946.

Ze's case.<sup>99</sup>

The accusers, presumably with the support of the communist party branch, propagandized their cause by means of popular pamphlets to prepare for the third trial of Li Ze in April 1946. The intriguingly-titled “Hot-blooded Press” (*Rexue chubanshe*) published a pamphlet titled “The Hideous History of *Hanjian* Li Ze, Manager of Xinxin Company,” which was apparently modeled after the popular literary series titled *Hanjian Choushi*, “Hideous History of *Hanjian*,” published by the left-leaning Datong Press.<sup>100</sup> This pamphlet was a collection of news articles on the case of Li Ze since the first open letter was published. On the first page, readers could see the photos of Shu Yueqiao, as well as the ten representatives of Xinxin employees who denounced Li Ze as a *hanjian*. Such a collection clearly increased public recognition of anti-*hanjian* activists.

At the same time, Shu Yueqiao kept utilizing the media as a way to promote support to his cause. The semiweekly, *News (Xiaoxi)*, featured an exclusive interview with Shu Yueqiao, in which Shu was praised as “the first person in Shanghai who heroically exposed a major traitor.”<sup>101</sup> According to the interview, Shu had been unemployed since

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<sup>99</sup> “Bi Gaokui chezhi, Shu Yueqiao huo Jiang zhuxi fuhan,” [Bi Gaokui was dismissed from office, and Shu Yueqiao received reply from Generalissimo Chiang], *Dagongbao*, January 15, 1946.

<sup>100</sup> SMA, Y 15(1-134), *Xinxin gongsi jingli Li Ze hanjian de choushi*. One can hardly decide who sponsored the printing and circulation of the pamphlet. It was not necessarily organized by the Communist party. The news reported collected in this pamphlet were from newspapers of diverse political positions, and most of them were not critical of the Nationalist government. In addition, the focus of the pamphlet was on the case of Li Ze itself, not on “the capitalist class” as a whole.

<sup>101</sup> Gen Qing, “Li Ze an xiawen ruhe?” [What's next on Li Ze's case?], *Xinxin gongsi jingli Li Ze hanjian de choushi*.

Li Ze fired him in early 1945. He lived in poverty with his wife and daughter. This account asserted that Shu rejected Li Ze's money when Li Ze attempted several times to buy his silence. Shu refused all distractions to focus on the case, fearing that if he let up his pressure, the lawsuit against Li Ze would be set aside, or be subject to manipulation by Li's defense lawyers.

Shu also compared the trial of Li Ze to ongoing trials of war criminals and collaborators in other nations. He thus implicitly criticized the incompetence and corruption of the Nationalist government. In an article published in *Xiaoxi*, Shu related an anecdote from an unspecified source concerning how the Italian people executed Mussolini. Shu recalled that, "when Italian people executed Mussolini, they commented that for those who committed the most heinous crime, trials are unnecessary. Such figures should be executed immediately, since everyone has witnessed their crime."<sup>102</sup> As a contrast, in China, "a major *hanjian* like Li Ze was put on trial several times (as if the court was not sure of the crimes he committed)." This type of criticism backfired on the Chiang Kai-shek government's effort to globalize its trials of *hanjian*.<sup>103</sup> Shu also expressed concern about the long trial because it would provide time for Li's defense lawyers to produce false evidence.

In the event, the lawyers did bring new evidence, of questionable authenticity, and

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<sup>102</sup> Shu Yueqiao, "Sishen Li Ze yougan" [Some words on Li Ze's fourth trial], *Xiaoxi* 7, April 30, 1946.

<sup>103</sup> Zanasi, "Globalizing *hanjian*."

the court agreed to admit evidence after the originally established deadline of February 18, 1945. Since Li's lawyers failed to provide any physical evidence to prove Li's relation to *Juntong* before the deadline, on Feb 25, 1946, the court ordered from *Juntong* a detailed report on how Li Ze facilitated *Juntong*'s wartime activities.<sup>104</sup> In April, Chen Tingrui flew to Chongqing and brought back a letter from *Juntong* that was addressed to the Shanghai municipal court. Shu Yueqiao attempted to question the credibility of this evidence, but he was stopped by the judge. Shu later expressed in an interview that he believed Chen and Li forged this evidence using their connections to important Guomindang personnel. He argued that the evidence was inadmissible since it was presented after the original deadline set up by the court. Other than *Juntong*'s slow response, he also raised doubts on why Chen Tingrui had to make a trip to Chongqing to procure a letter sent in the name of *Juntong*'s Shanghai branch.

The letter in question documented Li Ze's contributions to *Juntong*'s work during the war. According to this letter, Li Ze had contributed a great amount of money and effort to the Nationalist government's resistance war. During the war, with Li Ze's permission, Huang Ruitang, *Juntong*'s correspondent in Shanghai, assumed the identity of Xinxin Company secretary. In this disguise, Huang followed the work of other agents, including Chen Hao, the head of *Juntong*'s Shanghai branch. Li helped these agents in various ways

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<sup>104</sup> SMA, Q118 (12-31-27), "Juntong de zhengmingxin" [A letter from *Juntong* regarding the case of Li Ze], April 4, 1946.

in Shanghai. When Huang Ruitang was arrested by Wang Jingwei's secret police on March 8, 1942 and tortured, Li Ze rescued him, eventually bailing him out in the name of the Xinxin Company.

In this letter, *Juntong* also confirmed Li's material support to the War of Resistance. In spring 1945, *Juntong* agent Chen Hao requested donations from Shanghai's "patriotic capitalists" to prepare for the landing of the Allied army and the return of Chiang's army. Chen Hao collected supplies and ammunition worth 300,000 *chongchiquan*, a third of which was from Li Ze. In addition, Li served on the "maintenance committee" responsible for managing these goods. Furthermore, Li was said to have contributed a total of seventy-seven million to a resistance force, "Pudong branch of the Loyal and Patriotic Army" (*Pudongqu zhongyi jiuguojun*).<sup>105</sup> For a while, this army was in dire need of funds and provisions. Li Ze, together with Guo Shun, manager of the Yong'an Company, provided continuous financial support to the army until its financial situation improved three months later.

The letter particularly emphasized Li Ze's contribution to preserving Chinese industries during the war. In spring 1945, the Japanese planned to relocate Shanghai's main factories to occupied North China. In order to maintain Shanghai's position as China's industrial center, Chen Hao urged Li Ze, Guo Shun and Rong Zongjing to meet

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<sup>105</sup> *Zhongyi jiuguo jun* was organized by *Juntong*'s Military Affairs Department and claimed its allegiance to Dai Li. It was active in occupied areas and coordinated with the Nationalist army's military campaigns. See Wakeman, *Spymaster*, 249, 289, and 372.

with other prominent capitalists in Shanghai. They reached the following points of agreement:

1. Refuse to relocate the factories at all costs;
2. Solidify the construction of these factories, in case of enemy attempts to destroy them;
3. Dismantle and store important machinery from each factory;
4. House and protect skilled workers and mechanics;
5. Organize workers for self-defense for cooperation with the return of the Nationalist army.

In addition to this letter, Huang Ruitang himself wrote a letter asserting similar facts to demonstrate Li Ze's patriotism.<sup>106</sup> Huang additionally elaborated on how Li Ze decided to accept the position in the Commodity Control Commission, Li Ze's undeniable crime. When the Wang Jingwei government invited Li Ze to be a board member of the commission, Li could not decide what to do and he discussed this matter with Huang Ruitang. For the sake of Li's personal safety and the convenience of the future underground work of *Juntong*, Huang suggested that Li should take the position. He also guaranteed to Li Ze that he would explain Li's dilemma to the government, providing that Li would not do any work to actually benefit the commission. In winter 1943, Chen Hao was appointed the head of *Juntong*'s Shanghai branch, and upon his arrival, Huang introduced Li Ze and explained his situation. Chen confirmed the decision made by Huang and Li, and expressed his sympathy for Li.

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<sup>106</sup> SMA, Q118 (12-31-24), "Huang Ruitang de Zhengming xin,"[The letter of proof from Huang Ruitang], April 1946.

Since Li Ze was connected to *Juntong* and Dai Li decided to protect him, one can hardly tell whether Li Ze actually acted as stated. *Juntong* used numerous double agents and underground agents during the war.<sup>107</sup> As one of the few branches that had the power to attest to the undercover identities of agents, *Juntong* produced a number of letters after the war that aimed to change the judicial decisions on *hanjian* cases.<sup>108</sup> On the other hand, various *Juntong* agents switched sides after being arrested by Wang Jingwei's agents or the Japanese, and became real *hanjian*.<sup>109</sup> As the number of *Juntong*'s so-called "proof letters" increased, newspapers and common people alike grew increasingly suspicious of the actual intentions and activities of "undercover agents," as well as collaborators who were said to have facilitated *Juntong*'s underground work. *Zhoubao* commented that many *hanjian*, *jingji hanjian* in particular, were quite calculating. While collaborating with the Japanese, they would do some work for Chiang's secret agents as a form of political speculation (*zhengzhi touji*) in case Chiang's regime won the war.<sup>110</sup> Because of such suspicions, the letter from *Juntong* failed to convince the media or the court that Li had been faithful to the nation.

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<sup>107</sup> Wakeman, *Spymaster*, 244.

<sup>108</sup> For instance, see SHA 7(4-229), "Xiang Shanghai gaodeng fayuan fachu xunling zhengming Li Zufan deng Juntong gongzuo renyuan, bingfei hanjian" [*Juntong*'s order to Shanghai Superior Court regarding several *Juntong* agents who were accused of being *hanjian*], November 11, 1948.

<sup>109</sup> SMA, Q187 (2-779), "Shi Xixia, Wu Mingfang an," [The cases of former *Juntong* agent Shi Xixia and *hanjian* Wu Mingfang].

<sup>110</sup> Ping Xin, "Chengjian xinlun," [Some novel opinions on punishing *hanjian*], *Zhoubao*, October 15, 1945.

On June 9, 1946, the court sentenced Li Ze to three years' imprisonment and confiscation of his property. This punishment was lighter than the media and observers had expected. Numerous newspapers reported this news with headlines such as "Li Ze Sentenced to Three Years Only."<sup>111</sup> One reason for such a response was that the court convicted two other *hanjian*, Sun Yunzhang and Lao Yinyu, on the same day. They were both considered "*xiao hanjian*," or "minor collaborators," yet Sun was sentenced to seven years' imprisonment, and Lao was sentenced to ten years' imprisonment.<sup>112</sup>

This was not the first time that the media complained about unequal treatment of collaborators. According to the statistics of the *Dagongbao*, thirty-four collaborators were convicted by the Supreme Court in February and March 1946. The newspaper noted that most were "minor *hanjian*" whose crimes were not extremely harmful to the nation. Their actions had been financially motivated.<sup>113</sup> For instance, Xu Xing, a sentinel working for the puppet government in Shenzhuang, Shanghai, was sentenced to eight years' imprisonment for exacting from passersby 25,000 *zhongchuan* (money issued by the Wang Jingwei government's central bank) in total. The author suggested that only minor

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<sup>111</sup> "Li Ze an zuo xuanpa: jinchu tuxing sannian,"[The court reached a decision on Li Ze: only three years' imprisonment], *Shidai ribao*, June 9, 1946; "Li Ze zuo panxing sannian: yuan jianju ren renwei pande taiqing,"[Li Ze was sentenced to three years' imprisonment, and the accusers think the decision was too generous], *wenhuibao*, June 9, 1946; "Li Ze tongdi panxing zhi sannian,"[Li Ze was only sentenced to three years' imprisonment for collaboration], *Qiaoshengbao*, June 9, 1946.

<sup>112</sup> "Li Ze an zuo xuanpa: jinchu tuxing sannian," *Shidai ribao*, June 9, 1946.

<sup>113</sup> Di Han, "Jujian qijie sheng zhong tan chengjian zhenxiang,"[A discussion of the practice of punishing *hanjian*], *Xiaoxi* 6, April 1946. Di Han quoted the statistics from *Dagongbao* in this article.



*hanjian* who had no connections to the Nationalist government were caught and convicted.

The court probably rendered its decision under pressure from both sides. *Juntong* tried to protect Li Ze first by ordering Bi Gaokui to take charge of the interrogation, and then offering the “proof letter.” Bi was already dismissed from the office, and the court could not completely overlook *Juntong*’s written attestation. On the other hand, Li Ze’s case had gained enormous attention, and every trial was undertaken under the scrutiny of the media. In addition, there was solid evidence for Li Ze’s “collaborationist conduct.” Thus the court had to apply “Regulations on Punishing *Hanjian*” to this case. However, the conflicts between the two parties were irreconcilable. The court decision failed to please either party. Both Li Ze and his accusers appealed to the Supreme Court. Li Ze and his family also turned for support to prominent social groups who shared the same background during the wartime, hoping that their sympathy could produce some favorable social effect for Li Ze. Li’s wife wrote a letter to the Shanghai Guangzhou Sojourners’ Association, asking for their intervention in regard to the “unjust treatment” her husband had received.<sup>114</sup>

The letter was quite long and emotionally charged. Li’s wife admitted that Li Ze

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<sup>114</sup> SMA, Q117 (2-89), “Li Chenshi zhi Guangzhou lühu tongxianghui he Guang-Zhao Gongsuo xinhan,” [A letter to Shanghai Guangzhou Sojourners’ Association and Guang-Zhao Gongsuo from Mrs. Li Ze], August 28, 1946. For a history and activities of *Guangzhou lühu tongxianghui* and *Guang-Zhao Gongsuo*, see Bryna Goodman, *Native Place, City and Nation: Regional Networks and Identities in Shanghai, 1853-1937* (Berkeley: University of California Press, 1995). For the rise of Guangdong *bang*, 54-62; for native-place associations’ general activities on the eve of the fall of Shanghai, 287-291.

had participated in the Commodity Control Commission, and tried to rationalize his decision by explaining the circumstances and referring to other influential individuals.

Unlike other “economic collaborators,” she claimed that her husband did not take the position for wealth or status, and that “his heart has always been with the Han people and their destiny.”<sup>115</sup> In addition, she indirectly challenged the authority of the Nationalist government by pointing out that it had been unable to protect its citizens and that its punishment of certain collaborators lacked legality:

“... if my husband’s company was in the free region, he would not have been appointed to such a position. Had he not been the manager of such a famous company, he could have avoided such adversity. ... My husband did nothing more than play along with the enemy to preserve the company and provide convenient support to the resistance. Yet now he has been found guilty of collaboration. How can this happen in a nation that claims to be ruled by law?”

Because of the efforts of Li Ze and his family, about eighty individuals from Shanghai’s business circles, including, but not confined to, members of Guangdong native-place

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<sup>115</sup> She used the phrase “*xincun hanshi*” in the letter. “*Hanshi*” originally means the Han dynasty (206 BCE-220). For instance, Zhuge Liang, the Prime Minister of Shu Kingdom which claimed to be the legitimate successor of Han dynasty, called for the King of Shu to devote himself to restore the “*hanshi*.” See Zhuge Liang, “Chushibiao” [A Letter to the King of Shu before the military campaign], in Wu Chucai, ed. *Guwen guanzhi* [A collection of best essays in Chinese history] (Beijing: Zhonghua shuju, 2001), Vol.6, Chapter 15. “*Xincun hanshi*” is an idiom based on a story from *Sanguo yanyi*, “The Romance of Three Kingdoms.” Guan Yu, a loyal general to the first king of Shu, Liu Bei, was once captured by Cao Cao. In this historical novel, Cao was deemed as “*hanzei*,” the thief who stole the Han from its loyal guardians. Before Guan Yu was captured, he and Liu Bei were separated in a battle and lost touch with each other. Since Cao was the nominal prime minister of Han and had the emperor under his control, Guan Yu decided to serve under Cao temporarily, and looked for Liu Bei at the same time. After finding out Liu’s whereabouts, Guan Yu immediately left Cao’s army. This story was a popular topic of Chinese theatres and folk arts, and people described it as “*shen zai caoying xin zai han*,” or “physically in Cao’s military camps, but having his heart with the Han dynasty.” See Luo Guanzhong, *Sanguo yanyi* [Romance of Three Kingdoms] (Beijing: Renmin wenxue chubanshe, 1998), Chapter 25. Li Ze’s wife used this phrase to indicate that her husband was loyal to the nation at his heart.

associations, cosigned a letter to the Nationalist government.<sup>116</sup> However, one newspaper report suggested that most signatories signed only to give Li Ze “face.”<sup>117</sup>

Neither party won the second battle. The Supreme Court ruled that the original sentence should be upheld. Li was imprisoned for three years in Shanghai Tilanqiao prison, and media attention now concentrated on his prison life. Newspapers reported that Li did not suffer in prison, since “family members of *hanjian*” (*jianshu*) sent food, comfortable clothing and other daily necessities to Li Ze and other prisoners of his type at Tianlanqiao prison” on every Tuesday and Friday.<sup>118</sup> The *United Daily News* (*Lianhebao*) also revealed with a ridiculing tone that from the time that Li Ze was arrested on January 7, 1946, Xinxin Company considered him on leave, and continued to provide his full salary.<sup>119</sup>

In addition to factional struggles within the Nationalist government as well as competition between GMD and CCP, Li Ze’s case also illustrates the socially destructive effects the verdict of a crime of collaboration brought to individuals. Li Ze

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<sup>116</sup> SMA, Q118(12—31—23), “Shanghai gongshangjie guanyu Li Ze bei zhikong wei hanjian shi zhi guominzhengfu jiang zhuxi de kuaiyou,”[An express mail to Generalissimo Chiang regarding the lawsuit of Li Ze from Shanghai’s industrialists].

<sup>117</sup> “Mingliu wei Li Ze huanxia,”[Important people petitioned on behalf of Li Ze], *Wenhuibao*, August 10, 1946.

<sup>118</sup> “Tilanqiao jianyu menqian, yiqun song jianfan de jianshu,”[At the gate of Tilanqiao prison: a group of *hanjian*’s family members bringing exquisite food for them], *Qiaoshengbao*, July 10, 1946. The choice of the word *Jianshu* is very interesting. As the newspaper explained, it was an abbreviation for *hanjian jianshu*, or “family members of *hanjian*.” An alternative and probably more easily rendered meaning of *Jianshu*, however, is “people of the traitorous type.”

<sup>119</sup> “Li Ze ruyi yilai, xinshui zhaozhi, caichan rugu,”[After the vicious Li Ze went to prison, his salary and property remained the same], *Lianhebao*, July 18, 1946.

lost his reputation and power in business circles. According to Li Chengji, Li was replaced as the company president by Xiao Zongjun. After his release Li himself went to Hong Kong to invest in another business.<sup>120</sup>

The negative influence of Li Ze's prosecution extended to Shanghai's business world and political landscape.<sup>121</sup> Following the Xinxin employees' example, numerous Shanghai workers stepped up and exposed their employers as collaborators during the war. For instance, workers from Kangyuan Can-producing Factory accused the manager, Xiang Kangyuan, as a *hanjian*, for Xiang was a member of the puppet "Shanghai Municipal Consulting Committee."<sup>122</sup> As the case of Li Ze demonstrates, *Juntong* attempted to protect its contacts and allies in Shanghai, but in the process of post-war trials, *Juntong* was gradually losing power to the routine civil justice apparatus.

### *Conclusion*

Between two major battles in Shanghai and the period of occupation, many

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<sup>120</sup> Li Chengji, "Ruotao sixiong reshang guansi."

<sup>121</sup> Individuals at the time already realized the consequences of Li Ze's case on Shanghai's business circles. See SMA, Q1 (7-115), Wang Xinheng, *Liu Fangxiong cheng shizhang, fushizhang baogaoshu* [A Report to the Mayor and Deputy Mayor from Wang Xinheng and Liu Fangxiong], January 13, 1946.

<sup>122</sup> Kangyuan Zhiguanchang zhigong jianju Xiang Kangyuan,"[Employees from Kangyuan Can-producing Factory exposed Xiang Kangyuan's war-time collaboration], *Daying yebao*, January 10, 1946.

capitalists in Shanghai suffered from great financial losses. They only had two choices. They could collaborate at the price of losing their reputation and betraying their nationalist conscience, or they could resist with the risk of losing their wealth, social status and their career. Many industrialists who were accused of being “economic traitors” after the war were major organizers and sponsors of war relief and social work before the Japanese occupation. Most industrialists accused of collaboration after the war had been forced by the Japanese and Wang Jingwei’s followers to participate in puppet economic establishments. In some cases, they made their decisions with the permission of the Chongqing government (as its economic spies). These industrialists claimed loyalty to and did work for both sides, a means of survival that also enabled them to avoid feeling that they had betrayed their nation. Furthermore, as major players in Shanghai’s financial and industrial circles, they tried to do what they could to preserve the economic stability of the city and the interests of local capitalists. As Bernard Wasserstein commented, these capitalists were often not “conscious collaborators.”<sup>123</sup>

With the return of the Nationalist government as well as numerous industries and businessmen from inland regions, Shanghai’s capitalists faced economic competition and vigorous campaigns against them. The Nationalist government aimed to purge a portion of these collaborationist capitalists in order to consolidate the economic basis of its rule

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<sup>123</sup> Bernard Wasserstein, “Ambiguities of occupation: Foreign resisters and collaborators in wartime Shanghai,” in Wen-hsin Yeh, ed. *Wartime Shanghai* (London and New York: Routledge, 1998), 24-41.

and to ease its budgetary straits. Different government branches and intelligence offices struggled for the power of punishing “economic collaborators” for economic gains, and more importantly, in order to expand their power in Shanghai, China’s economic and financial center. The Communist movement also started to revive in Shanghai, where the economic conditions became increasingly difficult and the gap between impoverished residents and the capitalist class as well as the corrupt Nationalist government grew ever larger. The campaign targeting “economic collaborators” was central to these social dynamics, and it reflected conflicts and compromises in post-war China. The failure of the Nationalist government to use effective legal procedures in the cases of “economic collaborators” and to address the common people’s grievances drove it into a deeper political and economic plight.

## CHAPTER V

### “CULTURAL COLLABOATORS” AND “TRAITOROUS MONKS”

This chapter examines cases of individuals from the religious and cultural circles who were labeled as “traitorous monks” and “cultural collaborators.” Neither, as a group, was the primary target of the state-directed anti-*hanjian* campaigns. By launching anti-*hanjian* campaigns, the Nationalist government was primarily aiming at “political collaborators,” those who headed or took high positions in puppet regimes. These individuals not only facilitated the expansion and entrenchment of Japanese imperialism in China, but also brought real threat to the Chiang Kai-shek government, which was only in control of a limited part of China during the war. Therefore, as Chapter II has shown, the Nationalist state prosecuted and rendered severe sentences to leading collaborators, those who organized puppet regimes, immediately after the war. Major “economic collaborators” constituted another important group in the state’s anti-*hanjian* cause, since Chiang Kai-shek’s government needed to materialize its control over the nation’s industrial and financial elites and consolidate its economic basis. For other types of accused collaborators, the main forces behind their prosecution and punishment were public opinion, social attention, and the agendas of related political and social groups,

and interpersonal relations, rather than the Nationalist state.

*Hanjian* are an understudied group in general, especially in terms of the punishments and the social destruction to which they were subjected. Among those prosecuted as *hanjian*, however, the cases of “cultural collaborators” and “religious collaborators” have been generally ignored, or treated with less scholarly interest. Poshek Fu, in his study on intellectuals in occupied Shanghai, reveals their limited choices under the Japanese occupation.<sup>1</sup> He convincingly points out that on the eve of Japanese occupation, intellectuals managed to gain new freedom and greater agency. Chiang Kai-shek’s regime, faced with the immediacy of war, relied on intellectuals to mobilize the nationalism of the common people. However, even at this time, the state was constantly suspicious of intellectual radicalism and only assigned intellectuals “marginal work.” Fu provides little information on the situation of intellectuals in the postwar period and their relations with the Nationalist state. Kōichi Masui’s study on post-war trials of *hanjian* includes a section on “cultural collaborators,” especially the infamous ones, such as Zhou Zuoren.<sup>2</sup> Masui’s focus, however, was mainly on their trials and sentences. He pays little attention to other sources of agency in such campaigns.

This chapter first introduces the poorly defined group of “cultural collaborators” (*wenhua hanjian*), which included individuals from a variety of political and social

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<sup>1</sup> Poshek Fu, *Passivity, Resistance, and Collaboration*.

<sup>2</sup> Masui, *Kankan saiban shi*, 153-163.



background, whose wartime conduct varied dramatically. In post-war campaigns against *hanjian*, newspapers, popular anti-*hanjian* literature, and proposals of cultural associations demonstrated a stronger determination than the state in the revelation and prosecution of “cultural collaborators.” In general, the government held a less harsh attitude toward “cultural collaborators” in comparison to its treatment of political and economic collaborators. As shown by cases of prosecuted “cultural collaborators,” the Nationalist government’s major targets in this group were individuals who served principal positions in puppet propaganda machines. Accused “cultural collaborators” of other sub-groups could escape prosecution with sufficient evidence and good connections.

“Cultural collaborators” were either prosecuted by the state or identified by various social bodies. In comparison to “cultural collaborators,” the number of “traitorous monks” was minimal, since the accused of this category were mainly identified by common participants of the anti-*hanjian* campaigns. “Traitorous monks” were not major targets of the state, nor did the public opinion urge their punishment. Their prosecution was pushed by individual accusers. From the “cultural collaborators” to “traitorous monks,” the post-war period saw an increase in popular agency that added new features to the anti-*hanjian* campaigns, and shaped its development.

*The “Cultural Collaborators”*

The state never clearly defined the term “cultural collaborators,” nor did it invent it; rather, it adopted the term from popular discourse and used it in legal documents. If one looks into the “Regulations on Handling *Hanjian* Cases,” an analysis of the terms will help engender a definition that fitted into the state’s consideration of what constituted a “cultural collaborator.” The “Regulations” prescribed that individuals who served as principals in a post-secondary school, worked as editors, directors or managers in any press, newspaper or magazine, worked for movie studios, radio stations or other media or cultural organizations in the occupied areas that produced propaganda for the puppet regimes were to be considered *hanjian*.<sup>3</sup> The “Regulations” also stipulated that for an individual to be prosecuted as a *hanjian*, two conditions had to be met. Other than participation in a puppet regime or organization, he or she also had to have harmed the interest of the nation and its people or benefited the enemy.<sup>4</sup> Therefore, the definition of “cultural collaborator” derived from the “Regulations” should be “individuals who took a principal position in the enemy or puppet sponsored educational, cultural or propaganda institutions, who utilized that position to harm the interest of the nation

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<sup>3</sup> SMA Q (187)-1-204, “Chuli hanjian anjian tiaoli”[Regulations on handling *hanjian* cases], in *Xingshi tebie faling:hanjian*, 5-7.

<sup>4</sup> Ibid.

and its people or to benefit the enemy.”

Neither the official nor the popular discourse, however, showed an attempt to define the term; rather, “cultural collaborator” emerged as a category, and was used in different ways by contributors and readers to newspapers, as well as common individuals in their accusation letters, and popular anti-*hanjian* literature.

Although different media showed varied understandings of the term, they were all aware of the diverse sub-groups under this category, and all reminded the readers of the great harms such individuals did, and would continue to do to the nation, if they were not punished. One reader’s contribution to the *Central Daily* (*Zhongyang ribao*) focused on educators among “cultural collaborators,” advocating their severe punishment since they “poisoned the future generation of the nation.”<sup>5</sup> Another reader urged the government to arrest and punish “publishing collaborators” (*chuban hanjian*), who constituted an important sub-group of “cultural collaborators,” and were no less dangerous than those from the circles of media, films or plays.<sup>6</sup>

The tremendous social attention on “cultural collaborators” and the strong call for punishing them partly resulted from a popular disappointment with literati and

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<sup>5</sup> “Yancheng wenhua jiaoyu *hanjian*,” [Severely punish the cultural collaborators who were from the educational circles], *Zhongyang ribao*, August 21, 1945.

<sup>6</sup> “Yancheng chuban *hanjian*” [Severely punish the “publishing collaborators”], *Zhongyang ribao*, August 21, 1945.

intellectuals, from whom the common people had a high expectation of political integrity and social responsibility. Another reason is that the denunciation of “cultural collaborators” provided an opportunity for the public to consume news and rumors about the lives of these individuals, many of whom were social celebrities. In late 1945, a pamphlet titled *Criminal History of Cultural Collaborators* (*Wenhua hanjian zui'e shi*) appeared on the reading market.<sup>7</sup> A collection of biographies and “crimes” of infamous “cultural collaborators” at the time, the pamphlet resembled the *Hideous History of Collaborators* series in providing vivid details of the private matters and life styles of its targeted individuals. The *Hideous History of Collaborators* series also devoted a significant part to “the hideous histories” of popular writers and literati, as chapter V will demonstrate.

Within cultural circles, resistance intellectuals and cultural figures also strongly advocated the punishment of their collaborationist colleagues. They established their own standards for identifying and punishing “cultural collaborators.” On August 13, 1945, two days before Japan officially surrendered to the Allies, the “National Resistance Association of Cultural Circles” (*quanguo wenhuajie kangdi xiehui*) founded a “Committee for Investigating Cultural Collaborators” (*funi wenhuaren diaocha weiyuanhui*) in Chongqing. The committee decided on several ways to punish individuals

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<sup>7</sup> Sima Wenzhen, *Wenhua hanjian zui'e shi* [Criminal History of Cultural Collaborators] (Shanghai: Shanghai shuguang chubanshe, 1945).

from the cultural circles who worked for puppet regimes or puppet cultural institutions.

Members of the “National Resistance Association” elected eighteen respected writers, playwrights and literary critics to investigate “intellectuals who attached themselves to the enemy” (*funi wenhuaren*).<sup>8</sup> Three of the eighteen were members of the “Association of Chinese Left-wing Writers” (*zhongguo zuoyi zuojia lianmeng*), an organization established in 1930 that was closely associated with the Chinese Communist Party. All eighteen committee members had been devoted to the work of the “National Resistance Association” during the war, producing resistance literature, films and other forms of propaganda. According to them, “intellectuals who attached themselves to the enemy” included editors and publishers of puppet publications, propagandists for the puppet regimes, teachers in schools controlled by the puppet regime, secret agents working for the Wang Jingwei government, staff members of all puppet-regime-controlled, profit-oriented cultural enterprises and other “impure personnel.”<sup>9</sup> The committee proposed several punishments for such individuals: 1) their names were to be made public, along with the “crimes” they committed; 2) they were to be excluded from all cultural associations under the Nationalist government; 3) their

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<sup>8</sup> “Guanyu diaocha funi wenhuaren de jueyi” [The decision on investigating intellectuals who attached themselves to the enemy], *Kangzhan wenyi* [Resistance Literature], 5 (1946), Vol. 10, Issue 6. The eighteen members were Lao She, Sun Fuyuan, Ba Jin, Yao Pengzi, Xia Yan, Yu Ling, Cao Jinghua, Jin Yi, Mei Lin, Ye Yiqun, Zhang Junxiang, Xu Chi, Shao Quanlin, Huang Zhigang, Xu Weinan, Ma Yanxiang, Zhao Jiabi and Shi Dongshan. See also, Ma Liangchun, Li Futian, ed. *Zhongguo wenxue dacidian* [Dictionary of Chinese Literature and literary figures] (Tianjin: Tianjin renmin chubanshe, 1991), 3475.

<sup>9</sup> Ibid.

work was to be blacklisted from publication; 4) they were to be excluded from employment in schools, newspapers and magazine offices; 5) short biographies of such individuals, detailing their collaboration, were to be produced and distributed domestically and abroad among all cultural communities; 6) the government should arrest and prosecute their cases in public trials.

Such an action gained the support, at least it seemed, from Chiang's Ministry of Central Propaganda and the Executive Yuan. The Executive Yuan ordered the Ministry of Justice to carry out these resolutions starting from November 3, 1945.<sup>10</sup> Resistance literati were encouraged by the government support, and started to prepare for the investigation and arrest of "cultural collaborators." The "National Resistance Associations of Cultural Circles" disseminated a "public letter of consolation" to intellectuals and writers in occupied Shanghai who did not give in to the Japanese enemy, including Xu Guangping, Zheng Zhenduo and Li Jianwu. The letter stressed on the ongoing work of the association in investigating "cultural collaborators," and urging these politically upright individuals to provide information and facilitate the investigation.<sup>11</sup>

As an effort to join in the cause of exposing "cultural collaborators," in

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<sup>10</sup> SHA (7)-8933, "xingzhengyuan chaosong quanguo wenhuajie kangdi xiehui dui chengzhi funi wenhuaren yijian." [The decision of punishing cultural collaborators reached by the National Resistance Association of Cultural Circles, copied by the Executive Yuan], November 3, 1945.

<sup>11</sup> "Guanyu diaocha funi wenhuaren de jueyi."

November of 1945, Shanghai Shuguang publisher, a publisher not known to many, published *Criminal History of Cultural Collaborators* (*Wenhua hanjian zui'e shi*).<sup>12</sup> The collection labeled seventeen popular writers and newspaper editors at the time as “cultural collaborators,” including Eileen Chang, Hu Lancheng, Zhang Ziping, Su Qing and so on. Compared to the *Hideous History of Collaborators* series, which was produced anonymously, the author of this publication, Sima Wenzhen (“Wenzhen” means “literary detective”) evidently published this collection in order to bring these individuals to the attention of the government and the general public.<sup>13</sup> As Sima revealed himself in the introduction:

“This little pamphlet aims to reveal the ugly sides of the wartime literary world. and expose in detail the inside stories of the ‘Great East Asia Literary Circle.’ I will also provide narratives for individual cultural collaborators. One can hardly imagine how many cultural collaborators emerged during the war. (These accounts of their crimes) will prevent them from changing their appearance and becoming active again at this crucial stage of nation-building. Therefore, this pamphlet on cultural collaborators serves as a mirror, reflecting the true colors of demons and monsters (*zhaoyao jing*). As little as it is, this ‘magical weapon’ will give them no place to hide. I have heard that the ‘National Association of Cultural Circles’ has determined ways to punish cultural collaborators, and begun to investigate their crimes. I hope this pamphlet will be of some help to their work.”

Some individuals targeted by this pamphlet joined propaganda institutions or puppet cultural associations. Others had no real political connection to the Japanese or the puppet regimes, but were known to have personally associated with certain Japanese

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<sup>12</sup> Sima Wenzhen, *Wenhua hanjian zui'e shi*.

<sup>13</sup> SHA 7 (153), *Hanjian Choushi* [Hideous histories of Chinese race traitors] (Shanghai: Datong chubanshe, 1945).

personnel or puppet figures.<sup>14</sup> Although this was one man's opinion, individuals included in this pamphlet were probably the most well known writers and cultural figures whose wartime conduct was controversial.

Although the Nationalist government showed a supportive attitude to the vigorous "anti-cultural collaborators" activities organized by the cultural circles, it did not put a large number of "cultural collaborators" on trial. Furthermore, there was a discrepancy between the state's selection of "cultural collaborators" and that of the society. In his study of media reports on postwar *hanjian* trials, Peng Weicheng points out that "cultural collaborators" only account for about 2% of all the convicted collaborators in Shanghai, and they received much lighter punishments, comparing to political or economic collaborators.<sup>15</sup> Among the convicted collaborators, most were chief editors or main contributors of newspapers and journals under Japanese or puppet control. For instance, Tang Kangde was the editor of the puppet publication *China Weekly* (*Zhonghua zhoubao*), Zhang Ke was the chief editor for the puppet journal *Dadong Weekly* (*Dagong zhoukan*), and Liang Shi was the main contributor of the puppet newspaper *China Daily* (*Zhonghua ribao*). A

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<sup>14</sup> For instance, the pamphlet contains entries on Eileen Chang and Su Qing, who were involved with male collaborators. Chapter 5 provides a discussion and analysis of their experiences during the anti-*hanjian* campaigns.

<sup>15</sup> Peng's study is based on major regional newspapers such as *Shenbao* and *Dadongbao*. From December 22, 1945 to early 1948, *Shenbao* reported on more than 500 trials of *hanjian*. There were about 10 "cultural collaborators." Peng Weicheng, "Zhanhou guomin zhengfu chengzhi hanjian yanjiu: yi meiti baodao wei zhongxin de kaocha" [A study on the post-war trials of *hanjian* based on reports from media] (MA thesis. University of Shanghai, 2009).



majority of them were sentenced to imprisonment for two or three years.<sup>16</sup>

The convicted individuals could be found on the list of cultural collaborators produced by the Ministry of Justice in October 1945.<sup>17</sup> For many of these individuals whose name appeared on the list, wartime collaboration was not the only reason why the Chiang Kai-shek government harshly attacked and prosecuted them after the war. Some were likely targeted for political dissent. Chen Binhe, a longtime *Shenbao* editor, and chief editor under Japanese occupation, was wanted by the Chiang Kai-shek government not only because he worked for *Shenbao* under the Japanese supervision, but also because of his left-wing connections and criticism of the Chiang Kai-shek government.

Chen Binhe was an unusual “literary man” (*wenren*). Despite his eminence as *Shenbao* editor, he did not receive formal education beyond middle school. Chen’s strengths lay in his resourcefulness and his abilities to make connections with different parties. He attained several teaching and administrative positions in normal schools and colleges thanks to his connections with powerful figures in educational and cultural circles, including Huang Yanpei.<sup>18</sup> In 1929, Chen Binhe met with the Shanghai Japanese

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<sup>16</sup> Xu Xiqing, chief editor of the puppet Central News Agency (*zhongyang tongxunshe*), was sentenced to imprisonment for 7 years. Peng, “Zhanhou guomin zhengfu chengzhi hanjian yanjiu: yi meiti baodao wei zhongxin de kaocha,” 12.

<sup>17</sup> SHA (7)-4-458, *Nanjing gaodeng fayuan xiang sifa xingzhengbu chengsong wei jiaoyubu ji fushu jiguan xuexiao zhuyao ren yuan mingdan* [Name list of personnel in the puppet Ministry of Education and its affiliated institutions and schools, sent from Nanjing High Court to the Ministry of Justice].

<sup>18</sup> Huang Yanpei was a famous educator and the founder of the China Democratic League (*Zhongguo*

consular official Iwai Eiichi, and began to provide intelligence for him.<sup>19</sup> With Iwai's support, Chen edited and produced the monthly, *Japanese Studies (Ribei yanjiu)*, from January 1929-December 1931. Chen admitted that he started to study "issues related to Japan" from 1929, and conducted several field trips to Manchuria to examine Japan's strategic planning.<sup>20</sup> In 1931, Chen Binhe was introduced by Huang Yanpei to work for the *Shenbao*. At time of the Mukden Incident of 1931, Huang Yanpei maintained that the *Shenbao* should severely criticize the Chiang Kai-shek government for its policy of non-resistance.<sup>21</sup> Chen Binhe, on the other hand, argued that at this moment, newspapers should focus on denouncing Japanese military aggression. His opinion gained the support of *Shenbao*'s chief editor at the time, Zhang Yunhe. Chen was soon assigned to take charge of *Shenbao*'s editorials, which he invited influential educators and social activists to write on his behalf.<sup>22</sup>

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*minzhu tongmeng*). For Chen Binhe's early life and his connections with Huang Yanpei and other educators and intellectuals, see Cai Dengshan, "Buxue youshu de Chen Binhe"[Chen Binhe: a poorly-educated yet resourceful individual], *Shucheng* 8 (2009), 70-77.

<sup>19</sup> Cai Dengshan, "Buxue youshu de Chen Binhe," 72. See, also, "Short Biographies of Chen Binhe," Shanghai Archives online: <http://www.shtong.gov.cn/node2/node2245/node4522/node10080/node10082/node63754/userobject1ai54025.html>.

<sup>20</sup> Chen Binhe, "Wo he *Shenbao*" [I and *Shenbao*], quoted in Cai, "Buxue youshu de Chen Binhe," 72.

<sup>21</sup> The Mukden Incident on September 18, 1931 triggered the Japanese invasion of Manchuria. Zhang Xueliang, a warlord and the actual ruler of Manchuria, was strongly criticized for his non-resistance policy by public opinion. Chiang Kai-shek was also attacked for giving the non-resistance order to Zhang Xueliang. For more information of this event and its aftermath, see Liang Jingchun, *The Sinister Face of the Mukden Incident* (New York: St. John's University Press, 1969).

<sup>22</sup> Among those who actually wrote Chen's editorials, there were Tao Xingzhi, Zhang Naiqi and Yang Xingzhi. Tao was a famous educator, Zhang was the manager of Zhejiang Industrial Bank and Yang mainly

Another contribution Chen Binhe made to *Shenbao* during this period was to reform its supplement. Chen believed that although many urbanites in Shanghai spent more time reading the supplement than the newspaper itself, the editors did not pay enough attention to the supplement. The supplement, *Free Talk (Ziyou tan)*, was full of romance fiction, much of which was authored by the famous “Mandarin Duck and Butterfly” writer, Zhang Ziping. Chen Binhe eliminated almost all Zhang’s stories and replaced them with essays by New Culture Movement activists and leftist writers, such as Li Liewen, Lu Xun and Mao Dun.

During this period, Chen Binhe was on bad terms with Chiang Kai-shek’s government. In June and July of 1932, *Shenbao* published three editorials criticizing the Nationalist government corruption and its obsession with military campaigns against the Communist party. Chiang Kai-shek responded by banning the circulation of the *Shenbao*, and threatened to maintain the ban unless *Shenbao*: 1) fired Li Liewen, Chen Binhe, Tao Xingzhi and Huang Yanpei; 2) accepted supervision from the Office of Central Propaganda. The *Shenbao* owner, Shi Liangcai, agreed to the ouster of Chen, Tao and Huang, however, he refused to dismiss the Chief Editor, Li Liewen. He also refused to submit to GMD supervision. Chen thus was forced to leave the *Shenbao* in 1933, and Shi Liangcai was assassinated in 1934 by Dai Li.<sup>23</sup>

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wrote political editorials. Cai, “Buxue youshu de Chen Binhe,” 72.

<sup>23</sup> Cai, “Buxue youshu de Chen Binhe,” 73; Wakeman, *Spymaster*, 179-181.

Chen Binhe stayed in Hong Kong from 1933 to 1942. There he founded *Gangbao* (Hong Kong Daily), thanks to the sponsorship of General Chen Jitang, the de facto ruler of Guangdong who had turned against Chiang Kai-shek and advocated resistance against Japan.<sup>24</sup> Chen returned to Shanghai in 1942, shortly after the Pacific War broke out. According to influential journalist Jin Xiongbai, Chen returned to work for Iwai Eiichi and his intelligence office in Shanghai. Because of his Japanese connection and past experience with *Shenbao*, Chen Binhe was appointed to be the chief editor of *Shenbao* in 1942, a position many individuals in the Wang Jingwei government competed for.

Once he became the chief editor of Japanese controlled *Shenbao*, Chen Binhe emerged as the most active propagandist for the Japanese. First, when Japan gained the upper hand in the early stages of the Pacific War, Chen's *Shenbao* announced the news with headlines in red printing, which was conventionally used for important and inspirational national news. Second, Chen severely criticized Chiang Kai-shek, the national leader and commander of the War of Resistance against Japan, by presenting the contradictory comments and conduct of Chiang in the two preceding decades. This kind of personal attack against Chiang, according to Jin Xiongbai, was fairly rare even in Japanese-occupied regions.<sup>25</sup> On the other hand, *Shenbao* under Chen Binhe was not at all friendly to Wang Jingwei and his regime. It often mocked Wang's policies and his

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<sup>24</sup> Jin Xiongbai, *Wang Zhengquan de kaichang yu shou chang*, chapter 95.

<sup>25</sup> Jin, *Wang Zhengquan de kaichang yu shou chang*, chapter 95.

subordinates.

Chen was a complicated figure who acted according to circumstances, not following a systematic ideology. As the chief editor of *Pingbao* and Zhou Fohai's close friend, Jin Xiongbai was ordered by Zhou to keep in close touch with Chen Binhe.<sup>26</sup> According to Jin, Chen Binhe "had his own ways to deal with the Japanese," in that he often took advantage of his good relations with the Japanese to help out industrialists and petty urbanites in Shanghai. In the eyes of most Shanghai residents, however, Chen Binhe was probably an indisputable *hanjian*. Even Chen himself admitted it. He commented that it was unwise for Zhou Fohai and Jin Xiongbai to secretly work for Chiang Kai-shek's government in Chongqing, since the Japanese intelligence would find out, which might bring terrible consequences. As he warned:

"Japan is going to lose the war for sure now. But they still have millions of soldiers here, and they can still wipe out all of you. If the Japanese decide to conduct a massacre before they retreat, that is because of people like you (who work for both sides). If that moment comes, only I, Chen Binhe, stand a chance of preventing them. They believe that I am their real friend, unlike many people in the puppet regime. So my words will carry some weight."<sup>27</sup>

Jin Xiongbai was never sure of how to evaluate Chen Binhe and his role in occupied

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<sup>26</sup> Zhou Fohai was one of the main leaders of the Wang Jingwei government. He was also clearly the closest to Chiang Kai-shek among Wang Jingwei's followers. Toward the end of the war, Zhou Fohai foresaw that Japan would lose the war, and started to prepare for the return of the Chiang Kai-shek government. When Zhou was appointed as the deputy mayor of Shanghai in March 1941, Chen Binhe was a member of the municipal council he organized. Zhou was not sure about Chen Binhe's true identity and was troubled by his overly close relations with Japan. Therefore, he asked Jin Xiongbai to probe ferret out Chen's political positions. See Boyle, *China and Japan at War*, 169-190; Jin, *Wang Zhengquan de kaichang yu shou chang*, chapter 95, 212.

<sup>27</sup> Jin, *Wang Zhengquan de kaichang yu shou chang*, chapter 212.

Shanghai, but he commented that Chen's words were not without reason.

Beyond his identity as a "collaborator," Chen Binhe was also a decadent type who lived a luxurious life in occupied Shanghai. A newspaper referred to Jin Xiongbai and Chen Binhe as "two wealthy and generous customers of Yunlou," an exceptionally expensive Western-style restaurant on the eighteenth floor of Shanghai Park Hotel (*guoji fandan*).<sup>28</sup> Chen Binhe's *Shenbao* salary was not especially high, but he always had someone to rely on financially. Chen himself revealed that while in Shanghai, he received considerable financial support from Sheng Wenyi, who monopolized the city's opium traffic during the war.<sup>29</sup>

Chen's close relations with the Japanese, his friction with Chiang's government, and his decadent lifestyle made him a primary target in anti-*hanjian* campaigns. Chen realized this and made preparations to flee Shanghai before the war ended. As Jin Xiongbai recalled, after China participated in the Allied victory against Japan, Chiang Kai-shek's Nationalist government gained unprecedented popular prestige. According to the editorial of *Wenhuibao*, between August and September 1945, "millions of Shanghai residents, with excitement and enthusiasm, welcomed the arrival of the Nationalist army

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<sup>28</sup> Ibid, 208.

<sup>29</sup> Sheng was the third nephew of Sheng Xuanhuai, the famous late Qing reformist official and later a successful industrialist in Shanghai. Sheng was known as Sheng the Third in popular anti-*hanjian* literature at the time. Sheng established a "Central China Grand Charity Hall" with the support of the Japanese. The so-called "Charity Hall" was actually an organization to monopolize Shanghai opium traffic, which had been controlled by Du Yuesheng (and Chiang Kai-shek's government) before the war. Chen Binhe, "Yige taobi hanjian zuixingzhe de zishu," quoted in Cai, "Buxue youshu de Chen Binhe," 77.

and officials from the central government, as well as the reestablishment of all the government offices.”<sup>30</sup> Chen Binhe was one of the few people who were pessimistic about the fates of prominent figures who had remained in occupied regions, especially those who had worked for the puppet regimes or the Japanese. Chen’s concerns were justified. For the government, he was one of the most conspicuous “cultural collaborators,” and in 1946, Chiang Kai-shek’s Ministry of Central Propaganda issued orders for his arrest.<sup>31</sup>

Chen traveled to different regions in East China, constantly changing identities and locations to evade arrest and prosecution. In 1947, Chen Binhe arrived in Hong Kong. He then went to Japan in the late 1960s. During his last days in Japan, he was impoverished and lonely. His favorite daughter, who was in mainland China and was about to marry, was forced by her fiancée to disown any relations with her father. Chen died alone in August 1970.<sup>32</sup>

Chen Binhe did work for Japan’s propaganda enterprise, and he was well aware that he would be considered a *hanjian*. In addition, his criticisms of Chiang Kai-shek’s government and of Chiang himself also made him an enemy to the state who required elimination. Some individuals on the list of “cultural collaborators” produced by the

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<sup>30</sup> “Yiqie naru zhenggui” [Everything is directed to the right track], *Wenhuibao*, September 11, 1945.

<sup>31</sup> “Wenhua hanjian Chen Binhe zhongxuanbu hanqing tongji” [Order from the Ministry of Central Propaganda to arrest cultural collaborator, Chen Binhe], *Shishi Gongbao*, July 31, 1946.

<sup>32</sup> Cai, “Buxue youshu de Chen Binhe,” 77.

Ministry of Justice, on the other hand, managed to escape trial and punishment with sufficient evidence and connections.

The list of cultural collaborators issued by the government included individuals who worked, for long or short terms, for schools established or taken over by the Japanese or puppet regimes. These individuals were considered as *hanjian* by the government and were to be prosecuted unless their superiors, colleagues, or other contacts provided powerful evidence to prove their innocence. The case of Chen Rong and Qi Zhaochang was typical in this regard.<sup>33</sup> Professor Chen Rong, and Qi Zhaochang, Dean of the Engineering Department at Jinling University in Nanjing, found their names on the list of “cultural collaborators” identified for prosecution because of their participation in the puppet ‘Central University.’” The government, however, did not consider the extenuating circumstances of Chen and Qi’s involvement with Central University, which was revealed by their superior who protested on their behalf.

In November 1937, the executive committee of Jinling University (a committee organized by the school board after the fall of Nanjing to handle emergency situations) decided to relocate the majority of the faculty and student body to Chengdu. The committee entrusted a commission to remain in Nanjing to preserve the main campus and its facilities. This special commission consisted of five members, including Chen Rong,

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<sup>33</sup> SHA (7)-8953, “Jiaoyubu qing cankao shishi banli Shanghai yicueyuan nanjing jinda jiaoshou Yan Fuqing, Chen Rong deng beisu wenhua hanjian an wendian” [The telegram from the Ministry of Education regarding the cases of “cultural collaborators:” Professor Yan Fuqing from Shanghai Medical College and Professor Chen Rong from Jinling University].



Qi Zhaochang, the American national, M.S. Bates, and two other American professors. Bates was appointed head of the commission. During the Massacre of Nanjing in December 1937, Bates and this commission organized work teams to rescue residents in Nanjing, allocated campus dorms to refugees, and set up porridge stands to feed the refugees. Chen Rong and Qi Zhaochang facilitated this work. As the Pacific War developed, Bates and the other two American professors returned to the United States. The executive committee in Chengdu ordered Chen Rong and Qi Zhaochang to continue guarding the campus in Nanjing, and to “try their best to hold on under any circumstances.”

In March 1941, as the Japanese army occupied the campus, Chen Rong and Qi Zhao retreated to a middle school affiliated with the university, together with faculty and students who remained in Nanjing. Soon after their departure, the Wang Jingwei government’s Executive Yuan established the Central University and moved it to Jingling University’s campus.<sup>34</sup> Administrators of the Central University understood that Chen Rong and Qi Zhaochang were both influential scholars in their fields, and invited them to deliver lectures in Central University. Faced with pressure from both the Wang Jingwei regime and the Japanese, Chen and Qi agreed to give in and deliver several lectures respectively on agriculture and on engineering.

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<sup>34</sup> In April 1941, the Executive Yuan of the Wang Jingwei government established the Central University on the site of Central Political Institute (*zhongyang zhengzhi xuexiao*, established by Chiang Kai-shek in 1927). Soon it was relocated to the campus of Jinling University. SHA (2078)-0117, *Zhongyang daxue ruxue xuzhi* [Instructions for newly enrolled students to the Central University].

In October 1945, Jinling University officially expressed gratitude for Chen and Qi's loyalty and contributions to the university, in order to assert their innocence of the crime of collaboration. Bates returned to China in November 1945, and immediately reported the wartime conduct of Chen and Qi to the Ministry of Justice. Bates even forwarded the minutes of the executive committee's meeting in Chengdu in 1940, proving that Chen and Qi sincerely followed the decision of the committee and did their best under the circumstances. Due to these collective appeals, the Capital High Court determined that Chen Rong and Qi Zhaochang were not guilty of collaboration.

The case of Yan Fuqing is similar. Yan Fuqing was a member of the puppet "Medical Education Committee," the "Sino-Japanese Cultural Association," and the "National Central Academy." He was also listed as a cultural *hanjian* by the Ministry of Justice.<sup>35</sup> However, Yan was well connected enough to procure assistance from have the Ministry of Education. The Ministry of Education sent a letter to the Ministry of Justice, clarifying that Yan Fuqing only took several nominal positions because he was "forced by Chu Minyi," head of Wang Jingwei's executive Yuan.<sup>36</sup> The letter particularly emphasized the fact that Yan Fuqing successfully preserved the property of Shanghai Medical College with which he was entrusted during the war. Yan was thus exempted

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<sup>35</sup> SHA (7)-4-458, *Nanjing gaodeng fayuan xiang sifa xingzhengbu chengsong wei jiaoyubu ji fushu jiguan xuexiao zhuyao ren yuan mingdan* [Namelist of personnel in the puppet Ministry of Education and its affiliated institutions and schools, sent from Nanjing High Court to the Ministry of Justice].

<sup>36</sup> SHA (7)-8953, "Jiaoyubu qing cankao shishi banli Shanghai yicueyuan nanjing jinda jiaoshou Yan Fuqing, Chen Rong deng beisu wenhua hanjian an wendian."

from public prosecution.

The selective prosecutions of “cultural collaborators” demonstrate that the Nationalist government punished the “cultural collaborators” who were most dangerous to the state, the ones who had the ability to control the press. The prosecution of “cultural collaborators,” therefore, is a means of cultural and mind control. For the same purpose, the Nationalist government launched political rectification among common teachers and students, especially among students who had studied in Japan. In March 1946, the Ministry of Education ordered the establishment of “screening committee” in each “recovered region” (*shoufu qu*). The committee was responsible for producing a name list of faculty and staff of all institutions of higher education in these regions, and screening for individuals who might be suspected of collaboration during the war.<sup>37</sup> Those who were selected as suspects were to be handled by the judiciary. In regard to faculty members who “were not yet to be exposed of collaborationist conducts” (*shangwei faxian you funi xianyi*), each school had the right to decide whether or not to continue their employment.<sup>38</sup>

Similarly, the Nationalist government was similarly suspicious of education provided in high schools and colleges in previously occupied regions. In October 1946,

<sup>37</sup> “Shanghai jiaoyu ju chengsong funi jiaozhiyuan mingdan jiyu jiaoyubu wanglai tongxin” [Namelists of collaborationist faculty and staff provided by Shanghai Education Bureau and the Bureau’s correspondence with the Ministry of Education], in SMA (Q257)-1-49, *Jiaoyubu yu ge jiaoyuju wanglai hanjian ji jiaoshi xunling yiyi* [Correspondence between the Ministry of Education and Education Bureaus and the Ministry’s clarification of various ordinances], 11.

<sup>38</sup> *Ibid*, 12-13.

the Ministry of Education issued its “Resolutions for Examining Students Who Graduated from High Schools in Recovered Regions.”<sup>39</sup> According to these regulations, if students who graduated from high schools in previously occupied regions passed the college entrance examinations, they could only attend colleges on a type of probation. Only after the “screening committee” confirmed that they were qualified to receive education from those colleges could they become formal students. For students who studied abroad in wartime, the Ministry of Education set up a “Qualification Inspection Committee for Students Who Studied in Japan.”<sup>40</sup> Such students, upon their return to China, were ordered to register with the Ministry of Education. In addition, they had to study “Teachings of the Father of the Nation” (*Guofu yijiao*, a pamphlet including Sun Yat-sen’s “Three People’s Principles,” “Plans for National Reconstruction,” and “Fundamentals of National Reconstruction”), as well as “The Fate of China.” The students were required to highlight or mark parts of the books that particularly interested them, and to submit book reports after their political study. If they wished to pursue jobs or continue their education in China, they were to pass even stricter inspection than students who had graduated from schools in the previously occupied regions.

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<sup>39</sup> “Beiping shi jiaoyuju chengqing jieshi banli zhongxuesheng zhenshen shiyi yiyi” [Replies to the inquiry of Beiping Education Bureau regarding examination of high school students], in *Jiaoyubu yu ge jiaoyuju wanglai hanjian ji jiaoshi xunling yiyi*, 15.

<sup>40</sup> “Kangzhan qijian liuri xuesheng zhenshen banfa,” [Resolutions for inspecting students who studied in Japan during the war], *Ibid*, 17.

*The “Traitorous Monks”*

After Buddhism was introduced to Japan from China in the sixth century, religious interaction between the two countries had been quite dynamic.<sup>41</sup> During the War of Resistance, however, Buddhist temples on both sides were increasingly influenced by nationalism. Pressured by competing ideologies such as Confucianism and Shintoism, Japanese Buddhist masters and leaders of important temples transformed their institutions and teachings to cater to the interests of the Japanese government, in order to prove the usefulness of Buddhism to the state. Japanese Buddhists, those of Zen sects in particular, were deeply involved in Japan’s war effort, actively promoting “Great East Asia Co-prosperity” ideologies from the perspective of Buddhism.<sup>42</sup>

Buddhist temples in China had been engaged in war relief and resistance movements since the outbreak of the war. Chinese Buddhists claimed that “fighting Japanese imperialism and guarding the Chinese nation” was compatible with Buddhist teachings to “eliminate the demons and save the worldly beings.” Therefore, they argued, it was legitimate to fight the invaders in order to protect the freedom and independence

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<sup>41</sup> For instance, in 1924, a “Sino-Japanese Buddhism United Association” (*zhongri fojiao lianhehui*) held the first conference in Lushan, Jiangxi province. Buddhist representatives from China and Japan attended this event. In 1925, a second conference was held in Japan, and representatives of Chinese Buddhism were invited to visit Japan and present on the conference. Shi Dongchu, *Zhongguo fojiao jindaishi* [A history of the modern development of Buddhism in China] (Taipei: zhonghua fojiao wenhua guan, 1974), 281.

<sup>42</sup> Daizen Victoria and Brian Victoria, *Zen at War* (Weatherhill, 1998).

of the nation.<sup>43</sup> During the war years, Chinese Buddhists established free schools, clinics and orphanages in many Buddhist temples, and took part in the first aids and relief work after battles occurred.<sup>44</sup>

The war certainly interrupted routine religious activities of Buddhist temples, especially those in occupied regions, since many temples housed refugees and dedicated themselves to other relief purposes. When the war ended, however, they were still not able to return to normal affairs. According to the Buddhist master Sheng Yan, who came from Taiwan but travelled and studied in Buddhist temples in mainland China in the 1930s and 1940s, the Chiang Kai-shek government and its armies brought no less destruction to Buddhist temples than Japanese imperialism. In 1946, Sheng Yan was touring Buddhist temples in Lang Shan, Jiangsu province, a famous Buddhist destination, when the Nationalist army returned to the Yangzi Delta from various regions. While passing Lang Shan, the army occupied Buddhist monasteries as their military camps. In the temples “there were only soldiers, no pilgrims, only weapons, no Buddhist objects.” Moreover, the soldiers “made beds for themselves and their families by dismantling doors, windows, tables and chairs.”<sup>45</sup> More than half of the monks in Lang Shan, including Sheng Yan, had to leave due to insufficient shelter. Many of them went to the

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<sup>43</sup> Master Tai Xu, “Fojiao de huguo yu hushi,” *Haichaoyin*, 1(1939), 12-14.

<sup>44</sup> Hollington Tong, ed. *China Handbook, 1937-1945: A Comprehensive Survey of Major Developments in China in Eight Years of War* (New York: The Macmillian Company, 1947), 26.

<sup>45</sup> Shi Sheng Yan, *Xuesi lichen* [My journey of studies and thinking] (Taipei: zheng zhong shuju, 1993), 10, quoted in *Shengyan fashi sixiang xingyi*, 408.

two largest temples in Shanghai, the Jing'an Temple and Jade Buddha Temple.

Sheng Yan's observation of the Nationalist army's ravaging of Buddhist temples was confirmed by another Buddhist master, Yin Shun. Yin Shun commented that between 1946 and 1947 "everything in Putuo Mountain has changed; ... actually, Buddhism in Beijing, Shanghai and Hangzhou has all changed dramatically."<sup>46</sup> Some changes might have resulted from the tense political environment after the war. Chinese Buddhists were not immune to the political campaigns against collaborators. On the contrary, several Buddhist monks were accused of being "*hanjian*" and were even imprisoned. Among them, the case of Mi Jia attracted most social attention and media coverage.<sup>47</sup>

A native of Huangyan, Zhejiang province, Mi Jia was the Prior (*jianyuan*) of Baiyi Temple in Ningbo, Zhejiang, before the war. When the war broke out in 1937, Mi Jia was serving as the prior of Jing'an temple, managing daily affairs of the temple and overseeing the temple properties.<sup>48</sup> Located in the center of Shanghai, the Jing'an temple served as the headquarters of the Chinese Buddhist Association (*zhonghua fojiao zonghui*).<sup>49</sup>

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<sup>46</sup> Shi Yin Shun, *Pingfan de yisheng* [My ordinary life] (Taipei: Zhengwen chubanshe, 1987), 39, quoted in *Shengyan fashi sixiang xingyi*, 410.

<sup>47</sup> SMA (Q1)-6-48, *Wang Xuechen, Xirungeng, Mi Jia deng hanjian an* [The hanjian cases of Wang Xuechen, Xi Rungeng, Mi Jia, etc], 89.

<sup>48</sup> Shi Dongchu, *Zhongguo fojiao jindaishi*, 215.

<sup>49</sup> Lin Huangzhou, *Shengyan fashi sixiang xingyi* [The thoughts and achievements of Master Sheng Yan] (Taipei: Fagu wenhua shiye gufen youxian gongsi, 2004), 426.

In the eyes of his peers, most of whom were well-respected, senior Buddhist masters, Mi Jia was a noble individual, an accomplished Buddhist master and a great contributor to the development of the Jing'an temple. One of his major achievements at the Jing'an temple was to convert it from a hereditary monastery (*zishunmiao*) into a public one, which all residing monks jointly owned temple properties and elected the abbot.<sup>50</sup> In Shanghai, Buddhist temples were predominately hereditary temples, until the abbots and priors of Puji Temple and Jian'an Temple converted both temples into public temples.<sup>51</sup>

Prior to Mi Jia's reforms, the Jing'an Temple's ownership had changed several times, resulting in several disputes regarding temple properties in the early twentieth century. The Jing'an Temple was built in the third century, and had been a public monastery throughout history. In the Taiping Rebellion (1851-1864) during the late Qing dynasty, the temple was almost destroyed and its monks dispersed. It became a hereditary temple after that. Between 1915 and 1922, several abbots of the Jing'an Temple either died at a young age (Master Chang Gui), or resigned from the position (Master Liu Gen). In 1922, representatives from several other temples elected Master Xin Ru to be the abbot of Jing'an Temple. However, two disciples of Abbot Liu Gen, respectively named

<sup>50</sup> A hereditary monastery is often established and sponsored by a dedicated secular follower of Buddhism, and the abbot is often appointed or recommended by this individual. In addition, all the property of the temple is privately owned, and the abbotship passes from one master to his disciple. See Holmes Welch, *The Practice of Chinese Buddhism, 1900-1950* (Cambridge: Harvard University Press, 1967), 129-143.

<sup>51</sup> Xia Jinhua, "Yuan Ying dashi yu Shanghai Puji si, Jing'an si gaizhi de yinyuan" [Master Yuan Ying and the Conversion of Puji Temple and Jing'an Temple in Shanghai], *Xianggang fojiao* 581 (2008).



Zhi Fa and Zhi Wen, insisted on the hereditary nature of the temple, and refused to give up their shares of the temple properties. This incident was followed by lawsuits lasting many years between the “inheritance faction” and the “public property faction” within the temple. The latter were supported by representatives of other temples in and around Shanghai.

For a while the “inheritance faction” gained the upper hand and managed the temple fairly well. Zhi Fa and Zhi Wen inherited the abbotship in sequence after Xin Ru resigned. In 1933, Zhi Fa rented the temple property to merchants, and made a patriotic donation of the rent to the Nationalist army which was defending the Xifeng Pass of the Great Wall against the Japanese invasion from Manchuria. He also opened a charitable elementary school in the temple, offering free education to children from poor families. His mentor, Liu Gen, served as the head of the school. Before long, however, Zhi Fa resumed a secular life and absconded with the rental income. The position of abbot passed down to Zhi Wen. At this point, the “public property faction” petitioned to the Nationalist government for a change of the temple’s ownership. The Ministry of Internal Affairs decided on three solutions for the Jing’an Temple’s ownership dispute: 1) that the Shanghai Municipal Government was to take charge of affairs related to the Jing’an Temple; 2) that the Jing’an Temple was to become a public temple permanently, run by an abbot elected by the Shanghai Buddhist Association; and 3) that all the properties and

facilities of the temple were to be registered with the municipal government (which meant that no one from the temple had the right to dispose of temple property).<sup>52</sup>

In 1934, Master Yuan Ying was elected as the abbot of Jing'an Temple. Zhi Wen was acquainted with a number of minor figures of underworld organizations, and with their support, he refused to give up the position despite the official solutions issued by the Nationalist government. As a result, Yuan Ying never took up the abbot's position. In 1937, Zhi Wen passed away, and his disciple De Wu became the abbot. De Wu invited Mi Jia to be the prior. With De Wu's support, Mi Jia conducted a series of reforms in the temple, including establishing a new gate and a stele for the temple. Mi Jia also dredged the nationally famous spring located on temple property.<sup>53</sup> Master Sheng Yan, who was invited by Mi Jia to reside in the Jing'an Temple at the time, witnessed the process of the conversion and the establishment of a Buddhist Institute in the temple by Mi Jia and De Wu. In order to provide financial support for such reforms, De Wu and Mi Jia reclaimed temple property that was rented to merchants. This "violated the interest of many neighbors of the temple."<sup>54</sup>

The former abbot Liu Gen, former Prior Yang Xi, and representatives from the neighboring merchants, launched accusations against Mi Jia and De Wu, accusing them

<sup>52</sup> You Youwei, *Shanghai jindai fojiao jianshi* [A brief history of Buddhism in modern Shanghai] (Shanghai: huadong shifan daxue chubanshe, 1988), 19.

<sup>53</sup> See "Yuan Ying dashi yu Shanghai Puji si, Jing'an si gaizhi de yinyuan," and *Shengyan fashi sixiang xingyi*, 410.

<sup>54</sup> Quoted in *Shengyan fashi sixiang xingyi*, 410.

of collaboration. Both Liu Gen and Yang Xi were leading members of the “inheritance faction,” which benefited from renting part of the Jing’an Temple property to merchants. The merchants were in need of this property to continue their business. Both groups held grudges toward Mi Jia and De Wu.

Seen from various documentary records, Mi Jia’s wartime activities and contact made him vulnerable to accusations of collaboration. Voluntarily or not, he had interactions with several Japanese Buddhist monks, and allowed a Japanese language school to be opened on the property of Jing’an Temple. In addition, with his permission, the Jing’an Temple hosted several Buddhist events with the participation of both Chinese and Japanese monks.

The accusation letter filed to the Shanghai Municipal government on October 15, 1945 listed Mi Jia’s “collaborationist activities” during the war. The letter stated that Mi Jia started to collaborate with the Japanese even before the war, when he was a board member of the “Great East Asia Buddhism Association” (*dadongya fojiao xiehui*). During Shanghai’s occupation, according to the accusation, Mi Jia collaborated with the Japanese in the following events. Firstly, he co-founded a Tongpeng (meaning “same as friends”) Japanese language school with a Japanese temple in Hongkou district named Higashi Honganji (東本願寺). Secondly, Mi Jia conducted a Buddhist ceremony to console the souls of Japanese soldiers who died in China. Additionally, he “relied on his

Japanese connection to harm the interest of local people” by urging the puppet Shanghai police to force the relocation of shops around the Jing’an Temple.<sup>55</sup> The accusation letter concluded that “as a Buddhist monk, Mi Jia should live a secluded life and devote himself to our Buddha; instead, he collaborated with the Japanese and oppressed the common people.” This letter was co-signed by several shop owners who “were enraged but did not dare to say a word during the war.” They now requested the Nationalist government to “severely punish these dregs within the Buddhist temples.”<sup>56</sup> Although Liu Gen and Yang Xi’s names did not appear on this letter, they played important roles in planning the accusation, as later investigation and trials revealed.

The Shanghai Municipal Government investigated Mi Jia’s case, and soon it came to the conclusion that the accusations “deviated from facts.”<sup>57</sup> It found Mi Jia innocent of most of the charges. The “Great East Asia Buddhism Association” mentioned in the letter was founded by a Japanese monk, Higashi Hongganji (mistakenly identified as the name of a Japanese temple in the accusation). Higashi Hongganji held a three-hour-long opening ceremony for the association in Jing’an Temple. It was unclear whether or not Mi Jia protested against Hongganji’s use of the temple for this purpose. However, evidence showed that he neither initiated this association, nor took any

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<sup>55</sup> SMA (Q1)-6-48, *Wang Xuechen, Xirungeng, Mi Jia deng hanjian an*, 91.

<sup>56</sup> *Ibid.*

<sup>57</sup> *Ibid.*, 93.

position. Honganji also founded the Tongpeng Japanese language school, and proposed to borrow several rooms from the Jing'an Temple. In order to save the Jing'an elementary school from potential destruction by the Japanese, Mi Jia provided two rooms for the language school, but he did not take any position in the language school. For the religions ceremony for the souls of Japanese soldiers, investigation revealed that it was held in the Jade Buddha Temple instead. Although was invited, together with other important monks, Mi Jia did not attend the ceremony.

The accusers did not give up. In early 1946, they filed a second letter, this time directly to the Mayor of Shanghai, Qian Dajun. In this letter, they accused Mi Jia of “collaborating with the enemy, oppressing the merchants and common people, actively participating in enslaving education (*nuhua jiaoyu*), and destroying a famous historical site.”<sup>58</sup> This letter deployed more harsh language and a more radical tone. Accusers labeled Mi Jia a “traitorous monk (*jiangseng*),” and attacked the Shanghai Municipal Government for protecting him because Mi Jia had government connections.”<sup>59</sup> Beyond the “criminal facts” listed in the first letter, these merchants additionally claimed that Mi Jia colluded with De Wu, Abbot of Jing'an Temple, in various traitorous activities (the first letter only briefly mentioned De Wu as the one who acquiesced Mi Jia's collaborationist activities but did not actively participated in them). According to the

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<sup>58</sup> SMA (Q1)-6-48, *Wang Xuechen, Xirungeng, Mi Jia deng hanjian an*, 96.

<sup>59</sup> *Ibid*, 94.

letter, Mi Jia and De Wu “lived luxurious and decadent lives, commuted by car, and their neighbors did not dare to look at them directly.” Additionally, Mi Jia was accused of inviting Japanese monks and puppet military officials to the Jing’an temple for banquets, and arranging Japanese prostitutes. According to this letter, Liu Gen, as De Wu’s mentor and the most senior monk in Jing’an Temple, tried to dissuade Mi Jia, but was “treated like an outsider to the temple and was kicked out.”<sup>60</sup> Other accusations against Mi Jia listed in this second letter included “increasing the rent on store owners, asking the Japanese to block the back doors of these stores, and giving away precious religious items to the enemy.”<sup>61</sup>

Qian Dajun pressured the Shanghai Municipal Government to reinvestigate into the matter, with the facilitation of the judiciary. This time the Shanghai High Court decided to prosecute, and held a trial of the case in February and March 1946. The case attracted considerable media attention, and *Shenbao* reported the court scene and court debates in detail.<sup>62</sup> The court found the two guilty of “co-founding the Tongpeng Japanese language school, participating in the puppet Buddhist Association, and maintaining connections with Japanese Buddhists as well as individuals from the puppet

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<sup>60</sup> Ibid, 96.

<sup>61</sup> Ibid.

<sup>62</sup> See, for instance, “De Wu Mi Jia jin shenli” [De Wu and Mi Jia put on trial today], February 25, 1946; “Yige jingshen tuitang, yige nengyan shanbian: Jing’ansi Liang heshang De Wu Mi Jia zaishen” [One is low-spirited, and the other talkative: Two monks from the Jing’an Temple, De Wu and Mi Jia were tried again today], February 26, 1946.

government and military branches.”<sup>63</sup> Mi Jia and De Wu were both sentenced to imprisonment for two and a half years.<sup>64</sup>

After their release in 1947 due to the “great amnesty,” apparently dismayed by the accusation and the imprisonment, De Wu wrote to the Shanghai Buddhist Association to resign from his position as abbot. Mi Jia also resigned.<sup>65</sup> After their resignation, the Shanghai Buddhist Association accepted a petition from all of the resident monks, and pronounced the decision that Jing’an Temple should be a public temple.<sup>66</sup> Several Buddhist monks expressed their sympathy for Mi Jia and De Wu, and considered that they made great contributions to the development of the Jing’an Temple. In addition, they claimed that Mi Jia’s and De Wu’s wartime conduct was solely for the survival of the temple. In his memoir, Sheng Yan attested that Mi Jia primarily maintained his Japanese and puppet connections in order to realize several projects he had planned for the temple, including the Buddhist Institute.<sup>67</sup>

As this evidence suggests, Mi Jia and De Wu had conducted controversial

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<sup>63</sup> “Mi Jia, De Wu liangseng gepan ernian liuyue,” [Two monks, Mi Jia and De Wu, were each sentenced to imprisonment for two and a half years], *Shenbao*, March 25, 1946.

<sup>64</sup> “Mi Jia, De Wu liangseng gepan ernian liuyue,” *Shenbao*, March 25, 1946.

<sup>65</sup> It was not clear where Mi Jia went after the war, but Master Chi Song was elected to be the abbot, and he appointed a Buddhist monk, Bai Sheng, to be the prior. See De Wu, Hui Ming, eds. *Chiwu gucha: Shanghai Jing’an si jiansi 1750zhounian jinianji* [Essays dedicated to the 1750 anniversary of the establishment of Jing’an Temple] (Shanghai: wenhui chubanshe, 1997), introduction.

<sup>66</sup> Xia Jinhua, “Yuan Ying dashi yu Shanghai Puji si, Jing’an si gaizhi de yinyuan.”

<sup>67</sup> Shi Shengyan, *Guicheng* [The return journey] (Taipei: Dongchu chubanshe, 1968), quoted in *Shengyan fashi sixiang xingyi*, 410.

activities during the war, which made them vulnerable to accusations of collaboration. However, the primary reason that they were accused of collaboration was that their policies of reforming the temple were in conflict with the interest of the monks of the “inheritance faction” as well as merchants who rented the Jing’an Temple’s property for business purposes. The case of Mi Jia and De Wu was not the only one in which interpersonal conflicts lead to the politically charged accusations. The Abbot of the Jade Buddha Temple, Zhen Hua, author of several important works on Buddhist history, including the *Dictionary of Important Figures in Buddhist History*, was accused of being a “traitorous monk” by a fellow Buddhist monk.<sup>68</sup>

When the war broke out, Master Zhen Hua was in Zhenjiang, Jiangsu Province. In 1938, he was elected as abbot of Zhulin Temple in Zhenjiang. In 1939, he revived the Zhulin Buddhist Institute, which had been disrupted by the war.<sup>69</sup> Because of his reputation and experience in managing Buddhist temples, in 1942, the Chinese Buddhism Association selected him to be the abbot of the Jade Buddha Temple.

The Jade Buddha Temple, in the center of Shanghai, was a famous institution. In 1932, when the abbot, Master Ke Cheng died, his disciple, Yuan Shen, succeeded him. Yuan Chen was a mediocre administrator, and senior Buddhists from other temples

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<sup>68</sup> Yu Lingbo, *Minguo gaoseng zhuan xubian* [The biographies of eminent monks in Republican period] (Taipei: Zhishufang chubanshe, 2005), “Biography of Zhen Hua.” SMA (Q1)-6-48, “Yufo Si Yuchi an.” [The case of the Abbot of the Jade Buddha Temple].

<sup>69</sup> Jiangsu Historical Archives Committee, ed. *Zhenjiang zongjiao* [Religious history of Zhenjiang] (Zhenjiang: Jiangsu wenshi ziliao bianjibu, 1995), 99.



determined to replace him with Zhen Hua due to Yuan's poor management.<sup>70</sup> At the time, Zhen Hua had already published several works on Buddhist history and biographies of important Buddhist masters.

Zhen Hua immediately launched various temple reforms. During the war, many monks were “dismayed by the future of the nation” and did not concentrate on their religious duties. Instead, they became addicted to gambling and opium-smoking. Zhen Hua, on the other hand, was still “optimistic and sincere.”<sup>71</sup> He repaired the temple halls, established a “Jade Buddha Buddhist Institute,” and issued a periodical named *Miaofa lun* (Wheel of the Wondrous Law).” He appointed Master Chao Chen as the prior. Chao punished and expelled monks who acted against the temple rules and Buddhist principals.

Zhen Hua was equally active in communicating with other Buddhism temples in China and Japan, even during the war. This brought him trouble after the war ended. In 1940, Zhen Hua traveled to Japan, visiting famous Buddhist temples in Kyoto, Nagasaki, and Osaka. In 1942, in order to improve the teaching at the Buddhist Institute, Zhen Hua ordered various Buddhist texts from Japan. Additionally, he bought from Japan three important Buddhist classics for the Zhulin Temple with which he was still closely associated. After the war, the Chinese Buddhism Association chose Zhen Hua to be the

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<sup>70</sup> Yu Lingbo, *Minguo gaoseng zhuan xubian*, 129.

<sup>71</sup> Yu Lingbo, *Minguo gaoseng zhuan xubian*,” 129.

head of its Shanghai Branch. Buddhist temples in Shanghai jointly decided to initiate a program to train Buddhist monks. Zhen Hua was a principal lecturer because of his expertise in Buddhist history and teachings. .

In November 1946, however, a Buddhist monk at the Jade Buddha Temple accused Zhen Hua of collaboration. This anonymous accuser stated that he arrived at the temple in 1942, the year Zhen Hua became the abbot. According to the accuser, Zhen Hua was able to replace Yuan Chen only because a Japanese Buddhist monk and a Japanese intelligence agent supported him. This “placed the holy Buddhist temple under control of ‘Japanese monks and traitorous monks.’”<sup>72</sup> To prove that Zhen Hua was “one of the famous *hanjian* monks in southeast China,” this anonymous accuser highlighted the 1940 visit to Japan, condemning Zhen Hua for “selling out Chinese Buddhism to Japan.”<sup>73</sup> Additionally, he accused Zhen Hua and his associate Chao Cheng, Zhen Hua’s “claws and teeth,” of embezzling temple properties, conducting business for profit, and maintaining close communication with Japanese Buddhists and military figures. In sum, their criminal conducts were so intolerable that “even pigs and dogs did not want to eat their stinky flesh.”<sup>74</sup>

Upon receiving this letter, Qian Dajun, mayor of Shanghai, asked the Shanghai

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<sup>72</sup> SMA (Q1)-6-48, “Yufu Si Yuchi an.”

<sup>73</sup> Ibid.

<sup>74</sup> Ibid.

Social Affairs Bureau to investigate. Meanwhile, the original temple abbot, Yuan Chen, filed an accusation to the court, in which he attacked Zhen Hua in a similar way. Yuan Chen evidently aimed to get his position back as abbot. While Zhen Hua and Yuan Chen were competing for the abbot's position, a third party, Zhi Fang, joined the fray. Also from the temple, Zhi Fang was supported by a certain "Dharma Protectors' Association" (*hufa hui*). The Shanghai Social Affairs Bureau decided that Yuan Chen could not be restored to the abbotship since his replacement by Zhen Hua had been a joint decision by senior Buddhist masters. Zhen Hua could no longer serve because, although the court had not yet found evidence for his collaboration, the case was not concluded. Zhi Fang was recommended by the "Dharma Protectors' Association." Because this was not a legitimate religious association, the Social Affairs Bureau ruled that Zhi Fang was not qualified to take the position either. The Bureau thus ordered the Buddhist Association in Shanghai to select another abbot for the Temple.<sup>75</sup>

In 1947, while the case was under investigation, the 39 year-old Zhen Hua died of a serious illness.<sup>76</sup> Because the Shanghai High Court then dropped the case, Zhen Hua's reputation was never cleared. Other sources, primarily biographies of Zhen Hua, which are based on the recollections of his peers or disciples, do not mention the episode of Zhen Hua being accused of collaboration. Rather, they uniformly emphasized Zhen

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<sup>75</sup> Ibid.

<sup>76</sup> Yu Lingbo, *Minguo gaoseng zhuan xubian*," 129.

Hua's patriotic activities during the war as well as the patriotic inclination of his scholar works, as a strategic refutation to the accusations launched on Zhen Hua. In 1934, on the eve of the war, Zhen Hua published his first work, titled *A History of Buddhist Monks and Their Protection of the Nation*.<sup>77</sup> In this study, Zhen Hua criticized the escapist inclination many associated with Buddhism, pointing out that all important Buddhist masters in the past contributed to national defense and education. Zhen Hua further argued that since Buddhist monks were also citizens of a nation and were protected by the nation, they should fulfill patriotic duties. In 1939, when Zhen Hua was still residing in Zhulin Temple, he organized monks from several Buddhist temples in Zhenjiang into a "Buddhist monks rescue crew" (*sengjia jiuhudui*), helping wounded soldiers and refugees.<sup>78</sup> As for the relations between China and Japan, Zhen Hua thoroughly discussed this issue from the perspective of Buddhism in his two works: *Biographies of Japanese Monks Who Travelled to China for Religious Study* and *Biographies of Chinese Monks Who Spread Buddhist Teachings to Japan*.<sup>79</sup> Both books indicated that Japanese culture, especially Japanese Buddhism, benefited greatly from exchanges and communications with China, and that Japanese people should cherish the friendship between the two nations as well as Buddhist teachings on peace. Although neither of the

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<sup>77</sup> Chen Bin, *Xiandai sengzhong suwang* [An uncrowned king among Buddhist monks of modern time], *Fojiao wenhua*, 1(2000), 41-42.

<sup>78</sup> Lu Jianxin, ed. *Ershi shiji Shanghai Ziliao wenku* [Collections of twentieth century Shanghai archives](Shanghai: Shanghai shudian, 1999), vol. 9, 54.

<sup>79</sup> Yu Lingbo, *Minguo gaoseng zhuan xubian*, 131.

two books could be published at the time, Zhen Hua's position as a nationalist Buddhist monk was quite evident.<sup>80</sup>

The cases of Mi Jia and Zhen Hua suggest the scope of the anti-*hanjian* campaigns was extended to the realm that was conventionally viewed as secluded from secular affairs and political movements. Individual accusers, rather than the Nationalist government, were responsible for including religious figures into the anti-*hanjian* campaigns, and categorizing them as "traitorous monks." The Nationalist government showed reluctance, as both cases demonstrated, to send accusations against the Buddhist monks directly to judicial procedure. The Shanghai Municipal Government ordered its Social Affairs Bureau to interfere into both cases. In the case of Mi Jia, only after such effort failed, the case was brought to the High Court.

The cases of "traitorous monks" also revealed the random factors motivating accusations of *hanjian*, as well as varied individual agenda that were not in accordance with the state's objectives in launching the anti-*hanjian* campaigns. In occupied regions, many Buddhist temples were forced by the Japanese army to house their soldiers, and numerous Buddhist masters were pressured to join Buddhist associations sponsored by the Japanese or the puppet regimes. However, not every one of them was targeted and prosecuted as *hanjian*. For those who received such accusations, their accusers were often motivated by material gains or competition. For instance, the lawsuit against Zhen

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<sup>80</sup> Chen Bin, *Xiandai sengzhong suwang*, 41-42.

Hua resulted from competition for the position of temple abbot. However, the particular time at which Zhen Hua replaced Yuan Chen (1942) gave the latter a chance to frame Zhen Hua and regain his lost position. The Nationalist government did not foresee that popular participation would shift the direction of anti-*hanjian* campaigns, nor could it put the campaigns under its effective control once it unleashed the popular force.

### *Conclusion*

This chapter examined two groups of individuals who were respectively accused of being “cultural collaborators” and “traitorous monks.” Though similar in some respects, their cases entered the judicial process in different ways, and they demonstrate from different angles the relation and interaction between the Nationalist government and the society. The state and the society agreed in the agenda of punishing “cultural collaborators,” but there was discrepancy between their recognition of “cultural collaborators,” and what goals their punishment should serve. During the years when war mobilization was needed, the Nationalist state relied on individuals from the cultural circles and the press to promote nationalism and denounce collaborators. With the conclusion of the war, the Nationalist government punished a number of “cultural collaborators,” with primacy focus on political dissent and those who served for

propaganda machines of its political opponents. Popular conception of “cultural collaborators” and categorization of “cultural groups” by various social groups were quite visible in post-war newspapers and publications. Although the Nationalist government focused on its own targets through legal procedures, popular energy expanded the anti-*hanjian* campaigns at the cultural and social level.

If popular energy only played a facilitating role in categorizing, identifying and adjudicating the “cultural collaborators,” it created the “traitorous monks” category and was the major force to push such cases into legal procedure. The cases of “traitorous monks” also reflected the random aspects of the anti-*hanjian* campaigns. Individuals who remained in occupied regions and had any cultural or religious contacts with the puppet regimes or the Japanese were potential targets of the campaigns. As the Mi Jia and Zhen Hua cases have demonstrated, Chinese Buddhists, who had historically maintained close ties with Japanese Buddhism, were particularly vulnerable to accusations of collaboration. For both cases examined in this chapter, accusations resulted from conflicts in economic interest and competitions for the abbotship. The Nationalist government did not foresee such popular exploitation of the anti-*hanjian* campaigns, and its inability to put it under control fundamentally compromised its effort in such campaigns. However, the number of those accused in these categories was relatively small and their incrimination was insignificant to the state, if not to the individuals involved. These dramas were a

slideshow, a distraction from the more important political and economic targets of the anti-*hanjian* campaigns.



## CHAPTER VI

### GENDERED DISCOURSE OF THE ANTI-*HANJIAN* CAMPAIGNS

Previous chapters have examined how Chiang Kai-shek's government produced laws against collaborators, and how it put on trial different groups of collaborators according to these laws and regulations. The centerpiece of the laws, "Regulations on Handling *Hanjian* Cases," identified collaborators based on their wartime conduct, and stipulated punishments for them indiscriminately regardless of their age, gender and ethnicity. Nonetheless, a gendered discourse infused ideas of collaboration in ways that affected both male and female targets. "Female collaborators" were often singled out as a particular category of *hanjian*. Women were considered capable of distinctive criminal behaviors that differed from those of male collaborators. For many male collaborators, indictments and written judgments formed only parts of the discourse revealing their immoral deeds. Popular anti-*hanjian* literature also circulated that focused on their private lives, and deployed hearsay and rumors to confirm political disloyalty and personal decadence. This type of literature targeted audiences from all levels of society, and aimed to destroy the reputation of individuals involved in any way with the Japanese.

This chapter looks into a selection of "female collaborators," most of whom

gained this label, not because of their work, but because they married or became romantically involved with Japanese nationals or Chinese collaborators. Some of them were put on trial and sentenced to long-term imprisonment. Some women who were not declared as *hanjian* by the state nonetheless became targets of popular anti-*hanjian* literature. Pamphlets and tabloids ignored their individual identities and accomplishments, and treated their connections with the Japanese or puppet officials as the only fact of significance in assessment of their character. This kind of view brought extreme social pressure on their lives. One such case involved the writer Su Qing. Her experience illustrates how, in popular anti-*hanjian* discourse, women, including successful career women, were constrained in their ability to make independent choices in their political positions and life style. It was also the case that male collaborators could not escape being scrutinized by popular literature that aimed to arouse public scorn against *hanjian* and to sell more copies of their publications. Such literary campaigns reinforced the popular associations between political corruptibility and personal immorality. The political standards, which the Nationalist government imposed on society and when resistance intellectuals promoted among the populace, held that national traitors could not possibly be trusted in other aspects of their lives, including family obligations and social interaction. In this way, issues such as family and sexuality were written into the discourse on war and collaboration.

Historians have attempted to integrate studies of gender relations during wartime into the broader picture of war history. In his seminal article, Frederic Wakeman briefly discussed how nationalist propaganda for war mobilization exploited women's roles to prevent men from collaborating with the Japanese.<sup>1</sup> Nicole Huang and Susan Glosser explored the making of women intellectuals in occupied Shanghai, and how their literary works, as well as women-oriented journals, reflected war realities and enabled women to survive the hostile war environment.<sup>2</sup> But their focus on women as a separate group in a way separated women, family and sexuality from major issues of war and collaboration. For instance, among women who were accused of being "female collaborators," Su Qing and Eileen Chang were two of the most controversial figures, in the 1940s and throughout the subsequent decades. There has been abundant scholarship in both Chinese and English on their works, lives, and their particular wartime choices. But little has been written on how popular discourse attacked Su and Chang, and removed them from the central space they once occupied in Shanghai's printing industry. Such literary attacks were not only launched on "female collaborators," but also on collaborators in general. The way that popular literature exploited gender relations to attack *hanjian* suspects had a fundamental and devastating effect on their lives. In addition, it influenced social

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<sup>1</sup> Frederic Wakeman Jr. "*Hanjian* (Traitor)! Collaboration and Retribution in Wartime Shanghai," 298-341.

<sup>2</sup> Susan Glosser, "Women's Culture of Resistance: An Ordinary Response to Extraordinary Circumstances," in Yeh Wen-hsin and Christian Henriot, ed. *In the Shadow of the Rising Sun: Shanghai under Japanese Occupation*, chapter 12. Nicole Huang, *Women, War, Domesticity: Shanghai Literature and Popular Culture of the 1940s* (Brill, 2005).

understandings of how political crimes should be both exposed and transposed onto other aspects of individuals' lives. This chapter aims to examine this process and its consequences.

Historians have noted that gender relations are rhetorically applied in political theories to express the relationship between the ruler and the ruled, as well as power relations among nations.<sup>3</sup> During the Chinese War of Resistance, wartime mobilization and anti-*hanjian* propaganda often employed such rhetorical strategies. For instance, when the “peace statue” in Shanghai was partly destroyed by the Japanese bombs, *Shenbao* reported the news using the title “The Body of The Goddess of Peace is No Longer Intact.”<sup>4</sup> Here the war and the enemy who brought the war on Chinese soil were seen as masculine, violent and intruding, whereas peace and the peaceful state was portrayed as feminine, innocent and vulnerable to intrusion from the outside. Another aspect of the gendered metaphor of war and collaboration was that collaborators were uniformly depicted as individuals lacking masculinity. Newspapers and popular literature repeatedly used the term *xianmei*, which originally describes women's acts of pandering to men, to refer to the conduct of collaborators in their relations to Japanese.

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<sup>3</sup> Joan Wallach Scott, *Gender and the Politics of History* (New York: Columbia University Press, 1999), 46-48.

<sup>4</sup> In memory of heroes who died fighting for the Allies' side during the first World War as well as Chinese people who died in the war, in 1919, the British and French living in Shanghai established a “peace statue” (*heping zhishen*) on East Zhongzheng Road. They also selected November 11 to be the annual “peace memorial day.” See “*Heping nüshen yifei wanbi*,” [The Body of the Goddess of Peace is No Longer Intact], *Shenbao*, March 19, 1947.

The gendered aspects of anti-*hanjian* campaigns, however, were not limited to such redeployment of vocabulary. Resistance intellectuals and producers of anti-*hanjian* pamphlets saw women as a surprisingly influential group in wartime. Women could be the wives and mothers of fighters, or traitors. On October 30, 1937, *National Salvation Daily* (*Jiuwang Ribao*) published a special issue on women's roles in the war. In the foreword to this issue, Shi Liang, a renowned woman lawyer and activist in the National Salvation movement, urged women of various backgrounds to devote themselves to the war in different ways.<sup>5</sup> As an independent professional, Shi Liang called for women to exert themselves to work for war relief, propaganda, and education. Several other contributions in the issue urged women to sacrifice their personal attachments to their husbands and sons to the national need for soldiers.<sup>6</sup> The Shanghai-based resistance magazine, *Shanghai Women* (*Shanghai Funü*) revealed wartime crimes against women, called for frugality as a way to facilitate the war effort, and advised women on practical issues such as birth control and child care during the war.<sup>7</sup>

While patriotic intellectuals and professionals recognized the positive roles women could play in resisting foreign invasion, they also stressed women's potential

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<sup>5</sup> Shi Liang, "Funü zai kangzhan zhong de renwu," [Women's missions in the War of Resistance], *Jiuwang ribao*, October 30, 1937.

<sup>6</sup> See, for instance, "Guonan qijian suo xiwang yu funüzhe," [What are wanted from women during a time of national crisis], *Jiuwang ribao*, October 30, 1937.

<sup>7</sup> Susan Glosser, "Women's Culture of Resistance: An Ordinary Response to Extraordinary Circumstances."

harm to the War of Resistance. In 1940, when disastrous floods ravaged south Hebei and the local people suffered from famine and dislocation, a resistance pamphlet warned that a handful of female collaborators, or *nühanjian*, were purchasing Chinese children for the Japanese under the guise of adoption.<sup>8</sup> After the war, amidst the ongoing arrests, investigations and trials of *hanjian*, newspapers occasionally published petitions from readers for urging the arrest of female collaborators. In 1946, an article titled “Immediately Arrest Female Collaborators and Terminate Their Pernicious Influence” appeared in the left-leaning journal *Minzhu zhoukan* (Democracy Weekly). The author argued for special attention to female collaborators because they did great harm to the war effort, and could potentially sabotage the anti-*hanjian* movement. In order to justify the arrest and severe punishment of female *hanjian*, the author evoked traditional beliefs that the fate of the state was connected to a gendered framework of virtue and depravity, as manifested in cosmological signs:

If the state is to prosper, there are auspicious signs; and if the state is to meet its demise, there are evil and misfortune. Evil and misfortune come in different forms, such as abnormal astronomical phenomena, earthquakes, floods, and the emergence of evil spirits as well as male and female wicked souls.

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People tend to focus on male traitors and ignore female traitors, since female traitors appear to be gentle and physically weak. Most people do not mind female traitors and often forget their existence. What people do not know is that these female human-devils (*renyao*) are good at making connections with powerful

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<sup>8</sup> SHA (7)-34-594, *Rikou jue di xia de jinan tongbao* [Our fellow countrymen in south Hebei who suffered from floods caused by the Japanese breaching of the dyke], February 1940. In this pamphlet, the publication information of which is unclear, female collaborators were reported purchasing children of different ages at different price. The resistance county government attempted to arrest these female collaborators but failed to catch them.

figures, tricking others and spreading disaffections. They could do more harm than male traitors. ... They either work as spies for the enemy, or carry out secret missions for male traitors. Using their beautiful appearance, they are only after personal gain and superficial pursuits. They show no care for the fate of the nation....They have ruined the reputation of heroic women of the Chinese nation. ...Now they attempt to beg for forgiveness, or to bribe their way out. In addition, many male traitors who have been arrested worked with female traitors, and they are waiting for their female partners to rescue them.

After dehumanizing female collaborators and stressing their potential hindrance to the anti-*hanjian* movements, the author suggested that the government should arrest female collaborators first, punish them according to the law, and rectify their pernicious influence.

The Nationalist government did include a number of women in the legal procedure it deployed to punish collaborators. Women who were related by romance or marriage to major collaborators and were proven to “have harmed the people or benefited the enemy” were put on trial and sentenced to varying degrees of punishment. Wang Jingwei’s wife, Chen Bijun, was sentenced to life imprisonment, for being Wang’s wife and for helping Wang strengthen the enemy’s invasion and weaken China’s resistance.<sup>9</sup> Ye Jiqing, Li Shiqun’s wife, and She Aizhen, Wu Shibao’s wife, were each sentenced to fifteen years’ imprisonment for facilitating their husbands’ collaborationist work. Li Shiqun was one of the de facto directors of Wang Jingwei’s intelligence headquarters in Shanghai (“76 Jessfield Road”). Ye Jiqing worked as the accountant for the agency. For this work she was found guilty of

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<sup>9</sup> Charles Musgrove, “Cheering the traitors: The post-war trial of Chen Bijun, April 1946,” 3-27.

“facilitating the torture and harm of intelligence agents sent by Chongqing.”<sup>10</sup> As his wife, She was also an important member of the “76 Jessfield Road.”<sup>11</sup> She was also found guilty of “friendship with several major collaborators and sabotaging Chongqing’s intelligence activities.”<sup>12</sup>

Although both women had performed work for the collaborationist regime, evidence indicates that they received punishment primarily because their husbands died before they could be tried as *hanjian*.<sup>13</sup> As a result, their wives were put on trial as unofficial proxies and received judicial punishments in their husbands’ places.<sup>14</sup> Although this was not explicit in the legal proceedings, they surely realized the true reason for their incrimination, and attempted to avoid persecution by stressing their domestic roles and downplaying their involvement in activities of “76 Jessfield Road.”<sup>15</sup> If Ye and She were incriminated largely because of their marriages to collaborators, Mo Guokang was punished for her scandalous relationship with Chen

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<sup>10</sup> Kōichi Masui, *Kankan saibanshi*, 210.

<sup>11</sup> See Jin Xiongbai, *Wang Zhengquan de kaichang yu shou chang*, chapter 12.

<sup>12</sup> Masui, *Kankan saiban shi*, 210.

<sup>13</sup> As an insider, Jin Xiongbai revealed that Ye Jiqing almost had nothing to do with the Wang Jingwei regime, except for occasional interference with arrangements of personnel under Li Shiqun. Jin also admitted that She sometimes participated in interrogating female prisoners. But he thought the primary reason for their trials and punishments was that “Ye Jiqing was Li Shiqun’s wife and She Aizhen was Wu Sibao’s wife.” Jin Xiongbai, *Wangzhengfu de kaichang yu shouchang*, chapter 141.

<sup>14</sup> Masui, *Kankan saiban shi*, 210.

<sup>15</sup> For instance, when the judge asked Ye Jiqing if she knew that numerous patriotic martyrs were murdered in “76 Jessfield Road,” she replied that she was just a weak woman, and she had no idea who was killed when and where. Masui, *Kankan saiban shi*, 211.



Gongbo. Seen from newspapers, tabloids and trial records, her extramarital relationship with Chen Gongbo was well known in Shanghai at the time. Mo had worked as Chen's personal secretary for several years, and was elected to legislature of Wang Jingwei's Nanjing government because of her connection to Chen Gongbo.<sup>16</sup> She was also in charge of female intelligence agents in "76 Jessfield," and was responsible for the death of a number of Chongqing's agents. As in the case of the wives of major collaborators, Mo Guokang was understood to have gained her official positions from her connections to male collaborators. She was accused of using these positions to voluntarily "benefit the enemy" and "harm the people."

Although the Nationalist government placed on trial a number of women who were involved with major collaborators and female spies, it did not produce specific laws regulating the punishment of female collaborators. The majority of female collaborators who were put on public trial were wives and mistresses of top figures in the Wang Jingwei regime. Relatively few were conspicuous intelligence agents in their own right, such as Yoshiko Kawashima.<sup>17</sup> Kawashima, the exception, was born into the Manchu royal family and raised in Japan. She utilized her several identities to get intelligence information for the Japanese army. Her life, wartime activities, arrest and execution drew

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<sup>16</sup> Mo Guokang was elected to legislature in 1940, after Chen Gongbo was appointed head of the Legislative Yuan. Masui, *Kankan saiban shi*, 213.

<sup>17</sup> See Shinichi Yamamuro, *Manchuria under Japanese Domination*.

enormous public curiosity and attention after the end of the war.<sup>18</sup> A search of newspapers suggests occasional news of the arrests of minor female collaborators, women who either worked as translators for the Japanese army, or served temporarily as spies.<sup>19</sup> Despite their media allure, the actual number of women who were proven to have worked for the Japanese and who received judicial sentences was quite limited.

Literary attacks, as another mode of anti-*hanjian* campaigns, however, targeted a much larger group of women. Publishers and writers behind such campaigns accused a significant number of women writers, artists and intellectuals of being *hanjian* based on fabricated, or at least unproven, evidence. This group of women had intensively written about or expressed in other forms women's experiences, sexuality and domestic issues during wartime. As financially independent women themselves, they had established their own status in society and demonstrated possible career paths for women in the Republican period. The anti-*hanjian* campaigns after 1945 not only brought a substantially destructive impact on their careers and personal lives, but also almost completely changed the discourse of gender that these women developed during wartime.

Since female writers were the most active and conspicuous promoters of the wartime discourse of gender, accusations against them had most detrimental effects in

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<sup>18</sup> Masui, *Kankan saiban shi*, 275-278. See also, "Jiandie hanjian Chuandao fangzi zigong," [Confession of the traitor and spy: Yoshiko Kawashima], *Shenbao*, March 8, 1947.

<sup>19</sup> See, for instance, "Ningbo puhuo nühanjian," [A female collaborator was arrested in Ningbo], *Shenbao*, February 9, 1947.

changing that discourse, and were most revealing of the underlying gendered themes of anti-*hanjian* campaigns. In addition, literary attacks on female writers reflected tensions among different writers created by the literary politics of wartime. In wartime Shanghai, as Nicole Huang argues, a new group of public intellectuals came to occupy the center of Shanghai's urban reading space.<sup>20</sup> Since the Japanese and puppet regimes allowed no resistance literature, and Shanghai's residents resented war propaganda produced by Japan and the puppet government, literature and arts that focused on romance, sexuality and domestic issues became popular. For instance, Zhang Shankun, manager of China United Production (*Zhonglian*), produced movies that focused purely on entertainment, especially family dramas and tragic romances, in order to pass the Japanese censorship.<sup>21</sup> In literary circles, Eileen Chang and Su Qing gained wide popularity. As talented writers who were familiar with and identified with the city of Shanghai, they depicted the material culture, ordinary people and unique landscape of the city. Many of their short stories were set against the background of wartime Shanghai, or offered perspectives on gender relations amid war. For instance, Su Qing revealed in detail the terrors of pregnancy, childbirth, and motherhood during wartime through the experience of her protagonist in *Ten Years of Married Life* (*Jiehun shinian*). Eileen Chang, in her renowned short story *Blockade* (*Fengsuo*), depicted a brief romance between two strangers made

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<sup>20</sup> Huang, "Fashioning Public intellectuals," 325-345.

<sup>21</sup> Zhang Yingjin, *Chinese National Cinema*, 88.

possible by their coexistence in confined time and space during a blockade.<sup>22</sup> Combined with distinguished writing techniques, Eileen Chang and Su Qing gained fame in a short period between 1943 and 1944. Because they held an apolitical attitude in their writings, they were also allowed the space to publish and develop their writing career.

Under these particular political conditions, according to Nicole Huang, this was the first time in the media culture of Republican China that female literary figures and journalists became celebrities. As such, they were put under the public gaze, along with film actresses and popular singers.<sup>23</sup> This golden period for women writers was brought to an end in August 1945. As the following analysis demonstrates, the return of the Nationalist government abruptly changed the political atmosphere for writers, as for other figures, when it launched the radical anti-*hanjian* campaigns. Left-wing intellectuals and politically radical writers came back to reclaim the reading space they lost to writers such as Eileen Chang and Su Qing. In such circumstances, not only were these women writers faced with an increasingly competitive and unfavorable reading market, but the contents of their writing, as well as their private lives, became targets of anti-*hanjian* campaigns.

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<sup>22</sup> Su Qing, *Jiehun shinian* [Ten years of married life] (Nanjing: Jiangsu wenyi chubanshe, 2009). Zhang Ailing, “Fengsuo” [Blockade], in Qian Liqun, ed. *Zhongguo lunxianqu wenxue daxi* [Grand collections of Chinese literature in occupied regions] (Nanjing: Guangxi jiaoyu chubanshe, 1998), 165-166.

<sup>23</sup> Huang, “Fashioning Public intellectuals,” 327.

*Targeting “Female Collaborators”: Their Hideous Histories with Male Collaborators*

Immediately after the war ended, a special type of literature featuring scandals and salacious anecdotes about politically problematic individuals appeared on the popular reading market. Published by various presses and compiled by individuals with diverse political and social values, this type of literature carried similarly catchy titles, for example, *Hideous Histories of Collaborators*, *Criminal Histories of Cultural Collaborators*, *Hideous Histories of Female Collaborators*, *Filthy Histories of Female Collaborators*, and *Revealing the Faces of Female Collaborators*.<sup>24</sup> A common feature of this type of literature was to expose scandalous stories about well-known figures who were labeled as collaborators, as well as embarrassing moments in their political lives. Nearly half of the individuals targeted in such literature did not appear on the list of collaborators produced by the Nationalist government, nor were they subjected to judicial investigation or trial. The pamphlets selected them for exposure because they had connections of some sort with puppet regimes or the Japanese, and also because anecdotes about these celebrities served as marketable materials for mass consumption. Since the judiciary did not take action against them, compliers of “hideous histories”

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<sup>24</sup> *Hanjian Choushi* [Hideous histories of Chinese Collaborators] (Shanghai: Datong chubanshe, 1945; Sima Wenzhen, *Wenhua hanjian zui'e shi* [Criminal Histories of Cultural Collaborators] (Shanghai: Shanghai shuguang chubanshe, 1945); *Nü hanjian choushi* [Hideous histories of female collaborators] (Changchun: Xinhua shuju, 1949); *Nühanjian lianpu* [Revealing the faces of female collaborators] (Dayi chubanshe, 1945);

took the opportunity to punish these targets by other means, highlighting not only political disloyalty, but also personal immorality. Pamphleteers employed degrading vocabulary and expressions, in addition to salacious anecdotes and hearsay, aiming at complete social destruction of these individuals.

Female celebrities appeared frequently in this type of literature. In five extant pamphlets that the writer has access to, three focused on male collaborators, although even the male-focused *Criminal Histories of Cultural Collaborators* selected Su Qing and Eileen Chang, and two issues of *Hideous Histories of Collaborators* contained materials on a number of women artists and actresses. The other two pamphlets targeted female collaborators in particular. Both selected roughly the same women. *Hideous Histories of Female Collaborators*, for example, contained sixteen articles on fifteen women, all of whom appear on this list because of their relationships with male collaborators or Japanese military officers. As wives of major collaborators, Chen Bijun, She Aizhen, Li Shiqun's wife (her own name, Ye Jiqing, does not even appear in the pamphlet) and Eileen Chang (Hu Lancheng's wife, or "concubine," as she is referred to by the pamphlet) were grouped in the first category of "female collaborators." A second category was comprised of mistresses or suspected mistresses of major collaborators, or female celebrities who were closely associated with Japanese officers and puppet officials. This category included Mo Guokang (Chen Gongbo's secretary and mistress),

Su Qing (referred to as Chen Gongbo's mistress), Wu Mingfang (a "social butterfly" who was involved with Japanese officers), Bai Guang (a movie star who was involved with Japanese officers), Li Qingping (a painter who was involved with Japanese officers), Li Lihua (an actress who starred in Japanese feature films and learned Japanese for that purpose), Li Xianglan (a Japanese actress with a Chinese name who frequently played Chinese girls in Japanese propaganda movies and was involved with Chen Binhe) and Yan Bingzhen (a translator for the Japanese army and owner of a rickshaw business, who was involved with Japanese officers). The inclusion of Li Xianglan was quite ironic and exposed the untenable ethnic basis of the word *hanjian*, or "traitor to the Han nation," since Li Xianglan, or Yamaguchi Yoshiko, was a Japanese national, and could not possibly "betray" the Han race.<sup>25</sup>

In the third category were two daughters of *hanjian*. They were accused of "facilitating their fathers' collaboration with the Japanese or exploitation of the Chinese people." One was Zhan Fangzi, daughter of Zhan Jifeng, a lawyer. The pamphlet reported on how Zhan Fangzi used her beauty to build connections for her father with important figures in the puppet legal system. Zhan was also suspected of carrying on an illicit relationship with Ding Mocun, who was in charge of much of the intelligence work of "76 Jessfield Road." According to the pamphlet, Zhan persuaded Ding to execute

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<sup>25</sup> For a discussion of Li Xianglan's role in promoting pan-East Asian propaganda and controversies over her, see Yiman Wang, "Between the National and the Transnational: Li Xianglan/Yamaguchi Yoshiko and pan-Asianism." *IAS Newsletter*, September 2005, 39.

Zheng Pingru, a female agent sent by *Juntong* to seduce and assassinate Ding Mocun.<sup>26</sup>

The other *hanjian* daughter exposed in the pamphlet was Zhou Wenji, daughter of Zhou Bangjun, owner of the Chinese-Western Pharmacy (*zhongxi yaofang*). The writer labeled Zhou Bangjun a “*hanjian*” since Zhou had cornered the pharmaceuticals market and collaborated with the Japanese authorities. In addition, he asked his daughter, Zhou Wenji, to divorce her husband, an underground agent for Chongqing. Wenji won the title of “*nühanjian*” mainly because she revealed the secret identity and whereabouts of her ex-husband when he was on a mission in Shanghai. As a result, her ex-husband was arrested and died in prison, according to the pamphlet.<sup>27</sup>

This type of literature was unabashedly sexist and used low-class, derogatory vocabulary to characterize the “female collaborators.” Circulated in the radicalized political environment of the post-war period, this type of literature marked a sharp departure from the more female-oriented literature and media culture of the early 1940s. The two women writers who gained most fame in the early 1940s, Su Qing and Eileen Chang, suffered miserably from the literary campaigns against “female collaborators.” Both Su Qing and Eileen Chang’s works were best-sellers in occupied Shanghai.

Publishers printed their photos on the back of their books, and readers were as interested

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<sup>26</sup> *Hideous Histories of Female Collaborators*, 5. As for the story of Zheng Pingru, please see Xu Hongxin, “Zhenshi de Zheng Pingru,” [The true story of Zheng Pingru], *Dang'an chunqiu* 4 (2008), 36-40; 5(2008), 39-45; 6(2008), 32-37. Eileen Chang wrote her short story *Lust, Caution* [Se, Jie] based on Zheng Pingru’s attempted assassination of Ding Mocun.

<sup>27</sup> *Ibid*, 7.



in their private lives as they were in their literary productions.<sup>28</sup> On the other hand, their career developments, marriage, as well as their political choices were constantly under public gaze.

During the postwar anti-*hanjian* campaigns, the public intrusion into private lives, in the name of revealing *hanjian* crimes, reached an unprecedented level. As Haiyan Lee points out, with the popularization of late Qing genre of “scandal fiction,” private lives were routinely scrutinized and judged by “public opinion.”<sup>29</sup> The public showed particular interest in lives of Su Qing and Eileen Chang partly because they enjoyed a large number of fans among various social groups in Shanghai. In addition, since Su and Chang were young, independent and somewhat mysterious career women, their readers tended to associate both writers’ backgrounds and lives with those of the figures in their works. Su and Chang’s popularity, nonetheless, developed in a specific and ephemeral political and social environment. The particular wartime environment allowed literature and arts that focused on romance, sexuality and domestic affairs free space to develop. However, the political atmosphere changed radically with the conclusion of the war and the return of Chiang Kai-shek’s government. The public exposure of private lives did not stop; rather, it took more violent forms with an increasingly focused political agenda.

Almost all women in the arts and literature circles who stayed in occupied Shanghai were

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<sup>28</sup> Huang, “Women’s Print Culture in Occupied Shanghai,” 338.

<sup>29</sup> Haiyan Lee, *Revolution of the Heart: A Genealogy of Love in China, 1900-1950* (Stanford: Stanford University Press, 2007), 142.

put under attack. Su Qing and Eileen Chang were just two examples.<sup>30</sup>

Neither Su nor Chang had taken important positions in collaborationist regimes. For this reason their names never appeared on the list of cultural collaborators produced by the Chongqing government. As writers, they did not publish any work that promoted the Japanese invasion or the “peace movement” of the Wang Jingwei regime.<sup>31</sup>

Nonetheless, many attacked Su and Chang as “female collaborators” and “*hanjian* writers” during the anti-*hanjian* campaigns after 1945.<sup>32</sup> One reason was that both Eileen Chang and Su Qing published articles in journals that were viewed as politically problematic. Chang published essays in the journal *Zazhi* (Magazine), which was famous for its ambivalent political position. The editor, Yuan Shu, was a special agent with connections to Chiang Kai-shek’s intelligence offices, the Chinese Communist Party as well as Shanghai’s underworld. He invited writers of various backgrounds to publish in

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<sup>30</sup> Another renowned female writer who was targeted by anti-*hanjian* campaigns was Guan Lu, a left-wing writer in 1930s and an activist in the National Salvation movement. Guan Lu was accused of being *hanjian* because of her friendship with Li Shiqun and Li’s wife Ye Jiqing. It was revealed later that the Chinese Communist party sent Guan Lu to spy on Li Shiqun and his intelligence activities. Hao Zaijin, *Zhongguo mimizhan: Zhonggong qingbao baowei gongzuo jishi* [A secret war in China: a faithful account of the intelligence and security work of the Chinese Communist Party] (Beijing: Zuoja chubanshe, 2005), 461.

<sup>31</sup> Liu Xinquang, *Kangzhan shiqi lunxianqu wenxueshi* [A history of literature in occupied regions during the wartime] (Taipei: Chengwen chubanshe, 1980), 131. Liu Xinquang holds an overall critical attitude towards writers in occupied Shanghai, and lists any writers who had published in publications controlled by the puppet government, or had participated in puppet literary organizations as “*hanjian*” literati. He also considers Eileen Chang as *hanjian*. Even so he admits that Zhang had never published anything to promote the war propaganda for the enemy.

<sup>32</sup> For instance, Eileen Chang and Su Qing’s name also appeared in *Criminal Histories of Cultural Collaborators*. According to Chen Zishan, many newspapers and tabloids in Shanghai at the time targeted Eileen Chang as a collaborator and ridiculed her with anecdotes and unproven rumors. Chen Zishan, “1945-1949 nianjian de Zhang Ailing” [Eileen Chang between 1945 and 1949], *Nantong daxue xuebao* 3 (2007), 51-55.

*Zazhi*, and Eileen Chang was just one of them.<sup>33</sup> Su Qing was attacked for founding the journal, *Heaven and Earth (Tiandi yuekan)*. The journal was sponsored by Chen Gongbo and also published several of Chen's articles.<sup>34</sup>

Other than publishing in politically problematic journals, the themes, subjects and bold content in Su and Chang's writings were also reasons they were attacked in anti-*hanjian* pamphlets. As a matter of fact, even before the end of the war, Su and Chang had received criticism from their peers. For instance, Tan Zhengbi, a writer who was also active in literary circles in occupied Shanghai, criticized Eileen Chang and Su Qing's works for "seeking sexual freedom, which is merely one aspect of human nature."<sup>35</sup> In his literary criticism, Tan concluded that Chang and Su's literary achievements could not surpass those of earlier women writers, such as Xie Bingying, Feng Yuanjun and Huang Baihui, whose works reflected "the demands of the masses."<sup>36</sup> The anti-*hanjian* pamphlets went further and attacked Su and Chang as writers "who used sexual content

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<sup>33</sup> The chief editor of *Magazine* was Yuan Shu, a left-wing writer in the 1930s and a Communist Party member. He was sent by the Chinese Communist Party to work as an underground agent in the puppet Wang Jingwei government. Meanwhile, he maintained good relations with *Juntong*, *Zhongtong* and the Green Gang. In occupied Shanghai he was instructed by the Chinese Communist Party to serve as chief editor for a newspaper, *New China*, and a journal, *Magazine*. In order to publish works by left-wing writers, Yuan Shu invited writers from all political camps to publish on *Magazine*. Gu Yuanqing, *Zhang Ailing bushi "zhaimao" hanjian* [Eileen Chang was not a *hanjian* whose case has been redressed], *Xueshujie* 6 (2008), 117-120. Chen Zishan, "1945-1949 nianjian de Zhang Ailing," 54.

<sup>34</sup> Liu Weirong, "Zuojia Su Qing yu da hanjian Chen Gongbo de 'liqi' jiaowang," [The curious relations between Su Qing, the writer, and Chen Gongbo, a major traitor], *Dang'an tiandi* 3(2006), 27-29.

<sup>35</sup> Tan Zhengbi, "Lun Su Qing yu Zhang Ailing" [On Su Qing and Eileen Chang], in Tan, *Dangdan nüzuojia xiaoshuoxuan* [Selected works by contemporary female writers] (Shanghai: Taipingyang shuju, 1944), 44.

<sup>36</sup> *Ibid.*

to attract readers” (*zhuanmai xingxuetou*).<sup>37</sup>

Su and Chang’s public images as successful career women and celebrities also made them the best targets of anti-*hanjian* literature, since a revelation of their private lives would attract more readers. The writer and critic, Tan, despite his reservations concerning the significance of Su and Chang’s works, nonetheless listed Su Qing and Eileen Chang as the “two most popular female writers” of the time.<sup>38</sup> In occupied Shanghai, Eileen Chang and Su Qing won a large number of fans among Shanghai’s urban residents, since their works poignantly addressed the issues commonly encountered by Shanghai’s career women and housewives. Other than their fans, Su and Chang’s exposure in newspapers and magazines attracted an even greater portion of Shanghai’s residents to news concerning their activities and their lives. Therefore, immediately after the Japanese surrendered and Chiang Kai-shek’s government reclaimed Shanghai, tabloids and pamphlets started to intensively cover news and rumors about the private lives of Su Qing and Eileen Chang. Both were ridiculed for being “female collaborators” in such venues, for they were respectively involved with Chen Gongbo and Hu Lancheng.

The case of Su Qing illustrates the strategy of post-war literary campaigns launched against such women celebrities, as well as the gendered opportunities and

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<sup>37</sup> *Wenhua hanjian zui’e shi*, 51.

<sup>38</sup> Tan Zhengbi, “Lun Su Qing yu Zhang Ailing,” 44.

constraints of women's work and writing in wartime. Su Qing began her college education at the National Central University in Nanjing. She dropped out in her sophomore year since she married Li Qinhou and became pregnant soon after the wedding. After a painful labor, Su Qing gave birth to a girl, which disappointed her husband and her in-laws who all wanted a boy. Su Qing felt oppressed by the dullness of life as a housewife for the next year, while her husband, Li Qinhou, pursued a law degree at Shanghai Dongwu University. Although Li's part-time job was not enough to support the family, Li was strongly against the idea of Su Qing seeking outside employment.

In this suffocating family environment, Su Qing published her first essay, "Giving birth to a girl," in the magazine *Analects (Lunyu)*. Encouraged by her initial success, Su Qing published several other short articles and adopted the penname Su Qing in 1937 (her original name was Feng Yunzhuang). The relation between Su Qing and Li Qinhou deteriorated over the next few years with the birth of their second daughter, Li's affair with a married woman, and Li's increasing resentment of Su Qing's job as a writer.<sup>39</sup>

In 1942, Su Qing divorced her husband and devoted herself to writing fiction and short essays. Her writings focused on familial relations, and paid particular attention to issues that hindered modern women from pursuing independent lives and careers. Su Qing arrived at the high point of her career in the 1940s. Her most famous novel, *Ten*

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<sup>39</sup> Xi Chi, "Luanshi cainü Su Qing" [The talented female writer Su Qing in turbulent times], *Zuijia tiandi* 4 (2007), 62-67.

*Years of Marriage*, was reprinted seventeen times, and her collection *Washing Silk* was reprinted ten times.<sup>40</sup> In 1943, Su Qing produced her own literary journal *Tiandi yuekan* (Heaven and Earth), and established her own press—Heaven and Earth Press.<sup>41</sup>

Meanwhile, however, Su Qing's fame was tainted by speculation concerning her relationship to Chen Gongbo, who was mayor of the puppet Shanghai Municipal Government at the time. Su Qing's acquaintance with Chen Gongbo began in 1942. Upon hearing Chen Gongbo's praise for her recent works, Su Qing published an article in the journal, *Gujin* (Past and Present), describing Chen Gongbo as an interesting and affable individual. Su had just decided to divorce Li Qinhou at the time and was seeking employment. Chen Gongbo wrote a letter to her, offering a secretarial position.<sup>42</sup> Su Qing thus started to work in the secretary's office (*mishuchu*) of the municipal government. Her main duties included signing and issuing official documents. Before long, Su Qing voiced criticisms of the bureaucratic procedures of reviewing and annotating government documents. Chen suggested that Su should resign and commented that "women were not suitable for politics," according to anecdotes.<sup>43</sup> Nonetheless he continued to pay Su Qing a salary after she resigned.<sup>44</sup> By the end of

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<sup>40</sup> Zhang Yingyin, *The City in Modern Chinese Literature and Film: Configurations of Space, Time and Gender* (Stanford: Stanford University, 1996), 325, n73.

<sup>41</sup> Huang, "Fashioning Public intellectuals," 338.

<sup>42</sup> Liu Weirong, "Zuojia Su Qing yu da hanjian Chen Gongbo de 'liqi' jiaowang," 28.

<sup>43</sup> *Ibid.*, 29.

1942, Su Qing had moved out from her husband's house. Chen Gongbo loaned her money to rent a house and buy furniture.

Chen also patronized Su Qing's literary production. When Su Qing established the monthly, *Heaven and Earth*, Chen Gongbo gave her 50,000 *Zhongchuan*, which was sufficient at the time to purchase twenty-five thousand sheets of white paper. One widely publicized report portrayed Su Qing sitting grandly in a truck with bundles of white paper, passing through Shanghai's main streets to show off.<sup>45</sup> Whether or not Chen indeed provided financial support for Su, the journal evidently served as his mouthpiece. *Tiandi* regularly published contributions by Chen Gongbo and individuals from his circle, including Zhou Fohai, Yang Shuhui (Zhou's wife) and Zhou Youhai (Zhou's son). In addition, *Heaven and Earth* frequently carried advertisements on behalf of the Wang Jingwei regime and individuals involved with the Wang regime, including advertisements for the puppet Central Reserve Bank and books written by Chen Gongbo and Zhou Fohai.<sup>46</sup>

Because Su Qing's writings focused on domestic life and women's sexuality, and because she was closely connected to important figures in the puppet regime, she became one of the two women targeted in a publication entitled *Criminal Histories of Cultural*

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<sup>44</sup> Ibid, 28.

<sup>45</sup> Ibid, 28.

<sup>46</sup> Han Chunxiu, "Su Qing yu Tiandi" [Su Qing and her "Heaven and Earth"] (M.A. thesis, Shandong University, 2008).

*Collaborators* (the other one was Eileen Chang). Although the *Criminal Histories* targeted a popular audience and is, in many respects, similar to *Hideous Histories of Female Collaborators* in its content and intention, the author, Sima Wenzhen, was more radically conservative and sexist. He denied the literary achievements of Su Qing and Eileen Chang, and attributed their success entirely to their connections with influential male literati and politicians. The article on Su Qing was titled “Su Qing: The Female Counterpart of Zhang Jingsheng; The Illicit Imperial Concubine of Chen Gongbo.”<sup>47</sup> The article deprived Su of any independent identity and assigned her a sexualized position in relation to Chen Gongbo. Furthermore, the comparison of Su Qing with Zhang Jingsheng reflected the discrimination against scholars and writers who dealt with issues related to sexuality.

Zhang Jingsheng was a professor and a sexologist whose ideas and work caused much controversy and criticism in the 1920s. Zhang solicited from readers narratives about their sexual experiences and compiled readers’ responses into a book, *Sex Histories* [Xingshi]. This collection provoked enormous media controversy as well as the wrath of the authorities.<sup>48</sup> General readers in the 1920s treated the collection as pornography and looked only for salacious content from the book. As a result, numerous unauthorized

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<sup>47</sup> “Nü Zhang Jingsheng: Su Qing, Chen Gongbo de lushui feizi” [Su Qing: The Female Counterpart of Zhang Jingsheng and The Illicit Imperial Concubine of Chen Gongbo], in Sima Wenzhen, *Wenhua hanjian zui’e shi*, 51-53.

<sup>48</sup> For a discussion of Zhang Jingsheng and his work in the context of vigorous debates on and reevaluation of free love in the 1920s, see Lee, *Revolution of the Heart*, chapter 4.



publishers produced collections of pornography which carried the same title as *Sex Histories*. Zhang Jingsheng's reputation was seriously damaged. Many writers and critics attacked and ridiculed him.

Sima Wenzhen compared Su Qing with Zhang Jingsheng probably because both touched on female sexuality in their work. In her autobiographical novel, *Ten Years of Married Life*, Su Qing gave a detailed and honest account of wedding night, sex life, pregnancy and labor from a female perspective. In the novel, the newlywed protagonist became sexually awakened and looked for a lover in her college after discovering her husband's affair with another woman. Zhang Jingsheng's controversial work, *Sex Histories*, also contained entries contributed by female readers, and the description of sex in *Sex Histories* was far more explicit and bold than that in Su Qing's works. Since Zhang endured much criticism and misunderstanding of his literature, the comparison showed an apparent contempt of Su Qing's literary achievement. Most importantly, the pamphlet treated Su Qing as a "female Zhang Jingsheng," as well as Chen Gongbo's "illicit imperial concubine." Although she was a successful writer, in her own right, Su Qing's subjectivity was dismissed, for the title indicated that what she did was to imitate a previous male writer and her success was made possible by her extramarital relationship with Chen Gongbo.

The anti-female *hanjian* literature, as suggested in the title, *Criminal Histories of*

*Cultural Collaborators*, deprived individuals like Su Qing of their individuality as people and writers. Su Qing's writing style had won her both popularity among common readers and appreciation from many important writers of her time. Eileen Chang once commented that among all contemporary women writers, her favorite was Su Qing, for Su's style was that of "grand simplicity" (*weida de danchun*).<sup>49</sup> The sales records of Su Qing's fiction also spoke for her success in the literary world of occupied Shanghai. Both *Ten Years of Married Life* and its sequel were reprinted multiple times. *Tiandi* was undeniably a commercial success. Three thousand copies of its first issue sold out on the first day, and two thousand additional copies also sold out. In addition, within twenty days of the first issue's circulation, *Tiandi* received 247 letters from readers and 123 contributed articles, not including contributions solicited by Su Qing.<sup>50</sup> Su Qing's connection to major collaborators might have won financial support for *Tiandi*, but it could not have fabricated such a wide response. The journal's apolitical position and its focus on everyday life grounded its popularity in occupied Shanghai.

The anti-*hanjian* literature, however, ridiculed Su Qing's writing by saying that she "had no chance to stand out in literary circles," and that she "only occupied a temporary and minor position in the publishing industry" because of her connections

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<sup>49</sup> Tang Wenbiao, ed. *Zhang Ailing juan* [A collection of Eileen Chang's works] (Taipei: Yuanjing chubenshe, 1982), 222.

<sup>50</sup> Han Chunxiu, "Su Qing yu Tiandi," 4.

with certain editors and publishers.<sup>51</sup> According to *Criminal Histories of Cultural Collaborators*, Su Qing had admittedly made some valuable arguments in her writings on “women and household politics,” but later in her career she “specialized in making sexual content a selling point of her books.”<sup>52</sup> While depicting the popularity of *Tiandi*’s first several issues, Sima voiced a certain embittered misogyny by commenting that “a woman unexpectedly beat so many men who also run their own journals—no wonder she does not know who she is.” *Hideous Histories of Female Collaborators* went one step further, by inventing or repeating a rumor that Su Qing got financial support from Chen by indicating that she was pregnant with Chen’s child and threatening to reveal this secret. Such a vicious rumor obviated any recognition of Su Qing’s talent and achievements as a writer.

Beyond attacking Su Qing’s literary work, anti-*hanjian* literature also adapted and deployed a number of sexually derogatory terms from popular slang to refer to Su Qing, Eileen Chang, and their friends and activities. In order to express hatred and contempt towards the “cultural collaborators,” pamphleteers employed depersonalized terms, such as “evil spirits of the cultural circles” (*wentan yaoguai*), “demon king” (*mowang*) and “spirits who used their writing to delude people” (*wenyao*). Such vocabulary was especially diverse and insulting in articles targeting “female collaborators.” Almost all

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<sup>51</sup> *Nü hanjian choushi*, 9.

<sup>52</sup> Sima, *Wenhua hanjian zui’eshi*, 51.

the labels used for Su Qing involved sexually derogatory words with a crude, uncultured origin. For instance, *baohuo*, which literally means “precious goods,” is a term that refers to an individual of undistinguished character or conduct, who feels good about himself/herself but is quite laughable in other’s eyes. Other labels used to denominate Su Qing included “wicked slut” (*yaofu*), “rotten and filthy woman” (*lanwu nüren*), “female evil spirit” (*nüyao*). Literary figures and writers who had praised Su Qing’s essays were called “collaborating literati,” or *hanjian wenren*. Su Qing’s writing and publishing career was referred to as a “business,” or *shengyi*.

Other than the two “histories,” numerous other tabloids and comics also jointly attacked Su Qing. Even some serious newspapers, including *Wenhuibao*, disparaged Su Qing’s works as “pornographic readings” (*seqing duwu*), the only talisman of which was the “lure of sexuality.”<sup>53</sup> Many tabloids published speculation not only about her personal life, but also about her hairstyle, outfits and her everyday life. Su Qing herself noticed how publications facing common readers treated women writers differently after the end of the war. During the occupation, Shanghai’s newspapers portrayed Su Qing as a silent, dignified and elegantly-dressed woman writer. With the conclusion of the war, the anti-*hanjian* campaigns intensified and permeated every aspect of social life. As the “sensual histories” and “hideous histories” genre grew popular, some publications

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<sup>53</sup> *Wenhuibao* [Shanghai Wenhui Daily], September 6, 1945, quoted in Su Qing, *Xu jiehun shinian* [Sequel to “Ten Years of Married Life”] (Shanghai: Lili chubanshe, 1947), introduction, 4. Su Qing also mentioned that there were a lot of tabloids and comics that made up news and rumors to attack her personal and political morality.

labeled Su Qing as a “literary prostitute,” mocked the way she dressed, and fabricated details about her life.<sup>54</sup>

Su Qing surely found such accusations and insults unbearable. Her professional identity was based on her own literary talents, and writing was her only way to make a living for herself and her three children. She made a strong self-defense in 1947 in the introduction to the sequel to *Ten Years of Married Life*. She admitted that she chose to write and publish her works in occupied Shanghai, but argued against accusations that were launched against her just because she decided to continue being a writer during war years. In her self-defense, she also subtly criticized the Chiang Kai-shek government for leaving its people behind in an occupied city while requiring absolute loyalty from them:

My articles are my articles, no matter where they are published. It is said that artists should carefully protect their reputation. To be honest, I only care about filling my stomach.

...

If I chose not to starve myself to death in occupied Shanghai, how could I heroically refuse to use the puppet money?

...

I did not choose to publish under Japanese occupation. I think the important thing here is not whether I sold my articles, but whether by selling my articles I harmed the nation. Otherwise, (I sold my writings in occupied Shanghai) just like rice merchants sold rice, and rickshaw pullers sold their service to passengers. If the nation does not deny the rights of its citizens to survive at the level of bare existence, I survived and I do not feel guilty.<sup>55</sup>

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<sup>54</sup> Ibid, 5. Su gave several examples on how tabloids vividly depicted her clothing at various events and her living habits, accounts which were completely based on fabrication.

<sup>55</sup> Su Qing, *Xu jiehun shinian*, 2, 6.

Despite the pressure brought by rumors and hostile speculation about her life, as a productive writer, Su Qing aimed to continue her writing career after 1945. After August 1945, she published twelve articles in newspapers and journals, as well as three collections of essays. This made 1945 one of her most productive years. However, ongoing anti-*hanjian* campaigns doomed Su Qing's future as a popular writer, destroying her reputation by publicizing her connections to major collaborators. The reprinting of *Ten Years of Married Life* was hindered by the anti-*hanjian* campaign. In 1947, a group of self-appointed activists prevented a bookstore from selling *Ten Years of Married Life*, saying that the book contained poisonous elements. Several bookstores which ordered the reprinted version of the book returned them to the publishers. More than a thousand copies were returned, and Su Qing and the publisher suffered from significant financial loss.<sup>56</sup> Although several reputable newspapers invited Su Qing to work as their editor, they imposed the condition that she abandon her widely known penname. Su Qing refused such requests. As a result, according to her own account, she could only publish literary essays in tabloids, which put her contributions next to news stories such as “carpenter raped a minor.”<sup>57</sup>

Su Qing's publications decreased in number in the postwar years.<sup>58</sup> In 1947, she published *A Sequel to Ten Years of Married Life*, in which she defended her choices in

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<sup>56</sup> Su Qing, *Xu jiehun shinian*, 3.

<sup>57</sup> *Ibid*, 7.

<sup>58</sup> Wang Xiaofang, “Kangzhan niandai de nüxing shuxie: lun Su Qing sansishi niandai de wenxue chuanzuo” [Literature production by female writer during the war: Su Qing and her literary production during the 1930s and 1940s] (M.A. Thesis, Shanghai Normal University, 2005).

developing her career and making friends. But her reputation was irreparably damaged. In addition, the literary style and themes that suited Su Qing best lost popularity in the postwar years. Her income from writing fiction and contributing to newspapers and journals shrank dramatically. Four years after the end of the War of Resistance against Japan, Chiang Kai-shek's Nationalist government lost mainland China to the Chinese communists, and the People's Republic of China was founded in October 1949. Unlike many Shanghai writers, intellectuals and artists who left for Hong Kong, Taiwan or foreign countries, Su Qing remained in Shanghai. In 1951, Su Qing completely stopped writing fiction and miscellaneous essays, and, under the recommendation of Xia Yan, the well-respected writer and playwright, took a position in the Shanghai Bureau of Culture as a full-time playwright.<sup>59</sup>

During the 1950s, Su Qing was active as a playwright and, for a period, her financial situation improved. While working on plays that catered to the political needs of the Communist government, Su Qing became acquainted with a number of left-wing intellectuals. Her friends included Wen Huaisha, disciple of Guo Moruo, the litterateur and one of the first Marxist revolutionary writers who was "in power" at the time.<sup>60</sup> In the early 1950s, Su Qing produced a series of historical and modern plays, among which

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<sup>59</sup> Wang Xiaofang, "Kangzhan niandai de nuxing shuxie : lun Su Qing sansishi niandai de wenxue chuanzuo," 3.

<sup>60</sup> Wendy Larson, *Literary Authority and the Modern Chinese Writer: Ambivalence and Autobiography* (Durham: Duke University Press, 1991), chapter 5; Zhong Ya, "Youguan Su Qing Shanghai fangwenji," [Interviews conducted in Shanghai on the life of Su Qing], *Shucheng* 11(2000), 25.

*Qu Yuan* won several awards and was highly regarded. Because of Su Qing's "questions left over from past history" (*lishi wenti*), she did not receive an award as the playwright of *Qu Yuan*, even though a number of awards were given to actors, directors and musicians of the play.<sup>61</sup>

Su Qing's remnant political problems and her ongoing friendship with Yang Shuhui, Zhou Fohai's wife, brought her greater trouble as the political atmosphere grew more radical. Since 1957, the Communist government started to suppress the relatively pluralistic developments in literature and arts, and intellectuals who had expressed criticisms of the government were attacked as "rightists." Su Qing was arrested and imprisoned for more than a year for her past relations to the major collaborators and her suspected friendship with several rightists, including Hu Feng and Jia Zhifang.<sup>62</sup> She was severely attacked during the Cultural Revolution for her past history, and her salary decreased from 300 *yuan* a month in 1951 to 15 *yuan* a month in 1966. Su Qing lost her enthusiasm for playwriting. Shortly before her death in 1982, Su Qing desired to have a last look at the work of which she was most proud, *Ten Years of Married Life*, but could not find a copy since the book was banned. Several days before she passed away, her son-in-law managed to borrow a copy from someone who secretly kept the book, and fulfilling her final wish.

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<sup>61</sup> Zhong Ya, "Youguan Su Qing Shanghai fangwenji," 24-25.

<sup>62</sup> For the case of Hu Feng and "the Hu Feng Clique," see Kirk Denton, *The Problematic of Self in Modern Chinese Literature: Hu Feng and Lu Ling* (Stanford: Stanford University Press, 1998).



Like Su Qing, the famous writer Eileen Chang remained in occupied Shanghai and reached the peak of her literary production in the early 1940s. Eileen Chang was accused of being a “female collaborator” mainly because of her marriage to Hu Lancheng, a notorious “cultural collaborator” who worked in the Ministry of Propaganda in the Wang Jingwei government as well as in several puppet newspapers.<sup>63</sup> Even today, after the passing of many decades since the war, numerous historians in the PRC and Taiwan still consider Eileen Chang a female collaborator.<sup>64</sup>

Eileen Chang faced severe oral and literary attacks immediately after the war. *Hideous Histories of Female Collaborators* included an article on Eileen Chang, titled “Eileen Chang is willing to be a *hanjian*’s concubine.”<sup>65</sup> The writer recognized Eileen Chang’s literary achievements and subjectivity as a woman writer. In this case, the gender bias was in certain respects inverted. Hu Lancheng was ridiculed as riding to fame because of his relationship to Eileen Chang. The rest of the chapter on Eileen Chang related anecdotes about the triangular relationship among Eileen Chang, Hu Lancheng and Hu’s wife, Ying Yingdi. According to this account, Eileen Chang wrote to Hu Lancheng, expressing her willingness to be Hu’s third concubine (he had already

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<sup>63</sup> Dongyoun Hwang, *Some Reflections on Wartime Collaboration in China: Wang Jingwei and His Group in Hanoi* (Asian/Pacific Studies Institute, Duke University, 1998), 45-55.

<sup>64</sup> For instance, see Chen Liao, “Zhang Ailing re yao jiangwen,” [The Eileen Chang fever needs to cool down], *Wenyibao*, May 3, 1996; Liu Xinhuang, *Kangzhan shiqi lunxianqu wenxueshi*; Pei Xiansheng, “Tan lunxianqu wenxue yanjiu zhong de renshi wuqu” [On problems in studies of wartime literature in occupied regions], *Wenyibao*, April 18, 2000.

<sup>65</sup> *Hideous Histories of Female Collaborators*, 10.

married twice before they met).<sup>66</sup> There was no evidence that Chang had made such a statement. In addition, Chang and Hu later were legally married after Hu's second wife divorced him (his first wife had passed away). Therefore, the word, "concubine," or *qie* here, was inaccurate, and it served to deprive Chang of her status as an independent, modern woman. On the other hand, in comparison to Su Qing, the pamphleteer was somewhat more sympathetic to Eileen Chang, suggesting that there was still some possibility for Chang to redeem her reputation. The tone was didactic and condescending "whether or not Chang still has a future in writing depends on how she behaves from now on."<sup>67</sup>

In contrast, *Criminal Histories of Cultural Collaborators* offered a more radical and uncompromising attack on Chang. Sima Wenzhen began by mocking her name, suggesting that Chang's Chinese name, Zhang Ailing, sounded more like a dancing girl or a prostitute than a woman writer. Sima Wenzhen predicted that "she was destined to enjoy only a short period of popularity, just like a dancing girl."<sup>68</sup> The suggestion that the career of a writer was as frivolous, and as morally suspect, as that of a dancing girl

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<sup>66</sup> Hu Lancheng was married twice before he met Eileen Chang, and when they met, he had a wife, Quan Huiwen, and a concubine, Ying Yingdi. He and Eileen Chang got married in 1944, after Hu divorced his wife and concubine. Therefore, the pamphlet claimed that Eileen Chang was willing to be Hu Lancheng's third concubine. However, Hu Lancheng had never mentioned the quotation of Chang mentioned in the pamphlet. See Hu Lancheng, *Jinsheng jinshi* [This life, this world] (Taipei: Yuanxing chubanshe, 1976), 164-200.

<sup>67</sup> *Hideous Histories of Female Collaborators*, 10.

<sup>68</sup> Sima Wenzhen, *Criminal Histories of Cultural Collaborators*, 49.

reflected the disrespect that was not uncommon at the time towards apolitical women writers. Sima Wenzhen admitted that Chang once had the potential to become a great writer. However, he asserted that Chang had buried her future by allowing cultural collaborators such as Hu Lancheng to drag her down. The author employed a lot of incorrect information that reduced the credibility of his attack. For instance, he mistakenly stated that Chang's father's family name was Huang, and her mother's family name was Zhang. More importantly, one piece of evidence he used to attack Eileen Chang as a *nühanjian* was the publication of her works by the journal *Magazine (Zazhi)*, a "*hanjian* publication."<sup>69</sup> Although the secret identity of *Magazine's* chief editor, Yuan Shu, was not known by many at the time, the diverse political positions of its contributors suggested more than simple political complicity. Nonetheless, anti-*hanjian* literature simply treated *Magazine* as a *hanjian* journal, and passed the same judgment on all its editors and contributors.

Other than the "hideous histories" series, numerous tabloids also labeled Chang as a "female collaborator" and published stories of dubious authenticity about Chang. For instance, in March 1946, the tabloid *Shanghai School (Haipai)* reported on Eileen Chang, under the headline, "Eileen Chang as a jeep girl."<sup>70</sup> The tabloid revealed that Eileen

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<sup>69</sup> Ibid, 50.

<sup>70</sup> *Haipai* [Shanghai School], March 30, 1946, quoted in Chen Zishan, "1945-1949 nianjian de Zhang Ailing," 52-53. The tabloid reported that one day Eileen Chang was seen sitting in a jeep with heavy makeup, and later she was spotted going to the movie theatre with an American official. The tabloid ridiculed Chang in a way that seemed to be defense: "people who are not familiar with Chang may think

Chang was writing a new full-length novel, “Gilded Phoenix” (*Miao jinfeng*), which was never published.<sup>71</sup> In addition, the tabloid reported the “exclusive news” that Chang was seen sitting in a jeep with heavy make-up and going to the theatre with an American officer.<sup>72</sup> Although other sources confirmed Chang’s plan in 1946 to write “Gilded Phoenix,” the other anecdote was obviously dubious and intended to stain her reputation.

Although the anti-*hanjian* pamphlets and personal attacks in tabloids lacked credibility, they nonetheless created social pressure on Eileen Chang. As an individual who always chose to ignore criticism and rumors, Eileen Chang felt the necessity to defend herself. In the introduction to her collection of short fiction published in 1946, she asserted that “I have never talked about political issues in my work, and have never received any allowances (from the puppet government).”<sup>73</sup> Eileen Chang had no affection for the Japanese and saw no possibility that their rule in China would last. According to Hu Lancheng, she remarked that popular songs in Japan sounded quite

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that she becomes a ‘jeep girl,’ but for a person who speaks such good English, it is natural that she makes friends with one or two American officials.” “Jeep girl” referred to Chinese women who prostituted themselves to Allied soldiers and who often sat in the soldiers’ military jeeps to pass around the city.

<sup>71</sup> *Miao jinfeng* was originally a famous story told by artists of *Tanci*, a popular folk art in the Jiangsu and Zhejiang that features storytelling with the accompaniment of stringed instruments. *Miao jinfeng*, the gilded phoenix, is a love token in the story, and the plot mainly focuses on friendship and trust between the protagonist, Xu Huilan and his several friends. Eileen Chang took the title *Miao jinfeng* for her novel, but it was not clear if the novel was in any ways connected to the plot of the original story.

<sup>72</sup> *Ibid.*

<sup>73</sup> Eileen Chang, “You jijuhua tong duzhe shuo” [Several words to my readers], *Chuanqi* [Legend], second enlarged edition (Shanghai: Shanhe tushu gongsi, 1946).

sad, suggesting that the Japanese empire would soon meet its demise.<sup>74</sup>

Eileen Chang also indirectly but strongly responded to attacks on her marriage to Hu Lancheng by clarifying that her relationship with Hu Lancheng affected only her private life, and that it should not make her a *hanjian* suspect. In addition, she commented that “there is no need to reveal my private life to the public, and I have no obligation to make personal confessions to anyone but my family.”<sup>75</sup> In reality, however, not only did the public not leave her alone, her writings suggest that old acquaintances in Shanghai’s literary circles also took advantage of her diminished status as a collaborator’s wife. In *Little Reunion* (*Xiao tuanyuan*), the semi-autobiographical story that Eileen Chang worked on for several decades, which was not published until 2009, Chang shed light on her life in post-war Shanghai as Hu Lancheng’s wife.<sup>76</sup> Xun Hua, a character in *Little Reunion*, was based on a left-wing editor and playwright in Shanghai who was a friend of Eileen Chang and Hu Lancheng. He sexually harassed the protagonist, Jiuli, while her collaborator husband was in exile after 1945. As the character archetype for Jiuli, Eileen Chang bitterly commented on this episode that “everyone can take advantage of a *hanjian*’s wife.”<sup>77</sup>

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<sup>74</sup> Hu Lancheng, *Jinsheng jinshi*, 178.

<sup>75</sup> *Ibid.*

<sup>76</sup> Eileen Chang, *Xiao tuan yuan* [Little Reunion] (Taipei: Huangguan wenhua chuban youxian gongsi, 2009), introduction by Stephen Soong.

<sup>77</sup> Zhang, *Xiao tuan yuan*, 246-247.

Since *Little Reunion* is fictional, one cannot decide for sure if this episode reflected Eileen Chang's actual experience. Her comment on being a wife of a *hanjian*, however, revealed the bitterness of her experiences under this label.

While some groups and individuals attacked and insulted Chang because of her marriage to Hu Lancheng, other readers showed continuous support for her career because of her unique writing techniques, and the way that her writing evoked metropolitan Shanghai. In 1946 and 1947, Eileen Chang wrote two screenplays, *Endless Love* and *Darling, Stay at Home*. Both were developed into successful movies by director Sang Hu. In 1947, Eileen Chang published two serialized novels, and received warm responses from common readers.<sup>78</sup> After late 1947, Eileen Chang's published works decreased in number. This was partly because she formally ended her marriage with Hu Lancheng, which apparently reduced her interest in literary production for quite a while. In addition, because of her involvement with Hu Lancheng, her screenplay *Darling, Stay At Home* received negative feedback from literary critics. Disheartened by the political atmosphere, Eileen Chang left Shanghai for Hong Kong in 1952, and then moved to the United States in 1955.

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<sup>78</sup> Chen Zishan, "1945-1949 nianjian de Zhang Ailing," 54-55.

*“Hideous Histories” of Male Collaborators*

While accusing female writers of selling sex in their writings, it was of course the case that compilers of the “Hideous Histories” series exploited sexuality to sell their publications. “Hideous histories” not only targeted female celebrities and their men, the collections also included materials from various sources on a broad variety of male collaborators. For instance, the second issue of *Hideous Histories of Collaborators* (*Hanjian choushi*) contained articles on female celebrities, such as Li Lihua, Wu Mingfang and Li Qingping. It also contained anecdotes about a handful of common women who had relationships with Japanese military officials. One of them was a certain Li Li, who was reported to be involved with “top Japanese military counsel” and lived a luxurious life. These entries provided no name or other specific, traceable information concerning the individuals they mentioned, but were full of details about their dwellings, meals and sex lives.

The majority of individuals whose names appeared in *Hideous Histories of Collaborators*, however, were male, including “cultural collaborators” (such as Liu Yushen), “industrial collaborators” (such as Chen Botao), and major collaborators in the Wang Jingwei government (such as Chen Gongbo, Zhou Fohai and Chu Minyi). Probably because their crimes were well-known, the writers mostly focused on scandals

about their private lives, in order to draw curiosity as well as the hatred of common readers. This strategy can be seen from the titles of entries concerning male collaborators:

--The Womanizing Life of Zhou Youhai (Zhou Fohai's son)

--Who is Chen Gongbo's Concubine?

--Absurd Stories about Wang Mengjin

--Foul Histories of Liang Hongzhi

The fifth issue of *Hideous Histories of Collaborators* targeted a wider diversity of individuals from various circles. The authors selectively exposed aspects of their political and private lives. The titles of the individual entries provide a sense of bizarre content:

--A Well-planned Poisoning Case Carried out by Our Underground Agents

--Traitorous Wang Jingwei: After His Death

--Hideous Propaganda Plot of the Puppet Government

--Liu Haisu Has Achieved Nothing

--A Major Collaborator in Ningbo: Zhou Shiyong

--Dreg of the Legal System: Nie Chongyi

--Lu Ying, the Sex Addict

--Old Pervert: Zhou Yueran

--Activists within the "Great East Asian Literary Circles"



- Yang Junbao: A Senior *Hanjian* from North Jiangsu
- “Sheng the Third” Persecuted His Old Friend with A Lawsuit
- Devious Histories of Zhou Fohai
- Li Xianglan Is Still at Large
- The Details of the Arrest of Zhang Shankun
- A Minion of the Japanese in Hangzhou: Wang Wuquan, Head of the Puppet Chamber of Commerce
- A Minion of the Japanese in Hangzhou: Han Yuwen, Tycoon in the Rice Business
- Tang Hai’an and Tang Liangli
- The Inside Story of the Fire on the Mortuary
- Sun Yimin: A *Hanjian* from Jiangwan.
- Ma Lianliang is Still Active
- The Inside Stories of 1136 Yuyuan Road: Gathering Place of A Group of Clowns
- Violent and Abusive Huang Liewen, puppet Head of Qingpu County
- The Self-appointed Commander General Ou Daqing
- Foul Histories of Li Shiyu
- Active Conspirator of the “76 Jessfield:” Fu Yewen
- Chen Yangwu: Head of the Puppet Department of Education in Zhejiang

These articles concentrated on revealing key moments in the career paths and

social lives of individuals who were considered collaborators. The accusations were quite ungrounded for some of these individuals. Lacking solid evidence to prove that individuals worked for the Japanese or puppet regimes, the writers reported any Japanese-related social activities, and relished in revealing embarrassing social anecdotes. Sources for such information were often hearsay and speculation. Many writers and artists who were educated in Japan and maintained their Japanese contacts were easily suspected as collaborators. The famous oil painter, Liu Haisu, was one of the “collaborators” targeted by the “Hideous Histories” series, primarily because his name was on the list of “cultural collaborators” published by the Chongqing-based New China Daily (*Xinhua ribao*).<sup>79</sup> The newspaper, which was controlled by the Nationalist government, completed this list by soliciting names of collaborators from its readers. It published all the names it received.<sup>80</sup> This irresponsibly produced list created the impression among people that all the individuals involved were collaborators, or at least suspected collaborators. The pamphlet, *Hideous Histories of Collaborators*, entrenched this impression by adding details and “evidence” to the collaboration “crimes” of many individuals who appeared on the list. In the part on Liu Haisu, the writer completely denied any positive contribution by Liu to the development of modern Chinese art.

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<sup>79</sup> *Xinhua ribao*, August 23, 1945, quoted in Huang Jianjun and Long Xiangzhen, “Liu Haisu chongdang hanjian shifei bian” [A defense for Liu Haisu regarding the accusation of collaboration], *Dawutai* 5 (2009), 102-103.

<sup>80</sup> *Ibid*, 102.

Instead, the account adopted the label “traitor in art” that was given to Liu by his artist colleagues.<sup>81</sup> The “traitor in art” label, which Liu originally cherished as a humorous recognition of his introduction of ground-breaking concepts and techniques to Chinese art, now was given a new political meaning by reinforcing the impression of “his traitorous nature.”<sup>82</sup>

The chapter on Liu Haisu failed to provide solid evidence of Liu’s collaboration. The only fact it relied on was that Liu Haisu returned to Shanghai from the South Pacific on a Japanese-provided airplane.<sup>83</sup> Other parts of the article consisted of anecdotes of Liu’s political as well as private life. Liu’s third wife, Cheng Jiahe, was one of his former students. While Liu was detained in the South Pacific, Cheng fell in love with Xiao Naizhen, a low-ranking official in Wang Jingwei government.<sup>84</sup> In the narrative of *Hideous Histories* she appears as Liu’s “third concubine,” a former student of his, who

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<sup>81</sup> Liu established the ground-breaking art school “Shanghai Art Institute” (*Shanghai Tuhua meishu xuexiao*) in 1912 with several other artists, founded the first specialized art journal *Art* [Meishu] in 1918, and introduced manikin in 1919. He Haifeng, “Shidai de xianfeng, meiti de jiaodian—Liu Haisu jiqi Shanghai tuhua meishu xuexiao,” [Pioneer of the time and focus of the media: Liu Haisu and his Shanghai Art Institute], *Meiyuan* 6 (2009), 40-45. Michael Sullivan, *Art and Artists of Twentieth-Century China* (Berkeley: University of California Press, 1996), 30.

<sup>82</sup> *Hanjian choushi*, issue 5, 10.

<sup>83</sup> *Ibid.* This piece of information is confirmed by recent studies. Liu Haisu held an art exhibit in Indonesia, and was arrested by the Japanese in Java. The Japanese kept Liu in captivity for a while, and attempted to have Liu work for them. Liu might have made compromises, since he returned to Shanghai with the escort of Japanese planes, and held several exhibit sponsored by the Japanese. On the other hand, Liu refused to join the puppet art association proposed by Chen Gongbo, and donated his gains from his art exhibit to the War of Resistance. See Rong Hongjun, *Shiji enyuan: Xu Beihong and Liu Haisu* [Decades-long enmity between Xu Beihong and Liu Haisu] (Beijing: Tongxin chubanshe, 2009).

<sup>84</sup> Zhang Dainian and Deng Jiuping, *Yitu chunqiu* [Vicissitudes in the lives of artists] (Beijing: Beijing shifan daxue chubanshe, 1997), 49-53.

cheated on him with Liu's collaborator friend, forcing Liu to divorce her.<sup>85</sup> The preferred use of "concubine" to "wife" in such pamphlets created the impression that these collaborators lived corrupt and immoral private lives, and consigned the women in their lives to objectified positions. In addition, the account utilized and reinforced the popular perception that the relationships and marriages of artists and intellectuals were too transient and unstable for popular moral standards, a situation which corresponded with their "political disloyalty."

Another anecdote about Liu Haisu revealed an embarrassing moment in his social life that was impossible to prove. The pamphleteer reported that once Liu wore a Western suit to attend an important event upon Wang Jingwei's invitation, but the guards refused to let him in because "the invitation specified that all guests should wear Chinese-style long gowns."<sup>86</sup> The anecdotes indicated that traitors such as Liu Haisu could not even win respect and friendship from other collaborators even though they betrayed their nation and traditions, and that there were no human bonds among collaborators since each was only after their own interest.

As for the private lives of collaborators, the pamphlet provided a special collection of shorter anecdotes, and the collection was titled "Fragmented Records of Absurd Lives of Collaborators." All these anecdotes were contributed by readers of

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<sup>85</sup> *Hanjian Choushi*, issue 5, 12.

<sup>86</sup> *Ibid.*

previous issues of *Hideous Histories of Collaborators*, and were viewed by the compiler as “precious materials” since no other publications had used them before. These

“fragmented Records” included:

- The Legislator Who Eats “Cunt- jujube” and Smells Bound Feet
- Minister of Personnel Worms His Way into the Dog Hole
- Deng Zuyu Madly in Love with Huang Guichun (a famous sing-song girl in Nanjing)
- Wang Ruikai Chants Sutras in Front of the Journalists
- Jiang Kanghu Was Caught Smuggling Goods on Business Trips.
- “The Thirteenth Red” (name of a prostitute) Cries over Her Imprisoned Husband
- Liang Hongzhi Hooked up with “Spring of the Jade Chamber” (name of a famous prostitute in a popular story, referring to a prostitute).
- The Territorial Association (*bianjianghui*) Remains in Idleness
- The Kaleidoscope of Collaboration: Ugly Faces of *Hanjian*
- Nothing Is Too Strange or Scandalous for the Puppet Ministry of Education
- A Collection of Trivial Stories about Collaborators

In the last entry, “A Collection of Trivial Stories about Collaborators,” other than presenting his own list of collaborators, the author also encouraged readers to contribute to the list by writing to the publisher.<sup>87</sup>

Despite its miscellaneous and hearsay contents, *Hideous Histories of*

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<sup>87</sup> *Hanjian Choushi*, issue 5, 12.

*Collaborators* and similar publications still reached quite an audience, and had a strong social influence on individuals they targeted. A reader's letter published in the fifth issue reflected the wide circulation and influence of this publication. In the second issue of *Hideous Histories*, one article revealed that Gu Jiren, a minor figure in the puppet Rice Control Commission (*mitonghui*), was listed as a collaborator by the Third Front of the Nationalist army and then arrested.<sup>88</sup> The pamphlet exposed the back story of Gu's arrest. Gu's collaboration was not that noticeable due to his low rank in the commission, and he was only caught because one of his aunts reported to the third Front of the Nationalist army that Gu worked for the puppet commission. This aunt of Gu's practiced the principle of "sacrificing blood ties to righteous cause" (*dayimieqin*) only because of their recent conflicts in household division.

A month later, the fifth issue of *Hideous Histories of Collaborators* published a letter from Gu Lingjin, Gu Jiren's aunt. She insisted that what the earlier article from the *Hideous Histories* described was not true. She clarified that she had paid back all the money she borrowed from Gu Jiren. In addition, Gu Lingjin insisted that although living in poverty, she did not request household division, nor did she expose her nephew's collaboration to the Nationalist army. In this case it is not possible to know how familial conflict affected Gu's arrest. The letter by Gu Lingjin, nonetheless, shows that the *Hideous Histories* series reached a broad sector of the society. Its influence was sufficient

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<sup>88</sup> Ibid, issue 2, 8.

for individuals mentioned in the series to feel public pressure to exonerate themselves and their families.

### *Conclusion*

After 1941, because of Japanese occupation and censorship, Shanghai intellectuals could only write on a limited variety of themes and topics. This difficult political environment created openings for writers who specialized in gender-specific issues, topics such as women's education, career, marriage and divorce. These writers, most of whom were women, won popularity among Shanghai's urban residents. However, toward the end of the war, female writers, among women of other occupations and backgrounds, were severely criticized and attacked by literary campaigns against collaborators. Their writing was branded "pornography."<sup>89</sup> Female artists who associated with Japanese were also put under severe attack. Li Qingping, a well-known painter at the time, was accused of being one of many Chinese girlfriends of a Japanese officer, Matsushima Keiso, before he was tired of her and gave her away as a present to another Japanese officer.<sup>90</sup> In the eyes of the conservative and sexist patriots behind the "hideous histories" genre, by getting involved with male collaborators, female writers and

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<sup>89</sup> Zhang Yingjin, *The City in Modern Chinese Literature and Film*, 326, n90.

<sup>90</sup> *Hideous Histories of Female Collaborators*, 12.

celebrities such as Su Qing and Eileen Chang “attached themselves to traitors” and “catered to the enemy” (*feiwei funi, yiqie yangdi*). The increasingly radicalized political atmosphere was responsible for this kind of perspective, which resembled the punishment of “guilt by association,” or *lianzuo*, a political and legal practice which was developed by China’s legalists to control crime and bind subjects together and still persisted in popular consciousness.

During the anti-*hanjian* campaigns, women writers who remained in occupied Shanghai and published in politically problematic journals had no way to prove their political innocence, even if they wished to do so. Furthermore, their literary specialty was not compatible with the political needs of either the Nationalist government or the Communist party in the postwar period. As Haiyan Lee points out, these women writers upheld and publicized the idea that “personal happiness, especially as it pertains to women, does not necessarily hinge on collective (future) happiness and that individual freedom is not epiphenomenal to collective freedom.”<sup>91</sup> In this way, they challenged the standard motif of the “grand narrative of Chinese history and induced criticism from the increasingly left-leaning critical circle.” This was the fundamental reason why they were victimized by the anti-*hanjian* campaigns.

Victims of the “hideous histories” genre also included all collaborators and individuals who were suspected of collaboration based on random evidence. Pamphlet

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<sup>91</sup> Lee, *Revolution of the Heart*, 137.



editors highlighted salacious aspects of these individuals' personal lives as corroborative evidence for their political choices. Despite the fact that many of these individuals were not legally tried as collaborators, their private lives were scrutinized and mingled with their public images. Beyond serving as didactic literature to encourage common people to condemn traitors, another factor behind the "hideous histories" genre and Shanghai's many tabloids was commercial interest, as juicy and detailed anecdotes about personal lives of "collaborators" could only sell publications. Su Qing herself speculated that those who owed her commissions and who pirated her work also participated in the campaigns that aimed to socially destroy her.<sup>92</sup> Regardless of motivations behind such literature, the genre had an impact on the ways that society and bystanders rendered moral judgments on enemies or suspected enemies of the state. Many of the rhetorical strategies and vocabularies in "hideous histories" survived and were taken up during later mass campaigns organized by the Communist party.

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<sup>92</sup> Su Qing, *Xu jiehun shinian*, 3.

## CHAPTER VII

### CONCLUSION

This study has focused on the political, legal and cultural campaigns against collaborators during the War of Resistance Against Japan and in the immediate post-war period. As a legal and social phenomenon, the anti-*hanjian* campaigns were directed by the Nationalist government under Chiang Kai-shek with the intention of enhancing the war effort and suppressing competing political contenders. The government produced laws defining and targeting *hanjian*. In order to make *hanjian* easily identifiable by common people and to mobilize popular anger against collaborators, resistance intellectuals, journalists, students and patriotic urbanites created certain stereotypes of *hanjian* via media forms such as newspapers, pamphlets, cartoons and plays. The state and society together produced statements and descriptions concerning political and military actions, ideological expressions, and lifestyles of typical collaborators. In the post-war period, in a depressed economy and unstable political environment, literature on how *hanjian* lived luxurious lives with the money they gained by selling out their nation won wide popularity among common readers. Conceptions of loyalty and betrayal were materialized in this discourse.

Did the Nationalist government achieve its goals in launching the anti-*hanjian* campaigns? The answer is probably no. Government rhetoric expressed the goal of restoring justice lost in wartime by punishing those who harmed the people. However, because of the sheer number of people who participated in these campaigns, as activists and as targets, the anti-*hanjian* campaigns were destructive to postwar social stability and reconstruction. From November 1944 to October 1947, at the national level, the procuratorate processed 45, 679 *hanjian* cases, and decided to prosecute 30, 185 individuals. Courts of all levels together processed 25,155 cases, and rendered sentences of different degrees upon 14,932 individuals. Among those who were found guilty of collaboration, 369 were executed, 979 were sentenced to life imprisonment, 13,570 were imprisoned for varied periods of time, and 14 received fines for minor collaborationist conduct.<sup>1</sup>

The number of Chinese collaborators arrested, tried and sentenced appears to have been particularly large compared to that of Japanese war criminals. By January 1949, military tribunals reported that they had processed about 2,200 cases of war criminals, including 145 cases involving war criminals responsible for the Massacre of Nanjing in 1937. The military tribunals rendered sentences on defendants in about 400 cases. The remaining war criminal suspects, including Okamura Yasuji,

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<sup>1</sup> Zhang Qizhi, ed. *Wangqing minguo shi* [A history of the late Qing and Republican period] (Taipei: Wunan tushu chuban gongsi, 2002), 556.

commander-in-chief of the Japanese army in China, were found not guilty and were sent back to Japan.<sup>2</sup> The Chiang Kai-shek government propagandized its policy towards the Japanese as “treating those who are harmful with forgiveness and kindness” (*yide baoyuan*).<sup>3</sup> Noting this discrepancy in treatment, domestic public opinion expressed deep disappointment over Chiang’s forgiveness to the Japanese and his harsh punishment of Chinese collaborators, especially those who had been forced to work with the Japanese or puppet regimes.<sup>4</sup>

People were also disheartened by the anti-*hanjian* campaigns because the authority of the judiciary was seriously compromised by corruption and political interference. Many minor collaborators received similar or even heavier punishments than regionally infamous collaborators because the latter were in a position to bribe or manipulate important connections within the government. Between 1945 and 1948, the most vigorous years of anti-*hanjian* movements, there was a popular saying that “those who possess gold bricks are innocent, and those who are penniless have no right to demand justice.”<sup>5</sup>

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<sup>2</sup> Ibid, 557-558.

<sup>3</sup> Masui, *Kankan saiban shi*, 294. .

<sup>4</sup> Ibid, 290.

<sup>5</sup> The saying was originally a juxtaposition of two otherwise unrelated idioms “there is order and logic” and “there is no law and no heavenly rules” (*youtiao youli, wufawutian*). In this saying, *tiao*, which originally means “order,” refers to *jintiao*, or “gold bricks;” and *fa*, which originally means “law,” refers to *fabi*, the currency issued by the Nationalist government. Therefore, the extended version of the saying was actually *you jintiao cai you daoli, wu fabi jiu wu qingtian*, or “those who possess gold bricks are innocent,

The anti-*hanjian* campaigns reflected some fundamental problems of the Nationalist government and its judiciary. As Mühlhahn argues in his study of the criminal justice system in China, the Nationalist government gradually developed its judiciary into a mechanism to suppress political enemies of the state, and the penal system was used for political goals.<sup>6</sup> The anti-*hanjian* campaigns under the Nationalist government were initially implemented and intended as top-down political campaigns, in which the government monopolized the right to decide who was guilty of collaboration and who was not. The Nationalist government organs were solely responsible for arresting, prosecuting, investigating, trying *hanjian* suspects and rendering legal judgments. Although Chiang Kai-shek encouraged common people to expose *hanjian* around them, his administration on the whole did not have the capability to efficiently and fairly process most *hanjian* cases brought to the courts.

The dissertation has focused on the anti-*hanjian* campaigns that were primarily directed and carried out by the Nationalist government under Chiang Kai-shek. This by no means indicates that there were no similar campaigns in regions outside the control of the Nationalist government, or that such campaigns were insignificant. During the War of Resistance, in its base areas around the borderlands of Inner Mongolia and Xinjiang, the Chinese Communist Party, like the Chiang Kai-shek government, denounced and

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and those who are penniless have no right to demand justice.” See Zhang, *Wangqing minguo shi*, 555.

<sup>6</sup> Mühlhahn, *Criminal Justice in China*, 172.

punished collaborators through legal procedures, accusation meetings and mass trials. The dissertation primarily concentrates on the GMD anti-*hanjian* campaigns because of the centrality of such campaigns in national politics, their immediate influence and their enduring legacies. When the war broke out in 1937, the Nationalist government under Chiang Kai-shek was the central government as well as the internationally recognized government representing China. Although the Chiang Kai-shek administration lost its capital to the Japanese and retreated to Chongqing, the laws and political orders it issued still carried unparalleled authority even in areas outside its effective rule. For instance, in 1939, when the Chinese Communist Party issued “Regulations on Punishing *Hanjian* During the War of Resistance within the Shaanxi-Gansu-Ningxia Border Area,” this document was modeled on the Nationalist government’s 1938 version of “Regulations on Punishing *Hanjian*.”<sup>7</sup> The CCP “Regulations” defined *hanjian* by listing a range of conduct that benefited the enemy or harmed the people, in a manner that resembled the “Regulations” issued by the Nationalist government.<sup>8</sup> With the recovery of previously occupied regions after the war, the Nationalist government’s anti-*hanjian* regulations were more effectively executed in most core regions in China. The legal, social and cultural campaigns against *hanjian* carried tremendous political weight and influenced

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<sup>7</sup> “Regulations on Punishing *Hanjian* During the War of Resistance within the Shaanxi-Gansu-Ningxia Border Area” (Shaan-Gan-Ning bianqu kangzhan shiqi chengzhi hanjian tiaoli) only applied to Communist base areas in north Shaanxi, Gansu and east Ningxia. The CCP also issued similar regulations in other areas under its control, such as the “Shanxi-Chaha’er-Hebei border area” (*Jinchaji bianqu*) and Jiangsu-Anhui border area (*Suwan bianqu*). See He Deting, “Kangri genjudi sujian yanjiu,” 178.

<sup>8</sup> He, “Kangri genjudi sujian yanjiu, chapter 5.

post-war society and economy in fundamental ways.

The availability of materials is a practical reason why this study cannot offer more than brief discussion of anti-*hanjian* campaigns conducted by the CCP. The Nationalist government left abundant legal documents and correspondence regarding its anti-*hanjian* campaigns. It is possible to review letters of accusation that exposed *hanjian*, anti-*hanjian* literature as well as documents that aimed to prove certain individuals' innocence. These documents originate in different parts of China and convey a broad picture of the diverse actors in the process. Newspaper sources also help contextualize these archival documents. In the postwar anti-*hanjian* campaigns, although all newspapers expressed patriotism, they voiced the concerns of various social groups and provided diverse angles for evaluating the anti-*hanjian* campaigns.

Nonetheless, the understanding of the GMD anti-*hanjian* campaigns will benefit from a comparison and contrast with similar campaigns conducted by the CCP. This is important, firstly, because the CCP grew into the Nationalist government's major competitor during the War of Resistance. How the two parties punished their political rivals, including but not confined to campaigns against *hanjian*, had a lingering effect on later power struggles. Secondly, the CCP learned from and borrowed the methods of the GMD anti-*hanjian* campaigns; more importantly, it adjusted the anti-*hanjian* measures to local environments. In many respects the CCP was better able to effectively integrate

mass campaigns against *hanjian* with its own objectives during the War of Resistance.

Literature on the CCP's anti-*hanjian* campaigns has been limited, and so far the main contributors to the understanding of this subject are scholars from the PRC. They uniformly hold a condemnatory attitude toward *hanjian*, and thus their studies on anti-*hanjian* campaigns lack critical evaluation of the CCP's anti-*hanjian* ideologies and practices. Nonetheless, their work often contains valuable materials and offers useful comparison. Weng Youwei focuses on the legislation for outlawing *hanjian* in border areas controlled by the CCP, arguing that the conversion of treason into the *hanjian* crime fit the practical needs of the War of Resistance.<sup>9</sup> Meng Guoxiang and Cheng Tangfa recognize the positive consequences of the GMD's anti-*hanjian* campaigns in promoting the war effort and mobilizing national morale, and point out that the CCP mainly differed from the GMD in relying more on the masses in their anti-*hanjian* campaigns.<sup>10</sup> In his study of anti-*hanjian* campaigns by the two parties, Wang Xiaohua utilizes different types of materials to provide details on campaigns conducted by each side, but his work offers more of a literary account than historical research.<sup>11</sup> In his recent doctoral dissertation on the CCP anti-*hanjian* campaigns, He Deting discusses the legal, cultural,

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<sup>9</sup> Weng Youwei, "Kangri genjudi minzhu zhengquan chengzhi hanjian de lifa yu zhengce yanjiu" [A study on the legislation and policies on punishing *hanjian* in the communist base areas], *Zhonggong dangshi yanjiu*, 2 (2006), 56-65.

<sup>10</sup> Meng Guoxiang and Cheng Tangfa, "Chengzhi hanjian gongzuo gaishu," 105-112.

<sup>11</sup> Wang Xiaohua, *Guogong kangzhan dasujian* [The grand Anti-*hanjian* campaigns by the Nationalist government and the Chinese Communist party during the War of Resistance] (Beijing: Zhongguo dang'an chubanshe, 1996).



economic and educational means that the CCP adopted in preventing *hanjian* from eroding the security of bases areas and the war effort in general.<sup>12</sup>

Since the anti-*hanjian* campaigns in CCP-controlled areas are outside the scope of this dissertation, the following discussion is limited to a brief outline of several points of comparison that highlight the scholarly significance of this dissertation. Firstly, the lack of legality in anti-*hanjian* campaigns was evident in laws issued by both Chiang Kai-shek's government and the Chinese Communist party. During the war, both allowed the arrest and immediate execution of *hanjian* to bypass legal procedures. The CCP even recognize this in anti-*hanjian* regulations in many border areas by specifying that "once a *hanjian* is identified, anyone can immediately arrest him or her and hand in the *hanjian* to the local military or government."<sup>13</sup>

Secondly, anti-*hanjian* campaigns under both parties were designed to be executed in a top-down fashion. As the two parties elicited popular participation in such campaigns, however, grassroots initiative developed different relations to the direction of each party. In the case of the Nationalist government, although national salvation movements in the early 1930s had already promoted and expressed popular demand for eliminating *hanjian*, the large-scale anti-*hanjian* campaigns only took place at a national

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<sup>12</sup> He, "Kangri genjudi jujian yanjiu."

<sup>13</sup> See, for instance, "Suzhongqu diexingzhengqu susong zanxing tiaoli" [Provisional procedural law of the second administrative region of the Central Jiangsu border area], September 1943. Quoted in He, "Kangri genjudi jujian yanjiu," 176.

level with the promulgation of official anti-*hanjian* regulations. With such laws, the Nationalist state took control of the anti-*hanjian* enterprise, and imposed its standard and judgment on all Chinese citizens, including those who preceded the state in defining *hanjian*. In order to enlarge the scope of its attacks on *hanjian*, the Nationalist government granted the common people the right to expose *hanjian*, but the state was still the arbiter in deciding who should be punished and how should they be punished. Ordinary accusers often had different agenda from the state in exposing *hanjian*, and the judiciary was exhausted in figuring out complications behind each case. In other words, the Nationalist state deployed popular energies with much caution and reluctance, and the common people who joined in anti-*hanjian* campaigns often aimed at different targets from the state. As a result, the discrepancy between the state direction and popular agency harmed the anti-*hanjian* effort in significant ways.

For the Chinese Communist Party, the anti-*hanjian* campaigns not only facilitated the war effort, but also served to indoctrinate political ideologies among party members and the local people. From 1942 to 1944, the CCP launched the Rectification Campaign to psychologically and ideologically consolidate the party organization.<sup>14</sup> The CCP also shifted the emphasis of the penal system from punishment to reform and education. The same principle was applied to the CCP's treatment of *hanjian*. Among various institutions for penal custody in communist areas, *hanjian* suspects were kept in

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<sup>14</sup> Mühlhahn, *Criminal Justice in China*, 167.

“handicraft learning centers for self-renewal.”<sup>15</sup> The emphasis on “self-renewal” of *hanjian* was carried on after August 1945, when the CCP was competing with the Nationalist government for political legitimacy, popular support and ultimately for control over China. For ongoing movements targeting *hanjian*, the Chinese Communist party employed mass trials (*renmin gongshen*), which reduced the number of accusations resulting from personal grudges, and ensured mass spectacle of the anti-*hanjian* enterprise.

An example of mass movements targeting *hanjian* can be found in Chengde, the capital city of Rehe province.<sup>16</sup> In 1946, the Communist party organized mass accusation meetings against *hanjian* in Chengde. More than 15,000 merchants, workers, women and students participated. During the accusation meetings, participants exposed *hanjian* who not only collaborated with the Japanese, but also harmed the interests of the local people. For instance, railway workers were the first to speak out, exposing how Zhu Zhongxin, who was in charge of a railway station, exploited and abused railway workers with the support of the Japanese army. According to the accusations, Zhu embezzled a large portion of the workers’ wages, and imposed fines on the workers for their “idleness.” Thousands of railway workers joined the accusation of Zhu. The local Communist party branch decided to remove Zhu from his position, and confiscated Zhu’s

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<sup>15</sup> Mühlhahn, *Criminal Justice in China*, 167.

<sup>16</sup> *Ibid*, 290-292.

properties to compensate workers who had been exploited by him. Following the example of railway workers, merchants rose up to expose collaborators from the Chengde Chamber of Commerce. Ai Kerang, a board member of the chamber and head of the People's Assembly, was confirmed to have collaborated with the Japanese and exploited the interest of local merchants. He was deprived of membership in the chamber and the assembly.<sup>17</sup>

The CCP saw the anti-*hanjian* campaigns as an opportunity to gain support from various social groups, which served its political goal of overthrowing the Nationalist rule. The CCP showed generosity in rendering punishment to particular social groups. Among those who were accused of collaboration, professionals and experts from different occupations were given light punishments and chances to “renew themselves,” since they were considered useful to the construction of communist bases.

Another difference between the CCP-conducted anti-*hanjian* campaigns and those directed by the Nationalist government concerns the transferal of confiscated properties. As demonstrated in Chapter I, different branches of the Nationalist government divided up properties previously owned or taken over by the Japanese or puppet regime. There were numerous incidents in which Nationalist officials or government organs competed for the confiscated properties. People outside the GMD derived little benefit from such campaigns. For instance, Shanghai's industrialists

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<sup>17</sup> Masui, *Kankan saiban shi*, 290-291.

suffered from huge losses during the Japanese occupation of Shanghai. When the Chiang Kai-shek government returned to Shanghai and the Yangtze delta, the Chinese industrialists hoped to reclaim their factories previously taken over by the Japanese, and to receive, if possible, more facilities, resources, and property left by the Japanese or puppet regimes. Much to their disappointment, the Nationalist government determined that heavy industries, textile factories and flour factories would be reappropriated by relevant branches of the government. Light industries, upon being audited, were to be for sale.<sup>18</sup> In this way, most industrialists were denied access to the resources they needed to compensate their wartime losses.

The Communist party adopted a more redistributive method in handling properties they took over from the Japanese or the puppet regime. This method was affordable for the CCP, unlike the Nationalist government. The latter suffered from tremendous financial and personnel losses during the war, and the postwar takeover of enemy properties was key for its recovery.<sup>19</sup> Moreover, the CCP bureaucracy was small compared to the Nationalist government, and was less corrupt at the time. In order to gain popular support and maximize the scale of its campaigns, the CCP gave chances to common people to benefit from these movements in material ways. During the

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<sup>18</sup> See Cui Meiming, "Dajieshou: yu Shanghai minying gongye," 43-55.

<sup>19</sup> The widely accepted estimate of the financial losses on the Chinese side was 60 billion US dollars in the exchange rate of 1937. Chinese Academy of Military Sciences, ed. *Zhongguo kangri zhanzhengshi* [A history of the War of Resistance against Japan] (Beijing: Jiefangjun chubanshe, 2005), Vol II, 625. See also, Ke-wen Wang, ed. *Modern China: An Encyclopedia of History, Culture, and Nationalism* (Routledge, 1997), 317, "Sino-Japanese War, 1937-1945."

anti-*hanjian* movements in Rehe, the Communist party confiscated from collaborators about two million *yuan* in local currency and large amounts of rice, firewood, clothing, wheat, and so on, which were transferred to the hands of victims of these *hanjian*.<sup>20</sup> The local Communist governments in north Jiangsu, and parts of north China carried out similar anti-*hanjian* campaigns. The CCP urged direct victims of local collaborators to expose them, held mass trials against the accused, and then distributed confiscated properties among the victims of *hanjian*. Such trials were often attended by tens of thousands of people, and were effective opportunities for popular mobilization, education through negative examples, and deterrence through public punishment.<sup>21</sup> The Nationalist government, on the other hand, confiscated the enemy and puppet properties, and many high-ranking officials took such properties for themselves.

As these comparisons suggest, the CCP and the Nationalist government shared common goals in launching the anti-*hanjian* campaigns, which were to promote nationalism, eliminate internal enemies, and facilitate efforts on the war front. Other than these shared objectives, however, each party had separate agenda and thus directed the

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<sup>20</sup> Masui, *Kankan saiban shi*, 291. The local currency was called *bianququan*, or “border area currency. In August 1946, the Nationalist government initiated military campaigns towards communist-controlled Rehe, Hebei and Liaoning provinces, which were accompanied by financial invasion. It poured a large amount of currency issued in the puppet Manchukuo into the three provinces in order to disturb the financial market there. The local Communist government issued its own currency in January 1947, and adopted a series of methods to stabilize the financial market. See Gao Xindong, “Yi Chifeng diqu wei zhongxin de liangci huobi faxing” [On the issuing of currency in regions centering around Chifeng], *Neimenggu jinrong yanjiu*, 2003 (2), 46-51.

<sup>21</sup> Mühlhahn, *Criminal Justice in China*, 181.

campaigns in different ways. However, the legacy of the anti-*hanjian* campaigns survived Nationalist rule. The Chinese Communist Party not only borrowed the Nationalist “Regulations on Handling *Hanjian* Cases” during the war, it also inherited GMD-originated legal tactics for punishing enemies of the state. Moreover, the communists participated in and witnessed the cultural campaigns against *hanjian*. The Chinese communists won the civil war against the Nationalist government, and founded the People’s Republic of China in 1949. The Communist state initiated several waves of political campaigns against “counterrevolutionaries,” “capitalist-roaders,” “rightists” and other groups who were deemed threats to the nation and its people. Many elements of the Nationalist anti-*hanjian* discourse and practices were adopted by the communist state in such campaigns, forming a peculiar political culture that encourages a politically motivated penal system and public intrusion into private lives.

## APPENDIX A

### REGULATIONS ON HANDLING *HANJIAN* CASES

Article I: For cases involving *hanjian*, if the circumstances were not addressed by this regulation, other laws or regulations could be resorted to.

Article II: a person is to be considered as *hanjian* and prosecuted if:

1. He or she took a position at the third level (*jianrenzhi* 简任职) (and above) of civil administration of the puppet government, or was the head of the fourth level of administration (*jianrenzhi* 荐任职) of the puppet government;
2. He or she took a “specially appointed position” (*teren*) in the puppet government;
3. He or she took any civil or military service position in the puppet government, and was accused of having violated other people’s property or other rights by using that position;
4. He or she worked in the military, political or intelligence branches of the Japanese army or the puppet government;
5. He or she served as principal in a post-secondary school, or similar important position in an organization that was sponsored by the puppet government;
6. He or she took a high-ranking position in financial or industrial organizations affiliated to or sponsored by the puppet government;
7. He or she worked as editor, director or manager in any press, newspaper or magazine in the occupied areas that produced propaganda for the puppet regimes;
8. He or she worked for movie studios, radio stations or any other media or cultural organizations that produced propaganda for the puppet regimes;
9. He or she was a core member of the puppet party committee, Xinmin Association (*Xinminhui*), Xiehe Association (*Xiehehui*), puppet Council or similar associations;
10. He or she participated in cultural, financial, industrial, professional, autonomous, or social organizations in the occupied areas, and was accused of having violated other people’s property or other rights by using that position.

Article III: Among *Hanjian* listed in article II, for those who proved to have facilitated the resistance forces during the war, or conducted activities beneficial to the people, their penalty should be reduced accordingly.



For those whose penalties have been reduced according to article III, their civil rights should still be deprived.

Article IV: Among *Hanjian*'s property that they acquired through embezzlement or misappropriation, those originally were public property should be retrieved, and the rest should be either confiscated or returned to the original owner; If all or a part of the aforementioned property cannot be retrieved, *hanjian*'s personal property should be calculated at market price and used to pay for the property he or she embezzled; if the personal property was not enough in value, a portion of it should be reserved to pay for the living expenses of his or her family members who were not supported by other means.

Article V: The military courts are responsible for trying military officers who took similar positions in the puppet government; the Supreme Court and other civil courts are responsible for trying other types of *hanjian*, as regulated by "Regulations on Special Criminal Cases" (*tezhong xingshi anjian susong tiaoli*).

Article VI: Concerning voluntary surrender: reduction of penalty based on voluntary surrender would be applied to *hanjian* who turned themselves in after August 10, 1945.

Article VII: Upon resuming their office in the previously occupied areas, advanced courts and other courts should take over *hanjian*'s profiles from political or military branches that processed their cases earlier. If such branches have already confiscated *hanjian*'s property, they should transfer them to the courts.

Article VIII: If necessary, the Supreme Court and advanced courts should sent staff to the location where collaboration was committed, in order to investigate and try the cases that could not be settled by local courts.

Article IX: Prosecuting attorneys should be responsible for investigation.

Article X: All local governments and armies should facilitate the process of arresting and punishing *hanjian*.

Article XI: These regulations are effective from the day of their promulgation.

APPENDIX B

RESTRICTIONS ON CANDIDACY AND QUALIFICATION OF  
FORMER STAFF IN PUPPET GOVERNMENTS AND  
THEIR AFFILIATED ORGANIZATIONS

Article I: This solution is drafted in accordance to “Regulations on Handling Hanjian Cases;”

Article II: Unless other regulations are better applied, restrictions on candidacy and qualification of former staff in puppet governments or their affiliated organizations should follow this solution;

Article III: Individuals who took positions in puppet government or organizations, if not convicted by “Regulations on Handling Hanjian Cases,” should still be prohibited from running for government positions for two years.

Article IV: Individuals who took positions in puppet government or organizations cannot be considered for civil service for:

1. Five years if he took a position at the third level of civil administration (*jianrenzhi* 简任职) or was the principal of a fourth-level government organ (*jianrenzhi jiguan shouzhang* 荐任职机关首长), or positions of the same rank;
2. Four years if he or she was the principal of a puppet organization equal to the fourth level of the administration (*wei jianzhiren fei jiguan shouzhang* 伪荐任职非机关首长), or the principal of a fifth level government organ (*wei weirenzhi jiguan shouzhang* 伪委任机关首长), or other positions of the same rank;
3. Two years if he or she was the principal of a puppet organization equal to the fifth level of the administration (*wei weirenzhi feijiguan shouzhang* 伪委任任职非机关首长) or other positions of the same rank;
4. Two years if he or she was a council member of a puppet association (*wei tuanti lijianshi* 伪团体理监事) and one year if he or she was a member of a puppet association.

Article V: Upon being discovered, former puppet government or association members who were running for public positions or apply for civil service positions (*gongwuyuan*) would be immediately disqualified. Those who had already been elected or appointed after passing examinations or other procedures for enrollment would be immediately removed from their positions;

Article VI: Upon discovering former puppet government or association members who were not convicted by the “Regulations on Handling Hanjian Cases,” central and local government, as well as military and party committees should immediately collect their profiles, and report to the central party committee as well as the Examination Yuan; organs which take charge of the exams, upon discovering above-mentioned individuals, should report to the Examination Committee;

Article VII: For those who should receive restrictions according to this solution, if they prove to have facilitated the war of resistance, or benefited the people when they worked in the puppet organization, or they were specialized technicians, the Examination organs should consider reducing the years of restriction on their officialdom.

Article VIII: If individuals subject to this solution are recommended or appointed by officials who are aware of their wartime activities, such officials should be punished by law.

Article IX: The period of restriction regulated in Article 3 and Article 4 starts from the date when this solution is promulgated.

Article X: This solution takes effect from the day of its promulgation.

## APPENDIX C

A CATEGORIZATION OF SENTENCES OF *FAJI HANJIAN*

Found not guilty: Alessy Bane (sentenced to four-year in prison on the first trial and found not guilty on the second trial), Gerspach, Bouvlier, Boland, Florent Joseph Langlais, Lambalot (sentenced to two and a half years in prison on the first trial and found not guilty on the second trial), Piparo.R.F, A. Oussakovsky;

Indictments withdrawn: Arthur Sopher, Theodore Sopher;

In review: Sarly (sentenced to three-year in prison and now in review)

Found guilty: Glovge Emelionoff

Wanted: Ragmund Bossuet, Jalgues Bonpehomone, Perrin Pierre, Mwatet, Challat, Galloch, Ralhenyuss, Mrs. Clauderivil, Paul.L, Bernares Rence, Villermauy, Froncher, Vauthier, Monnier Rugust, Monnot Roger, Carcapino, Asdrubal, Delca Joreph, Luca Goston, Simon Pierre, Challot P, Ronnou

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