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WASHINGTON UNIVERSITY

Program of East Asian Studies

A State without Nationals:

The Nationality Issue in Japan's Making of Manchukuo

by

Xiaoyan Liu

A thesis presented to the
Graduate School of Arts and Sciences
of Washington University in
partial fulfillment of the
requirements for the
degree of Master of Arts

May 2011

Saint Louis, Missouri

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A State without Nationals:

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Introduction¹

In September of 1931, troops of the Kwantung Army in Northeast China occupied the cities and towns along the South Manchuria Railway (SMR); this was later known as the Mukden Incident or the Manchurian Incident. Faced with Japan's invasion, both the local warlord, Zhang Xueliang, and the head of the Nanjing government, Chiang Kai-shek, sidestepped military confrontation and attempted a diplomatic solution by appealing to the League of Nations under the provisions of the Covenant so as to restrain Japan's military ambitions in the region. Unfortunately, however, this conciliatory attitude did not succeed in diffusing the tension; instead, it resulted in a political vacuum with no competing power to respond to Japan's presence in the area. The most immediate and direct outcome was Japan's establishment in the following year of Manchukuo, a purportedly independent state under the control of the Kwantung Army.

Notwithstanding the historical significance that the establishment of Manchukuo had contributed to changing the course of Asian and even world history, Manchukuo as an independent state remains a controversial issue in modern East Asian history. In Chinese historiography, Manchukuo was often referred to as "*Wei Manzhouguo*" Manchukuo, a state without authenticity, and the government as "*Kuilei Zhengquan*," a puppet regime. Postwar Japanese historiography, on the other hand, was filled with

¹ This thesis adopts Roman alphabet to transcribe Japanese and Pinyin system to transcribe Chinese character to English. Except for people's name and geographic name, words or phrases of Japanese or Chinese origins are italicized. Names of people, geographic place, organizations are addressed in the language to which they belong. Exceptions like "Kwantung Army" and "Chiang Kai-shek" are made to maintain consistency with other documents and past scholarship.

nostalgia for the ideals held by the past generation in making a utopian state. Many political figures with strong connections to Manchukuo returned to the political circuit after the cancellation of the occupation purge campaign by the Supreme Commander of the Allied Powers (better known as the GHQ) in the 1950s. Kishi Nobusuke, who worked as deputy director of the Management and Coordination Agency of Manchukuo, became the 56th and 57th Prime Minister of Japan from 1957 to 1960. In his memoir, he states that Manchukuo was “a truly unique modern state formation”.² His former colleague, Hoshino Naoki wrote a book titled *An unrealized dream: The unofficial history of Manchukuo* in 1963 in which he expresses his regrets on the short life of the ideal state, Manchukuo.³ Yamaguchi Jûji, a former active member of the Manchukuo Youth League, published *The founding of Manchukuo: An official history of Mukden Incident* in 1975 to justify the motivation of Japan’s occupation of Manchuria.⁴ Their works shared a common perspective that views Manchukuo as an effort to build an ideal state which failed due to the pressures of war.

However, such insider-written books became more and more marginalized after the 1980s and are even out-of-print recently. It seems that, since the 1990s, Japanese scholars began to reconsider the nature of Manchukuo via a more balanced perspective. An example of this is Yamamuro Shinichi’s *Chimera: A portrait of Manchukuo*,⁵ which stands out among the many academic attempts by filling the gap between the “puppet

² Yamamuro Shinichi, *Manchuria under Japanese Dominion*, trans. Joshua A. Fogel (Philadelphia: University of Pennsylvania Press, 2006), 4.

³ Hoshino Naoki, *Mihatenu yume: Manshûkoku gaishi* (An unrealized dream: The unofficial history of Manchukuo), (Tokyo: Daiyamondo sha, 1963).

⁴ Yamaguchi Jûji, *Manshû kenkoku: Manshûjihen seishi* (The founding of Manchukuo: An official history of Mukden Incident), (Tokyo: Gyoseitsushin sha, 1975).

⁵ Yamamuro Shinichi, *Kimera: Manshûkoku no shôzô* (Chimera: A portrait of Manchukuo), (Tokyo: Chûkôshinsho, 1993).

state” and “independent state” paradigms in defining Manchukuo. The original work was published in 1993 and won the Yoshino Sakuzô Prize, an influential academic prize awarding distinguished works in the political, social and economic fields.

Regarding Manchukuo as a utopian adventure runs the risk of overvaluing the political version held by the military idealists. Their political version and purpose reflects the wishes of the metropole to secure its supremacy. It consequently does not transcend the stereotype of imperialism, a “set of ideas of political, economic and cultural domination of another territory” which is “generated primarily in the metropole.”⁶ By the same token, considering Manchukuo as a puppet state or colony resulted in highlighting the negative effects of Japanese rule on people’s lives and failed to bring inquiry into the wider effects of mass industrialization, urbanization, and modernization in Manchuria. Since Manchukuo allowed the interplay of conjoined yet opposing factors, to detail just another example of whether Manchukuo should be considered a puppet state, a colony or an independent nation-state is less useful than to examine the requirements of a nation state that it had already fulfilled or was still lacking.

The Nanjing government’s appeal to the League of Nations did not end in vain. The League of Nations sent a commission headed by V.A.G.R. Bulwer-Lytton to investigate the causes of the Mukden Incident and to determine if the establishment of Manchukuo reflected the wish of the local people as was claimed by the Japanese. After spending six weeks in Manchuria and gleaning information from government leaders and the ordinary people of Manchukuo, ROC and Japan, the Lytton investigation produced a report titled “Report of the Commission of Enquiry into the Sino-Japanese Dispute”,

⁶ Lori Watt, *When Empire Comes Home: Repatriation and Reintegration in Postwar Japan* (Cambridge, Mass.: Harvard University Asia Center : Distributed by Harvard University Press, 2009), 14.

which is generally known as the Lytton Report.⁷ The report concludes that the military operations of the Japanese troops on September 18, 1931 could not be regarded as measures of legitimate self-defense, although they “did not exclude the hypothesis that the officers on the spot may have thought they were acting in self-defense”.⁸ More importantly, the sixth chapter of the Report suggests that it was the intention of the Japanese government to define the relationship between Manchukuo and Japan.⁹ By comparing the versions of China and Japan on the disputable events in Manchuria, the Lytton Report provides comparatively objective sources for the League of Nations to make judgment on the Sino-Japanese disputes of the region, which finally triggered Japan’s withdrawal from the League.

In order to weaken the negative effect that the Report might have had on the validity of Manchukuo, Japan in September 1932 recognized Manchukuo. In the “Japan-Manchukuo Protocol,”¹⁰ Japan and Manchukuo confirmed the mutual respect for the territorial rights of each other and arrived at an agreement that the Japanese military would be stationed in Manchukuo so as to secure its national defense. Putting aside Japan’s *de facto* control of Manchukuo, the Protocol marked the first recognition of Manchukuo as an independent state from the international community and sustained the authenticity of Manchukuo in the perspective of international law. Until its abolishment in 1945, Manchukuo had gained diplomatic recognition from at least eleven states,

⁷ Report of the Commission of Enquiry (The Lytton Report) is printed in Watanabe Shōichi’s “Zenbun Rittō Hōkokushō”. See Watanabe Shōichi, *Zenbun Rittō Hōkokushō (Report of Commission of Enquiry into the Sino-Japanese Dispute)*, (Tokyo: Bijinesu sha, 2006).

⁸ Report of the Commission of Enquiry in Watanabe (2006, 75).

⁹ *Ibid.*, 114.

¹⁰ Signed on September 15th 1932 at Xinjing. “*Nichiman Kyoteisho*” in Japanese and “*Riman Xiedingshu*” in Chinese.

including the Soviet Union in 1935 and non-ally states after the outbreak of World War II.¹¹ In addition to diplomatic recognition, which supported Manchukuo in meeting the requirements for being a state, Manchukuo also possessed “all the symbolic formalities possible of an independent nation: it had a head of state (the last Qing emperor, Puyi), a national flag, an anthem, and a capital,” and even “a declaration of independence”.¹² Consequently, one may ask what else objectively hindered Manchukuo from being an authentic and legitimate political entity, except for the fact that the Manchukuo government was manipulated by a foreign political power.

Yamamuro Shinichi’s “Kimera” has provided the answer. Translated by Joshua A. Fogel and re-titled *Manchuria under Japanese Dominion* in 2006, the work basically sides with those who view Manchukuo as a puppet state being manipulated by the Kwantung Army and labels it a chimera, with the head of the Kwantung Army, the body of the submissive emperor system and the tail of a dragon (the Chinese emperor and modern China).¹³ In addition to his contribution in filling in the blanks of standard textbooks for the study of Japan’s control of Manchuria, Yamamuro points out that the absence of a nationality law meant that Manchukuo had failed to fulfill the minimum requirement for being a modern legitimate state. Furthermore, he explains that the fact that “a nationality law was never enacted was not due to the difficulties of legislative techniques,” but instead, “the greatest impediment to promulgation of a nationality law was the minds of the Japanese in Manchukuo who, while dubbing it an ideal state based

¹¹ David Vance Tucker, “Building ‘Our Manchukuo’: Japanese City Planning, Architecture, and Nation-Building in Occupied Northeast China” (Ph.D. diss., University of Iowa, 1999), 93-94.

¹² Mariko Asano Tamanoi, “Knowledge, Power and Racial Classification: The ‘Japanese’ in ‘Manchuria’,” *The Journal of Asian Studies* 59:2, (May, 2000), 252.

¹³ Yamamuro (2006, 8).

on ethnic harmony and the kingly way, continued to refuse to separate themselves from Japanese nationality and to take on Manchukuo nationality.”¹⁴ This explanation reveals a Japanese-originated approach and overvalues the importance of Japanese residents in Manchukuo. It downplays the importance of applying a Manchukuo nationality to other non-Japanese Manchukuo residents, who were also part of the main constituents in making a legitimate and authentic Manchukuo. Due to their nationality backgrounds, different national groups presented particular problems to the legislation of a nationality law in Manchukuo. Japanese refusal to give up their nationality should not be considered solely responsible, but the nationality problems of other national groups were also responsible. Therefore, it is necessary to examine the obstacles in obstructing Manchukuo from having legitimate nationals beyond the Japanese version.

The main object of this thesis is to investigate the legal and political obstructions that had prevented the Manchukuo government from establishing a viable nationality law. It also attempts to find out Japan’s perspective on the nationality issue, which helps examine the metropole’s political version of Manchuria. The thesis begins by taking a look at the people’s attitude toward the establishment of Manchukuo. It carries out a close examination on public opinion by reviewing the Lytton Report and the telegrams between Japanese officials in Manchuria and Tokyo.

Chapter two concentrates on the legal status of the former Republic of China (ROC) citizens in Manchukuo. It investigates the possible restrictions that the ROC nationality law might have placed on Manchukuo’s legislation of a nationality law that would include former ROC citizens. The thesis then moves to Chapter three to examine

¹⁴ Ibid., 211. Yamamuro uses “*Manzhouguo*” in his book. In order to maintain coherence and avoid unnecessary misunderstanding, I changed “*Manzhouguo*” to “Manchukuo”.

the legal status of those from the Empire of Japan (*naichi* in Japanese) in Manchukuo. *Naichi* Japanese nationality law is brought into scrutiny to suggest that the *naichi* nationality law had to be revised in order to grant dual nationality to Japanese living in Manchukuo. The following chapter observes the historical background of Koreans, whose nationality problem had exacerbated the earlier Sino-Japanese relationship from the late Qing period. Moreover, it reveals the contradictions in Japan's "Japan and Korea as one" slogan (*naisen ittai* in Japanese), the fundamental principle that Japan employed in its rule over Korea. It also highlights the fact that *Naichi* nationality law had never been enacted in Korea, a clear violation of the *naisen ittai* policy.

In addition to studying the positions of the main national groups under Manchukuo's jurisdiction, Chapter four illustrates the legal position of other minority groups, White Russians and Chinese coolies from China proper. In this chapter, it also tries to shed light on Japan's principle towards the nationality issue by reviewing the main legislation principles proposed by the Civil Law Council in 1939.

The thesis concludes that it was not only the refusal in the minds of the Japanese that had prevented the draft of Manchukuo nationality law from being put into practice. Rather, it was the conflicts between the future Manchukuo nationality law and the related existing laws or principles that hindered the policy makers of Manchukuo from giving priority to a nationality law. The ultimate failure to conclude a nationality law revealed their inability to balance the interests among different groups and to dissolve the conflicts or contradictions among the existing laws and political principles of the metropole, Korea and the ROC. Although Japan might not have attempted to include Manchukuo into the Empire, their granting precedence to the *naichi* belied the fact that the ideas they adopted

in dominating Manchukuo were generated from the metropole. The inconvenient truth that Manchukuo was a state without a single legitimate person demonstrated the inauthenticity of Manchukuo, helps us understand another element Manchukuo was in need of in order to be considered an independent state. At the same time, it suggests that it was impossible to create a nationality law as long as Manchukuo was within the Empire of Japan.

Chapter One

1. People's Attitudes toward the Manchukuo Government

Rather than making Manchukuo another colony of the Empire of Japan, Japan adopted the principle of international law to build an independent state in order to avoid immediate military confrontation with the ROC and other interest groups. In support of the independent nature of Manchukuo, the Japanese invited the dethroned Qing emperor, Puyi, who had an earnest wish to restore the Qing dynasty, to be head of the new state. Puyi's association in the Manchukuo government was aimed at contributing to the legitimacy of the state due to the Manchus' historical connection with the land. However, it is worth noting that Manchukuo was not established for Manchus but was designed to be a multi-nation state that promised equality for all the people living there.

The "Announcement of the establishment of Manchukuo" (The Announcement), publicized in March 1, 1932, is the most authoritative document in declaring the nature of the new state. It first of all demonstrates that "the independence of Manchukuo was a reflection of the wish of the thirty million inhabitants". It continues by promising that all people would be treated equally regardless of their national origin. Furthermore, it suggests the principle of accepting new citizens by stating that "Chinese, Manchus, Mongols, Japanese or Koreans, and other long-term residents of other national origins would be granted the same equality".¹⁵

¹⁵ "Announcement of the establishment of Manchukuo" (Manchukuo Kenkoku Sengen) from Digital Archive of the Documents on Japanese Foreign Policy: Documents on Japanese Foreign Policy 2:1:2 (Dec. 1931-Oct. 1932), *Manshûkoku no seiritsu to Nihon no shônin (The establishment of Manchukuo and Japan's Recognition)*, (Tokyo: MOFA), 414. See URL <http://www.mofa.go.jp/mofaj/annai/honsho/shiryô/archives/>

The ideals of The Announcement might have been betrayed by confidential correspondence between Japanese officials in Manchuria and the home government. For example, a telegram, titled “About the critical attitude Manchurian citizens hold toward Manchukuo” from Nagaoka, the acting Consulate-general of Harbin, to Yoshisawa Foreign Minister on April 19th, 1932, reported the arrest of the leader of an anti-Manchukuo movement. Moreover, at the end of the telegram, he notes that local inhabitants had very little awareness about the new state.¹⁶ Although the telegram does not illustrate the degree and scale of the anti-Manchukuo movement, it at least admits that Manchukuo was not supported by its people as much as described in The Announcement.

In order to investigate the reasons which caused the absence of a nationality law of Manchukuo, it is necessary to explore people’s attitudes toward the new state, which in turn helps in understanding the nature of the new state and the possibility of a viable nationality law.

The official documents, which fully represented governmental opinion, likely reflected little of the voice of the public, either the majority population or the minority groups. Similarly, newspapers in Manchukuo became less and less reliable due to Japanese censorship. It appears that the Japanese government had the right to suspend news articles whose content were in conflict with the government’s policies. For example, from a telegram titled “About the suspension of articles of Japanese participation in the new state” from Hayashi, Chief Director of the Kwantung Police Department to Horikiri Zenjiro, Vice Minister of the Ministry of Colonial Affairs on Feb. 19, 1932, one can see

¹⁶ Japan Digital Archive of the Documents on Japanese Foreign Policy Dec 1931- Oct. 1932: “*Manshūkoku no seiritsu to Nihon no shōnin (The establishment of Manchukuo and Japan’s recognition)*”, 493.

how the Japanese Police executed their administrative power to control newspapers.¹⁷ In the absence of reliable sources to investigate public opinion toward the new state, the Lytton Report, a third-party investigation report on Manchukuo, becomes a very important source to observe the attitude of local people toward the establishment of a new state.

Generally, the population of Manchukuo at the time of the establishment of Manchukuo was estimated to have been thirty million, as indicated in The Announcement. To be more precise, Ohira Zengo's 1933 paper "The nationality issue of Manchukuo" suggests that the total population was about thirty five million, in which Chinese (including three million Manchus) occupied the majority, while Koreans (about one million), Japanese (twenty two hundred thousand), and Russians (one hundred thousand) made up the rest.¹⁸ As complex as the national origins of the Manchukuo population were their attitudes toward the new state.

At the beginning of Chapter VI, Part III of the Lytton Report, it is explained that ascertaining the attitude of the inhabitants of Manchuria toward the new state was one of the objects of their mission. As a result, people's attitudes were important in judging if Manchukuo was established through independent movements of the local people by the League of Nations. It also served as an indicator of the authenticity of the new state. With respect to the public attitude toward the new state, the Report arrived at the conclusion that "there is no general Chinese support for the 'Manchukuo Government'" after talking

¹⁷ Ibid., 378.

¹⁸ Ohira Zengo, "Manshūkoku no Kokuseki Mondai" (The nationality issue of Manchukuo), *Hōgaku Kenkyū (Study of Law): Tokyo Shōka Daigaku Kenkyū Nenpō*: 2, 1933, 284.

with Chinese from different backgrounds living in Manchukuo.¹⁹ The Commission members talked with officials, gentry class members, businessmen, along with farmers and workers, groups they thought were “politically uneducated, usually illiterate, and normally take little interest in the Government”.²⁰ Due to local Chinese farmers’ past disputes with Koreans, for example, the Wanbaoshan Affair, local Chinese farmers resisted against the new state, where they thought their interests in land might be hurt.²¹ These comments challenged the claims made by the Manchukuo Government, which emphasized the independent nature of the new state. However, in the wake of Japan’s military dominion of the region and the inability of the League’s military sanction, the majority population’s opposition to the new state became silenced. Among the five major national groups, Chinese, Manchus, Mongols, Japanese and Korean, the Chinese were the absolute majority of the population, and their participation in the new state also had an important effect in weakening the ROC’s nationalist movement. According to Duara, the challenge from China’s nationalist movement accelerated Japan’s ambition to bring Manchuria under its control.²²

In contrast to the hostility by the Chinese majority toward the Manchukuo government, the Lytton Commission found out that “the new Government received some support from among various minority groups in Manchuria, such as the Mongols, Koreans, White Russians and Manchus,” who had “in varying degrees suffered oppression from the former administration or economic disadvantage from the large

¹⁹ Report of the Commission of Enquiry in Watanabe (2006, 120).

²⁰ Ibid., (2006, 117).

²¹ Ibid., (2006, 64).

²² Duara, “Between Empire and Nation: Settler Colonialism in Manchukuo” in *Settler Colonialists in the 20th Century: Projects, Practices, Legacies*, ed. Caroline Elkins and Susan Pedersen (New York: Routledge, 2005), 59.

immigration of Chinese in the last few decades.”²³ Therefore, local Chinese unwillingness and minority groups’ support betrayed the Japanese claim that “the people of Manchuria, at an opportune time when the old military power was overthrown, established a new State with unity of endeavors and a single purpose.”²⁴

On the other hand, the Chinese majority’s resistance did not mean that they could be exempted from being citizens of the new state. In other words, regardless of their wishes, they might be granted Manchukuo nationality forcibly, with their original nationalities taken into no consideration. By the same token, other minority groups’ support for the new state was not a guarantee for their own citizenship in Manchukuo. Their historical national backgrounds caused conflicts with their legal status in Manchuria.

2. Japan’s Perspective on the Metropole’s Participation

According to The Announcement, both the Chinese majority and other minority groups were supposed to hold the same citizenship and be governed equally under the same jurisdiction. However, it is worth mentioning that at the beginning of the establishment of Manchukuo, the Japanese did not seem to have determined to include *naichi* Japanese as citizens in the new state. As evidenced by the telegram of February 19, 1932 mentioned above, the Kwantung Army even requested the home government for the suspension of new articles dealing with the topics on Japanese participation in the new government. They worried that Japanese participation might trigger anti-Japanese movements among Manchurian residents. Similarly, in terms of Koreans’ participation in

²³ Report of the Commission of Enquiry in Watanabe, (2006, 118).

²⁴ Japan Digital Archive of the Documents on Japanese Foreign Policy Dec 1931- Oct. 1932: “*Manshūkoku no seiritsu to Nihon no shōnin* (*The establishment of Manchukuo and Japan’s Recognition*), 457.

the new state, the Japanese expressed almost the same concern. This is supported by another telegram from Nagaoka to Yoshisawa Foreign Minister on February 27, 1932, which reveals that Japan decided not to release information on *naichi* Japanese and Koreans' involvement in the new state which might call the dual nationality issue into question.²⁵

The uncertainty of incorporating subjects of the Empire of Japan into the new state did not only exist in Japanese governmental opinion. Japanese activists also found it inappropriate for Japanese to hold the same position as other national groups in the new state. In the "Private outlook on the establishment of Manchukuo", Tachibana Shiraki, who held influential power on Manchukuo's policy making, suggests that "Manchukuo should be an agricultural society under Chinese, Mongols, Manchus and Koreans" with no mention of Japanese.²⁶ This does not suggest that the above-mentioned groups would develop the new state independently. On the contrary, in the following paragraph, Tachibana suggests Japan's leading and guiding position in the new state. The Lytton Report revealed that the Japanese occupied many important positions in the Manchukuo government and suggested that in important cases, Japanese officials and advisors had followed the Japanese official authority.²⁷

Japan might have hesitated to officially include *naichi* Japanese; they seemed to have determined that Manchukuo should become a state providing all people with the same equality. This was promised by law or other authoritative documents. Prior to

²⁵ Japan Digital Archive of the Documents on Japanese Foreign Policy Dec 1931- Oct. 1932: "*Manshûkoku no seiritsu to Nihon no shônin (The establishment of Manchukuo and Japan's Recognition)*", 409.

²⁶ Tachibana Shiraki, "Manshû shinkokka kenkoku daikô shian" (Private outlook on the establishment of Manchukuo), *Manshûhyôron* (Manchuria Review): 2:1, 1932, 30.

²⁷ Report of the Commission of Enquiry in Watanabe (2006, 114).

enacting a nationality law applicable for all the residents of Manchuria, the Manchukuo government seems to have determined to grant political and economic equality even to non-citizens. The draft of the Citizenship Bill prescribes that anyone living in Manchukuo for more than five years was qualified for applying for citizenship as long as they promised to obey Manchukuo law and the obligation of paying tax.²⁸ The willingness to offer foreigners citizenship revealed the eagerness of the Manchukuo Government to attract more supporters.

In contrast to Japan's eagerness to enact a unitary nationality law, Chinese officials displayed different perspectives on the issue. The Prime Minister of Manchukuo, Zheng Xiaoxu made the following statement that "in order to unite the intelligent class of Chinese and to attract the capable elites from Japan, it is wise not to make the state polity clear and it is recommended that one avoid the rush to enact a nationality law."²⁹ Zhen's overlooking of Japanese political ambition might suggest that Japan had not yet displayed its ambition of ruling Manchukuo solely in 1932. Zhen, as the top official of the government, resigned in 1935 in the wake of his political incompatibility with the Kwantung Army. After that, fewer and fewer voices representing Chinese officials in the Manchukuo government were recorded.

On the other hand, Manchukuo was a hierarchical society, with the Japanese positioned at the top of the pyramid. By reserving better pay and higher living standards for themselves, the Japanese betrayed their outward aspirations toward equality and harmony. Based on the investigation by the Manchukuo Labor Corporation, the real

²⁸Japan Digital Archive of the Documents on Japanese Foreign Policy Dec 1931- Oct. 1932: "*Manshūkoku no seiritsu to Nihon no shōnin (The establishment of Manchukuo and Japan's Recognition)*, 502.

²⁹Quoted from Zhen Xiaoxu's statement made in May, 1932. Ohira (1932, 287-288).

income of Japanese workers were about three times more than those of Chinese working in the same factory.³⁰ Tamanoi in her “Knowledge, Power and Racial Classification” demonstrates the racial classification of Manchukuo population: those of Japanese and Korean descent were classified as *Nikkei* and *Senkei* respectively, while those of Manchu descent were classified as *Mankei*.³¹ *Kei* is a Japanese term to indicate one’s decent and origin. *Mankei* literally refers to those of Manchu decent. However, it is well-known that the Japanese used *Mankei* to refer those non-Japanese officials in the Manchukuo government. Tamanoi argues that *Mankei* did “connote the stark difference of power between the largest population group and the ‘Japanese’”.³² Due to different *kei* from which they came, people in Manchukuo could be treated discriminately. *Nikkei* received the most favorable treatment and *Senkei* were less favorable, but still better than *Mankei*. The difference between *Nikkei* and *Mankei* was reflected even in the dietary customs, with *Nikkei* holding the right to eat rice, whereas *Mankei* were denied that right under the same circumstances.³³ To borrow Duara’s words, these everyday discrimination practices contradicted the rhetoric of concord.³⁴

Regardless of the discrimination against different national groups, Manchukuo became a dream factory by providing groups with different interests with the opportunities to put their ambitions into practice. Those viewing Manchukuo as a Japanese colony thought that it provided lifeline support for the empire by means of standing as a military bulwark against Russia and China. Viewed from this colonialist

³⁰ Yamamuro (2006, 200).

³¹ Tamanoi (2000, 255).

³² Tamanoi (2000, 257-260).

³³ Yamamuro (2006, 200).

³⁴ Duara Prasenjit, *Sovereignty and Authenticity: Manchukuo and the East Asian Modern*. (Lanham, Boulder, New York, Oxford: Rowman & Littlefield Publishers, Inc., 2003), 77.

perspective, Manchukuo purveyed goods and supplies for the home country and the local-stationed Kwantung Army.³⁵ With its vast land and no other power to contend with the authority of the Kwantung Army, Manchuria became a convenient continental source for Japanese imperialists to exploit. Since the technology and human resources from the *naichi* were desired by Manchukuo, it provided businessmen and urban adventurers with opportunities in big cities, such as Dairen, to let them acquire favorable modern living standards by employing Manchurian sources. On the other hand, it also furnished arable land to make homes for the sheer amount of rural colonizers coming from the home state.

As a matter of fact, with its broad land and plentiful agricultural resources, Manchukuo became popular in attracting surplus rural population from the *naichi*. In addition to functioning as a solution to solve the social problem in the *naichi*, promoting rural immigration to Manchukuo was designed to enlarge the presence of the underrepresented Japanese population. Many destitute Korean and Japanese rural civilians had responded to the state mobilization call to move to rural towns. At the same time, poor people from China proper also rushed to Manchuria to fill the scarcity of manual labor in urban cities. Given the complicated backgrounds of its residents, it was not easy to rule the state without a unitary yardstick. A nationality law was required in order to put people with the same nationality under one jurisdiction. Consequently, in addition to the original population of Manchukuo, rural immigration from the *naichi* or the Chinese coolies also brought the Kwantung Army and Tokyo pressure to settle the nationality problem to determine who should be granted citizenship and who should not.

³⁵ Louise Young, *Japan's Total Empire: Manchuria and the Culture of Wartime Imperialism*, (Berkeley: University of California Press, 1999).

Chapter Two

Majority of Manchukuo citizens: Chinese with nationality of ROC

Asano Toyomi suggests that the biggest problem faced by Japanese authorities' legislation of a Manchukuo nationality law lays in the *naichi* Japanese and Koreans.³⁶ This statement was supported by Japan's repeated discussion and drafting focusing on *naichi* Japanese and Koreans on the nationality law issue. Considering that the former ROC citizens, mostly Han Chinese, constituted the main body of the Manchukuo citizens, this Chapter sheds light on their legal status in Manchukuo and suggests that Japan's overlooking of their situation reveals their disrespect of the ROC's nationality law.

The Lytton Report demonstrates that the Chinese were reluctant and against becoming Manchukuo citizens. From the perspective of nationality law, their compulsory participation was not an automatic renouncement of ROC nationality. Nevertheless, Japan seemed to have completely ignored the fact that the Chinese in Manchukuo were still citizens of the ROC even after the Manchukuo Government was established from the principle of law.

Based on the principle of territorial jurisdiction, the Manchukuo government held jurisdiction over citizens living in Manchukuo, which was secured by Japan's military power. On the other hand, were the principle of jurisdiction based on the nationality of the person adopted, the Manchukuo government would have had no right to execute the right of jurisdiction until a Manchukuo nationality was applied to those in question.

³⁶ Asano Toyomi, *Teikokunihon no shokuminchi hôsei: Hôikitôgô to teikokuchitsujo* (Legislation in colonies of imperial Japan: Integration of jurisdiction and the order of empire), (Nagoya: The University of Nagoya Press, 2008), 399.

In contrast, approving citizenship for the Chinese in Manchukuo did not raise questions on its violation of the ROC nationality law. It was considered that the effects of the jurisdiction of the ROC were eliminated with Japan's removal of ROC military power in the region. In other words, since the ROC did not employ legal action to protect the Chinese in Manchukuo, they became "stateless", and it was unnecessary for Japan to take their former nationality into account when granting them Manchukuo nationality. However, considering the fragility of Manchukuo as an independent state, enactment of a nationality law was meant to put all the people under one jurisdiction. It also touched upon the problem of legitimacy of Manchukuo. As suggested by Ohira's "The nationality issue of Manchukuo", a viable nationality law must respect the cooperation with the laws of the ROC and an agreement about nationality issue should be concluded.³⁷

The nationality law of the ROC, which was promulgated by the Nationalist Government on February 5, 1929 adopted the same *jus sanguinis* principle as Japan's nationality law had done. Article 11 states that one will lose his or her Chinese nationality when (s)he voluntarily obtained the foreign nationality under the permission of the Ministry of the Interior. Additionally, (s)he must be over twenty years old and be considered to have Chinese law-based behavioral competence. Article 12 forbids the Ministry of the Interior to approve the renouncement of Chinese nationality to those who are liable to military service both currently and in the future, and to those working for the government.³⁸ Consequently, Article 11 and Article 12 disqualified at least two groups of

³⁷ Ohira (1932, 305).

³⁸ "Nationality Law of the Republic of China in 1929." In *Zhonghuaminguo Liufa liyoupanjie huibian: Xianfa Yi (Compilation of judicial precedents of the Compendium of Law of the Republic of China: the Constitution Law One)*, ed. Wu Jiongxiang and updated by Guo Weizeng, (Shanghai: Huiwentang xinji shuju, 1947), 409-414.

nationals from giving up Chinese nationality. First of all, it denied the effectiveness of those who obtained foreign nationality without permission from the Ministry of the Interior. In the case of the Chinese in Manchukuo, their becoming nationals of Manchukuo lacked volition; moreover, their acquisition of Manchukuo nationality was impossible to be granted permission because there was almost no prospect for the ROC to recognize Manchukuo as an independent state. In fact, not only did the Lytton Report negate Japan's claim that the establishment of Manchukuo originated from the wish of the local residents, mostly Chinese, but it was also within Japanese knowledge that the new state might be against the local Chinese and might provoke anti-Japanese sentiment. In a telegram from Nagaoka to Saito Foreign Minister on June 25, 1932, Nagoya pointed out that local Chinese' anti-Japanese sentiment was strong. One can see that the Japanese had paid close attention toward the local Chinese who were opposed to the new state and had kept vigilance over Chinese reaction toward Japan's recognition of Manchukuo.³⁹ It once again belied Japan's claim that building a new state was a reflection of the Manchurian people's will.

It is worth noting that the ROC had never recognized Manchukuo as an independent state, which means that the ROC had not given up its dominion of the Chinese living in the territory of Manchukuo. In other words, as long as the ROC did not give up its sovereignty of Manchuria, the ROC's nationality law was still considered to be effective in the region.

³⁹Japan Digital Archive of the Documents on Japanese Foreign Policy Dec 1931- Oct. 1932: "*Manshûkoku no seiritsu to Nihon no shônin (The establishment of Manchukuo and Japan's recognition)*", 549.

The second group who were denied the right to obtain a new nationality regulated in ROC's 1929 nationality law refers to Chinese people living in Manchuria under twenty years old. As a result, from the perspective of the ROC, Chinese people living in Manchukuo under twenty years of age were still citizens of the ROC and theoretically had to serve the duties as a ROC national, such as military service as required by ROC law. If the nationality law of the ROC were to be respected, the Manchukuo government would have had to take two elements into consideration when making their own nationality law. One was permission from the Ministry of Interior of the ROC, the other, the group under twenty, whose acquisition of a new nationality required special legal measures to be taken.

Regardless of the importance of the cooperation or agreement Manchukuo government needed to gain from the ROC toward the nationality issue, there is no evidence to support that Manchukuo officials had ever attempted to solve the problems through diplomatic routes. On the other hand, they were aware of the complications by including former ROC citizens into the new state. They might have noticed that it was not persuasive enough to change one's identity without relying on related laws or ordinances. As a result, along with the legislation of nationality or citizenship law, the Manchukuo government attempted to weaken the sense of identity of former ROC citizens, the Han Chinese in particular. As mentioned in Chapter one, Tamanoi demonstrates that unlike Japanese or Koreans, who were classified as *Nikkei* or *Senkei*, there was no official category for the Han Chinese to indicate their identity.⁴⁰ This indicates Japan's attempts to deny the historical identity of the Chinese living in Manchukuo. In the absence of

⁴⁰ Tamanoi (2000, 257).

evidence to explain their motivation, *Mankei* as a racial classification to identify Han Chinese suggests that Japan wanted to deny any connection between the ROC and Manchuria so as to justify their establishment of Manchukuo. Furthermore, whether or not *Mankei* was an acceptable term for the Han Chinese to identify themselves, it was not just an imaginary term to force the Han Chinese to disrespect their heritage; it blurred the racial or national differences between Manchus, Mongols and Han Chinese.

On the other hand, Japan kept spending effort on drafting a viable nationality law. In fact, earlier from 1932 to 1936, there had been at least seven proposals or drafts of a nationality law of Manchukuo made by related departments and jurists. According to Endô's summary, they included: 1) "Manchukuo's nationality problem" by the fifth section of economy research department of SMR in July 1932; 2) "Advice on Manchukuo's nationality issue" in August 1932; 3) "The nationality issue of Manchukuo" by Ohira Zengo in September 1932 representing the Ministry of Justice of Manchukuo; 4) "Manchukuo's nationality problem" in September 1934; 5) "On the enactment of Manchukuo nationality law" by the fifth commission of special mission department of the Kwantung Army in January 1934; and 6) "Regarding the nationality issue in Manchukuo" by Katakura Tadashi representing the Kwantung Army in July 1934. In addition, in the May of 1936, Hidefumi Matsuba, who worked for the Department of Foreign Affairs of Korean General Government, published the "Draft of Manchukuo nationality law", which represented the opinions of the Korean side. Other than Ohira's draft, which mentioned the compatibility between the ROC's nationality law and that of Manchukuo, the other proposals seemed to have concentrated on the status of *naichi* Japanese and Koreans in

Manchukuo.⁴¹ This might have been due to the interest groups they stood for and their own backgrounds. For example, Ohira was the Professor of international law at Tokyo Shôka University, the forerunner of Hitotsubashi University. His academic background as jurist in international law allowed him to take into account the possible conflicts between the laws of ROC and of Manchukuo. In contrast, the other proposals written by bureaucrats might have been more practical by ignoring the trouble ROC nationality law would have brought to the establishment of Manchukuo's own nationality law. As a result, regardless of Japan's attempt to borrow international law to ennoble their military-occupied region to a civilian legitimate state, their disregard of the dispute between the ROC and Manchukuo did not help accelerate the progress of the enactment of a nationality law in Manchukuo. Their concern of *naichi* law only gave credit to the fact that Manchukuo's policies were generated from the metropole.

⁴¹ Endô Masataka, *Kindai Nihon no shokuminchi tôchi ni okeru kokuseki to koseki: Manshû, Chôsen, Taiwan* (The nationality and family registration issues in modern Japan's colonization in Manchuria, Korea and Taiwan). (Tokyo: Asahi shoten 2010), 217-218.

Chapter Three

Quasi-Citizens: Japanese from *Naichi*

In its introduction of the organization of the Manchukuo government, the Lytton Report notes the prominent status of Japanese officials in the new state. It points out that “Japanese advisers are attached to all important departments” and suggests that it was the Japanese who “exercise the greatest measure of actual power.”⁴² According to the information published by the Ministry of Foreign Affairs (MOFA), about two hundred thirty Japanese were assigned important positions in the Manchukuo government at the time of April 1932.⁴³ Taking a look at the details of the positions to which these Japanese were appointed, one may find that those positions were no longer merely advisors to Manchukuo government, but rather important positions which were supposed to be appointed exclusively to citizens of that country.

The legal status of Japanese officials in Manchukuo government was only the tip of the iceberg. In fact, there were twenty two hundred thousand Japanese living in Manchukuo with their nationality unsettled.⁴⁴ Except for the high-level officials in the government, troops of the Kwantung Army and other governmental related employees, the Japanese population was mainly composed of two groups: urban settlers and rural settlers. The urban settlers constituted an elite class among which many were employees of the SMR and its affiliated subsidy companies. The rush of infrastructure building and the need of employees for Japanese companies in big cities attracted thousands of Japanese to settle in Manchuria. For example, the employees of SMR and its affiliated

⁴² Report of the Commission of Enquiry in Watanabe (2006, 106).

⁴³ Japan Digital Archive of the Documents on Japanese Foreign Policy Dec 1931- Oct. 1932: “*Manshûkoku no seiritsu to Nihon no shônin (The establishment of Manchukuo and Japan’s Recognition)*, 485.

⁴⁴ Ohira (1932, 284).

subsidiaries climbed to 140,000 at the peak of employment.⁴⁵ Not only did they maintain their metropolitan living standards, but they also enjoyed political privileges and secured a decent income, which were competitive to those given the same position in the metropole. On the other hand, the rural settlers were mobilized to Manchukuo through the “One Million Household Emigration Plan” by the Ministry of Colonial Affairs in 1936. In this project, the Japanese government aimed to increase the Japanese population in Manchukuo to ten percent of the total population in twenty years. In fact, the project had successfully sent more than 300,000 rural people to Manchukuo by 1945.⁴⁶ The population of rural settlers finally exceeded urban settlers through the immigration project, and their settlement in Manchukuo was more permanent than urban settlers due to their determination to bury their bones in Manchukuo.⁴⁷

The “Independent Announcement” that Department of Foreign Affairs of Manchukuo government had sent to the international community asked for formal diplomatic relations with Manchukuo to be established.⁴⁸ Japan responded to the appeal by recognizing Manchukuo and Manchukuo government in 1932. As a result, the relationship between Japan and Manchukuo was supposed to be as equal as any other diplomatic relation between two other independent states. Japanese in Manchukuo were foreigners with political privilege, which was the negative legacy Manchukuo had inherited from the ROC. However, the Japanese were not simply foreigners in Manchukuo due to their particular contribution to the establishment of the new state.

⁴⁵ Duara (2005, 66).

⁴⁶ For details, see Young, (1999).

⁴⁷ Young, (1999, 368).

⁴⁸ Japan Digital Archive of the Documents on Japanese Foreign Policy Dec 1931- Oct. 1932: “*Manshûkoku no seiritsu to Nihon no shônin (The establishment of Manchukuo and Japan’s Recognition)*”, 458.

They were included into the five races constituting the population of Manchukuo. The dual roles of Japanese as “foreigner” and “citizen” caused confusion regarding the identity of the Japanese. More precisely, were the Japanese living in Manchukuo citizens of Manchukuo, or were they still nationals of the Empire of Japan?

Putting aside their own will, this is not a question easily answered in the absence of a nationality law of Manchukuo. Nevertheless, this is the problem that Manchukuo had to solve so as to maintain its legitimacy as an independent state. It is more than an issue concerning the identity of the Japanese or the nature of Manchukuo – it affords an example to examine Japanese imperialism and their political goals in Manchukuo. In order to understand the complexity of the nationality issue of *naichi* Japanese in Manchukuo, it is necessary to review the complicated speculations of the founders of Manchukuo, who attempted to make their occupation of Manchukuo different from that of Korea and Taiwan.

While the establishment of Manchukuo included collaboration from the local Chinese, it first of all embodied the Japanese militarists’ radicalism and idealism in building a state “with healthy financial, industrial and commercial institutions of its own, trading freely and profitably with Japan but not to be economically exhausted and thereafter to become dependent on Japan”.⁴⁹ If this were the ideal of Japanese imperialists, their rule of Manchuria ought not to be considered the same as that of Korea and Taiwan, in which Japan claimed absolute authority while Korea and Taiwan played a subordinate role in supporting the empire. By the same token, the status of the Japanese in Manchukuo was different from those in Korea and Taiwan. *Naichi* Japanese in Korea and

⁴⁹ Owen Lattimore, “Empire and Exploitation,” *Pacific Affairs* 7: 4 (Dec 1934): 441-443.

Taiwan were not foreigners. Instead, they were privileged colonizers from the metropole since both Korea and Taiwan were part of the Empire of Japan. It was therefore unnecessary for Japan to build any diplomatic relations with the two regions since they were colonies of the Empire. In contrast, the relationship between Japan and Manchukuo was supposed to be equal and *naichi* Japanese were considered to be foreigners in Manchukuo.

As mentioned before, contradictions arose after the Japanese population became considered one of the five main groups of Manchukuo, which revealed the Japanese founders' wish to build a multi-national community against the growing nationalism in the ROC. In order to put Manchukuo's slogan "five races under one roof" into practice, it was imperative to grant all the people in Manchukuo citizenship. However, this was not an unspoken agreement; rather it demanded that the law guarantee that the Japanese in Manchukuo would receive the same citizenship as the other four races, as what was promised in The Announcement and other important documents. However, as Yamamuro has pointed out, the Japanese must have resisted giving up their original nationality. Unlike the Chinese, whose wishes might have been unfavorably ignored due to the lack of the representatives to speak for them, Japanese residents, both urban and rural settlers, would not have their requests simply disregarded. As a result, Japanese desire for keeping their Japanese nationality became a headache for the Manchukuo government, who preferred making them people of Manchukuo.

In fact, early on from the end of 1931, there was a movement by radical Japanese imperialists for the Japanese to renounce their nationality so as to incorporate themselves into the five races. In a telegram from Morishima, acting Consulate-general of Fengtian,

to the Home Ministry on November 30, 1931, Morishima reported that the “impractical” suggestion of renouncement of nationality should not be ignored.⁵⁰ According to Endô, when the calendar moved to 1932, the Kwantung Army, local Japanese political power and the home government began to conduct research on the viability of a dual nationality law. Moreover, Endô suggests that the Japanese government was not encouraged to see its own people to change their nationality.⁵¹ In order not to lose its own people, the home government and the Kwantung Army had to conceive of a dual nationality or citizenship. However, this could become a solution only under the condition that the nationality law of the Empire of Japan would allow dual nationality.

According to the *naichi* nationality law, dual nationality was not allowed because *naichi* nationality law stipulated that one would lose his or her Japanese nationality once (s)he acquires a foreign nationality by *kika*, a Japanese term of naturalization.⁵² Therefore, granting Japanese in Manchukuo dual nationality or citizenship challenges the *naichi* principle. Moreover, considering ordinary Japanese hesitation to completely sever with the *naichi*, it seems that creating a dual nationality might have been the only effective way for incorporating Japanese into the new state without sacrificing their own interests in the *naichi*. This could not be possible without revising the *naichi* nationality law. It remains unclear why the lawmakers failed to revise the law in the absence of historical

⁵⁰ Endô Masataka, “Manshûkoku sôsôki ni okeru kokuseki sôsetsumondai: Fukugô minzokukokka ni okeru 'kokumin' no sentei to kikaseido (The making of nationality in the beginning of Manchukuo: The choosing of ‘nationals’ and naturalization system in multiple-ethnic nation)”, *Waseda Seijikeizaigaku Zasshi*, 369 (2007), 144-145.

⁵¹ Endô (2007, 145).

⁵² Nationality law of the Empire of Japan of 1932, promulgated in May. 4th, 1932. See URL: http://law.e-gov.go.jp/cgi-bin/idxselect.cgi?IDX_OPT=2&H_NAME=&H_NAME_YOMI=%82%b1&H_NO_GENGO=H&H_NO_YEAR=&H_NO_TYPE=2&H_NO_NO=&H_FILE_NAME=S25HO147&H_RYAKU=1&H_CTG=1&H_YOMI_GUN=1&H_CTG_GUN=1

evidence; it is less disputable to say that the pressure of war distracted the imperialists from concentrating on putting their ideals into practice.

Meanwhile, the failure in changing the *naichi* law to support the enactment of Manchukuo law did not weaken the ambition of the Kwantung Army to put all the races under the same jurisdiction. In fact, earlier in January of 1932, the Japanese were prepared to abolish the extraterritoriality for Japanese residents for the new state. In a telegram from Ohashi, the Consulate-general of Harbin to Yoshisawa Foreign Minister on January 23, 1932, Ohashi reported that extraterritoriality would be abolished as soon as enough jurists and police power were well-equipped for the new state.⁵³ The Manchukuo government signed a treaty with the Japanese government to abolish extraterritoriality for Japanese residents in 1936. According to Han Suk-Jung, “there was a demonstration by the Japanese residents in Fengtian to protest this series of unpleasant measures, and the Board of the Manchukuo Police finally sent instructions to all local branches, saying that they must make every effort not to provoke Japanese residents”.⁵⁴ It seems that the Kwantung Army abolished the Japanese political privileges at the expense of causing resistance from the Japanese residents. Concerning this issue, sociologist Hyun Ok Park provides a different perspective by suggesting that the dispossession of the symbolic political privilege of Japanese subjects in Manchuria had little to do with the sovereignty issue than with the Kwantung Army’s political struggle with the home government. She argues that the Kwantung Army wanted to decrease the intervention

⁵³Japan Digital Archive of the Documents on Japanese Foreign Policy Dec 1931- Oct. 1932: “*Manshûkoku no seiritsu to Nihon no shônin (The establishment of Manchukuo and Japan’s Recognition)*, 354.

⁵⁴ Han Suk-Jung, “The Problem of Sovereignty: Manchukuo, 1932-1937”, *Positions: East Asian Culture Critique*, 12:2 (2004), 463.

from the MOFA in Manchukuo by limiting the MOFA's jurisdiction to the least extent.⁵⁵ Whether or not the renunciation of extraterritoriality was really in the interests of Manchukuo, it nevertheless substantiated the sovereignty of the new state. This is supported by Yamamuro's argument that the abrogation of extraterritoriality had outfitted Manchukuo with the appearance of an independent state.⁵⁶ The abolishment of the colonizers' political privilege contributed to maintaining the form of sovereignty and fulfilling the requirement of the formalism of equality.

⁵⁵ Hyun Ok Park, *Two Dreams in One Bed: Empire, Social Life, and the Origins of the North Korean Revolution in Manchuria*, (Durham and London: Duke University Press, 2005), 55.

⁵⁶ Yamamuro (2006, 232).

Chapter Four

Citizens with dual nationalities: Koreans in Manchukuo

Another main problem faced by the Japanese in enacting a viable nationality law in Manchukuo was the issue of Koreans' nationality. Compared with the Chinese and Japanese legal status in Manchukuo, the nationality issue of Koreans in Manchukuo had attracted more attention from the international community. The Lytton Report highlighted the dual nationality issue of Koreans as one of the most important concerns of "Manchurian issues between Japan and China".⁵⁷ One reason for the Lytton Commission's particular attention to the Korean problem was that they believed their problems, including the right of leasing land and their citizenship, had "served to accentuate the conflict of policies of China and of Japan."⁵⁸

When the Lytton Commission conducted the investigation on Sino-Japanese conflicts in 1932, it was said that the population of Korean residents in Manchukuo was eight hundred thousand, while almost half of them lived in Jiandao (Kando in Japanese),⁵⁹ a marsh land between Yanbian region and Long county in northeast China. In the late period of the Qing, Koreans in poverty immigrated to Jiandao for land and jobs. Although the immigration was not encouraged, the Qing court adopted a positive policy toward the issue. The Qing court even set up a bureau to recruit Korean immigrants to cultivate the land. In 1890, Korean immigrants from the Korean peninsula who moved to Manchuria and cultivated the land and worked on agricultural production were allowed to be subjected to the law of Qing upon their agreement of the *tifayifu* policy, a Chinese

⁵⁷ Report of the Commission of Enquiry in Watanabe (2006, 60).

⁵⁸ *Ibid.*, 57.

⁵⁹ *Ibid.*, 57-58.

term which required Koreans to change their hair style and clothing custom to those of Qing.⁶⁰

One year before Japan's annexation of Korea, Japan and the Qing signed a protocol related to the Kando issue in 1909. In this Protocol, Japan acknowledged the Qing Empire's reign of Koreans living in Kando, while the Qing court approved the right of residency and land acquisition of Koreans. After the Annexation of Korea and the fall of the Qing Empire, Japan demanded that "Koreans were entitled, as Japanese subjects, to the privileges of land-leasing acquired by Japan in the Treaty and Notes of 1915."⁶¹ A document titled "The problems of Koreans in Manchuria" provides clues to Japan's official attitude toward the situation of Koreans in Manchuria.⁶² It is unclear when the document was recorded; however, from the content, it is reasonable to say that it was written before 1932, since it does not touch on the establishment of Manchukuo. The document suggests that there was no hurry to settle the nationality issue since the Chinese side might use this to deny the Koreans' already obtained land-leasing right as naturalized Chinese. The document also proposes that it was necessary to deny the naturalization right of Koreans for the sake of cracking down on the *futeisenjin*, a discriminatory Japanese term to define Koreans who were against Japan with the purpose to restore the autonomy of Korea.⁶³ In other words, Japan did not allow Koreans' naturalization to become Chinese. This was because the *futeisenjin* might have taken advantage of the naturalization right to evade Japan's crackdown, which would have

⁶⁰ Endô (2010, 61).

⁶¹ Report of the Commission of Enquiry in Watanabe (2006, 57).

⁶² *Zaiman senjin mondai* (The problems of Koreans in Manchuria) in Japan Center for Asian Historical Records, Reel No. 1-0487. See URL <http://www.jacar.go.jp/DAS/meta/MetaOutServlet>

⁶³ *Ibid.*, (199-205).

resulted in inconvenience for Japan to keep order in Jiandao, a base of *futeisenjin*'s anti-Japanese activities. As long as Koreans were denied the right to give up their newly-entitled Japanese nationality, Japan was authorized to suppress suspected Koreans, provided the principle of jurisdiction was based on the nationality of the person, wherever they were.

Japan's claim of its control of Koreans in Manchuria, Jiandao in particular, resulted in the maintenance of consular police to execute the extraterritoriality right. It seems that Japan had employed the consular police power to investigate and crack down on the *futeisenjin*. This is supported by the statement made by the Lytton Report that "whether the Koreans desired such Japanese interference, ostensibly in their behalf, or not, the Japanese consular police, especially in the Jiantao District, undertook protective functions and freely assumed the right to conduct searches and seizures of Korean premises, especially where the Koreans were suspected of being involved in the independence movement, or in Communist or anti-Japanese activities."⁶⁴

Japan's insistence on denying the naturalization right of Koreans was strengthened in the wake of the Jiandao Incident in 1920. The Japanese consulate in Huichun was attacked by unknown bandits, and Koreans and dozens of Japanese were left dead in riots. Japan was convinced that Kando had become a hotbed for Koreans in exile to develop the independent movement against Japan because of its geographic position and historical connection with Korea.⁶⁵ As revealed in the Jiandao Incident, Japan's suppression of Koreans ran the risk of violating the sovereignty of the ROC and even of triggering a military confrontation between China and Japan. In fear of Japan's

⁶⁴ Report of the Commission of Enquiry in Watanabe (2006, 61).

⁶⁵ Ibid., 62.

invasion of Kando in the name of cracking down on its own citizens, the Chinese government was positive to Koreans' naturalization to become Chinese, so as to preclude the expansion of Japan's presence.⁶⁶ According to Endô, three months after the Japan-Korea Annexation in 1895, the government-general of the Northeast three provinces of the Qing court suggested that the central government give special treatment toward the local Koreans in terms of their nationality in order to avoid a Japanese invasion of Manchuria.

Both Japan and China's nationality policies toward Koreans in Manchuria did not change much after the 1920s in that Japan continued to insist its dominion over Koreans in Manchuria, while the ROC held on to its sovereignty of the region. However, with its rising power in the region, Japan had enlarged its presence in the region under the pretense of protecting its own nationals, here, the Koreans. For example, prior to the Mukden Incident, a dispute on land between Chinese and Korean farmers caused interference from Japanese police and developed into the Wanbaoshan Incident, which ended up with Koreans' anti-Chinese movement in Korea. The Jiandao Incident and the Wanbaoshan Incident were clear manifestations of the fact that the ROC and Japan would have many unexpected disputes as long as the nationality of Koreans in Manchuria remained unsettled.

The nationality issue of Koreans in Manchukuo had already been a headache for both China and Japan before the Mukden Incident and the complexity of Koreans' nationality reached its climax under the establishment of Manchukuo, which entitled

⁶⁶ Endô (2010, 62).

those who had already obtained Chinese nationalities to become *de facto* dual nationality holders.

The establishment of Manchukuo resulted in the exclusion of the ROC's police presence in Manchuria; however, it was not a solution for the nationality problem of Koreans. In fact, including Koreans into the five races and creating a nationality of the new state put Japanese into the horns of a dilemma, now that they were faced with the conflicts among *naichi* nationality law, the *naisen ittai* principle, and the future Manchukuo nationality law. As concluded by the Lytton Report, although the Japanese nationality law of 1924 regulates those who acquired foreign nationality to automatically lose Japanese nationality, "this general law has never been made applicable to the Koreans by special Imperial Ordinance."⁶⁷ In other words, since Japanese nationality laws had never permitted Koreans to give up their Japanese nationality, Koreans' naturalization to foreign countries, for example, becoming Chinese through naturalization, was not effective from the perspective of the Empire of Japan. By the same token, the Japanese were caught in the same trap when it was their turn to make Koreans citizens of Manchukuo. If Koreans were denied the right to naturalize themselves to be Chinese due to the lack of a nationality law, then it would also be impossible for them to become citizens of Manchukuo.

The rivalry between Japan and the ROC toward the nationality problem of Koreans in Manchuria did not last long. Because of the Nanjing government's non-resistance policy, the ROC lost its presence, both politically and militarily in Manchuria, and their insistence of their sovereignty of the region became powerless with the

⁶⁷ Report of the Commission of Enquiry in Watanabe (2006, 60).

establishment of Manchukuo. However, the problem of Koreans' nationality still remained unsolved. The focus of the conflicts moved from the confrontation between the ROC and Japan to internal incompatibility between the *naichi* and Manchukuo.

For the Koreans living in Manchukuo, the first step toward becoming Manchukuo citizens was to give up their Japanese nationality, which was granted by the Annexation Protocol. However, the lack of a nationality law in Korea made it impossible for Koreans to give up their nationality as Japanese, so that it was impracticable to obtain Manchukuo nationality. Consequently, in order to create a unitary nationality in Manchukuo, it was necessary to first of all enact a nationality law in Korea which allowed Koreans' naturalization to another country. However, the application of *naichi* nationality law in Korea was not easy. In the 49th Empire Congress, the first meeting of the House of Representatives, Senator Makiyama Kôzô questioned why the *naichi* nationality law had not been enacted in Korea. He criticized that the denial of naturalization rights of Koreans was a discriminatory policy and violated the *naisen ittai* policy. His question was not answered until November 1925. The Korean General Government (*sotokufu* in Japanese) explained that the non-application of *naichi* nationality law in Korea resulted from the needs of cracking down on the anti-Japanese or Korean independence movements, which was consistent with the document "The problems of Koreans in Manchuria" cited above. In other words, the *naichi* government had given priority to the *futeisenjin* issue at the expense of disrespecting the *naisen ittai* principle.⁶⁸

Koreans remained the subjects of the Empire of Japan until the end of WWII. Their nationality issue unveiled the legal conflicts between the metropole and the empire

⁶⁸ Endô (2010, 58-60).

to its full amount. In conclusion, it was Japan's denial of Koreans' naturalization right which delayed the legislation process of nationality law in Manchukuo. Not unlike how granting Japanese dual nationality necessitated the revision of *naichi* nationality law, entitling Koreans to become citizens of Manchukuo required first of all the application of *naichi* nationality law in Korea. Only by applying *naichi* nationality law in Korea could Koreans give up their Japanese citizenship so as to acquire the citizenship of Manchukuo. The *naichi*'s hesitation to enact a nationality law illustrates their fear of an independence movement from Korea and also demonstrates the fragility of the Empire. Although the Empire of Japan eventually was destroyed from without, the metropole had never lost its vigilance toward the destructive power from within. The harmony between the metropole and the empire was maintained by the military power, and the principle of "rule by the law" was a convenient tool for manipulation for the metropole whenever necessary.

Chapter Five

1. Other minority groups: White Russians and Chinese Coolies

Although in Manchukuo's declaration of independence only five races, Chinese, Manchus, Mongols, Japanese and Koreans, were mentioned to be incorporated into the new state, there were in fact other minority groups which the Manchukuo government considered for inclusion. The Manchukuo government attempted to grant citizenship to the White Russians living in Manchukuo, who fled from the Russian Revolution to Manchuria, mostly "in and around Harbin" and worked for the East China Railway (Dongzhi Tiedao in Chinese) and its related corporations. Their population had already climbed to 150,000 in 1922.⁶⁹ When the Lytton Commission visited Manchukuo in 1932, their population was estimated to be "at least 100,000".⁷⁰ These White Russians decreased to 50,000 afterward due to the Union of Soviet Socialist Republics (U.S.S.R) transfer of the possession of the East Asian Railway to Manchukuo in 1939.⁷¹

The Lytton Commission reported that the White Russians in Manchuria claimed to have suffered from the local Chinese officials and police and that there was "no national Government to protect them."⁷² According to the data provided by SMR, 70,053 White Russians were stateless, while 28,072 held Russian nationality in 1933.⁷³ Because of their Russian background, the SMG concluded in its research report that "White Russians might play an important role in the future military conflicts between Japan and

⁶⁹ Tsukase Susumu, *Manshûkoku: "Minzoku kyowa" no jitsuzô* (Manchukuo: A real picture of national harmony), (Tokyo: Yoshikawa kôbunkan, 1998), 113.

⁷⁰ Report of the Commission of Enquiry in Watanabe (2006, 119).

⁷¹ *Ibid.*, 113-114.

⁷² Report of the Commission of Enquiry in Watanabe (2006, 119).

⁷³ Endô (2010, 237).

Russia”.⁷⁴ In the wake of the importance of Japan and Manchukuo’s diplomatic relationship with the U.S.S.R, granting stateless White Russians nationality required very careful and sensitive political judgment.⁷⁵

On the other hand, in the Report titled “The White Russian Problem” made by the first section of European-Asian Department of MOFA, it is recorded that in November 1932, the Ministry of Police in Fengtian and Shenyang issued the “Order of Naturalization Procedure of White Russians”. It calls attention to the inconvenience of managing the residential problems of stateless residents. It provided that White Russians who had property and occupation and submitted a document to promise naturalization would be endowed with the same equal status as original residents of Manchukuo. Concerning refugees and those without occupation, the order also showed flexibility by allowing them to join the new state as long as they could show loyalty toward the Manchukuo government. This order revealed the basic principles of the Manchukuo government toward the legal status of White Russians in Manchukuo. However, this was no more than an administrative measure due to the lack of support by a nationality law.⁷⁶ Nevertheless, it reflected the general attitude Japan had toward the nationality issue of White Russians, that is, they were positive in incorporating them into the new state both for the government and for the diversity of the Manchukuo population.

In contrast, the Japanese attitude toward coolies from the ROC was less positive. In 1931, the number of coolies coming to Manchukuo was 416,825, and there was only a slight decrease in 1932 under the influence of the Mukden Incident. From 1933, it seems

⁷⁴ Ibid., 239.

⁷⁵ Ibid., 239.

⁷⁶ Endô (2010, 239-241).

that more coolies were coming to Manchukuo to look for jobs. The year of 1934 marks the peak of the coolies' entry to Manchukuo, which amounted to 627,322.⁷⁷ It was also the same year that the Manchukuo government decided that the Chinese entering Manchukuo would be considered foreigners. In the first meeting of the Labor Regulation Committee, which opened in January 1934, a committee member suggested that if the entry of coolies were not limited, Manchukuo would become a colony of the ROC. As a result, it is not difficult to see that Japan saw coolies as a threat to both local employment and the stability of Manchukuo society. They were even worried that coolies' entry to Manchukuo would trigger the nationalism of the Chinese, former ROC citizens.⁷⁸

This attitude was also supported by Japan's general attitude toward the Chinese even before the establishment of Manchukuo. In the preparation of the opening of the Manchurian-Mongolian Council in February 1932, the home government provided drafts of important policies of Manchukuo. In terms of immigration policy, they encouraged Korean, *naichi* Japanese, and Russian immigration to Manchukuo. In contrast, in terms of Chinese immigration, rather than giving any sort of encouragement, they placed restrictions on immigration from China. The 1934 restriction on coolies' entrance to Manchukuo was consistent with this policy.⁷⁹ Treating coolies as foreigners was intended to weaken the presence of the Chinese so as to avoid the rise of a nationalist movement in Manchukuo.

⁷⁷ Takei Gōichi, *Manshuu no rôdô to rôdô seisaku* (The labor and labor policy in Manchukuo), (Tokyo: Ganshōdō shoten, 1941). 211.

⁷⁸ Endō (2010, 231-232).

⁷⁹ Japan Digital Archive of the Documents on Japanese Foreign Policy Dec 1931- Oct. 1932: "*Manshūoku no seiritsu to Nihon no shōnin* (The establishment of Manchukuo and Japan's recognition), 361-365.

Neither the nationality issue of White Russians nor that of coolies was the main concern of Manchukuo's nationality law; however, their existence made the legislation process of the nationality law more complicated. Japan's willingness to include the White Russians reveals its ambition to build an international community. By the same token, its exclusion of the coolies might indicate that they saw Chinese as a threat to the stability of Manchukuo.

Chapter two has illustrated the Chinese legal situation in Manchukuo and Japan's ignorance of the ROC nationality law in making them citizens of the new state. Theoretically, it was sensible for the Manchukuo government to arrive at a diplomatic agreement with the ROC government to settle the nationality of former ROC citizens, as suggested by Ohira. However, it might not have been necessary as long as the ROC was not intending to confront Japan on this issue. As a result, it allowed policy makers to concentrate exclusively on drafting a nationality law in harmony with *naichi* law and the *naisen ittai* principle.

2. The legislation of a nationality law in 1939

As suggested in Chapter three, the abolishment of extraterritoriality of *naichi* Japanese in Manchukuo left an important mark in the legislation process of nationality law. It reveals the determination of Japan to ennoble Manchukuo to an independent state with which Japan would have liked to build more equal diplomatic relations, even if only nominally. From a more practical perspective, it at least eliminated political hindrance from putting the "five races equality" slogan into practice. As a result, the legislation of a nationality law became more hopeful, and the policy makers' outlook on the issue was

supposed to be more thoughtful and practical after many discussions and trial and error from 1932.

In fact, the Civil Law Council was organized in December 1938,⁸⁰ which was responsible for the legislation of identification law. In January of 1939, under the leadership of the Civil Law Council, a “Secretary Preparation Commission of the Legislation of the Nationality Law” was organized with the participation from governmental departments, such as the Management and Coordination Agency (*Somucho* in Japanese), the Foreign Affairs Department (*Gaimukyoku* in Japanese), and the Concordia Party (*Kyowakai* in Japanese).

According to Endô’s summary, the main points of the legislation principles for the nationality law outline are concluded as follows:

1. The Manchukuo nationality is to be endowed to all the five races living in Manchukuo, including Japanese, Manchus, Chinese, Koreans and Mongols.
2. It is forbidden to reserve the right to choose nationality.
3. The principle of *jus sanguinis* is adopted as the principle of nationality acquisition.
4. Dual nationality is allowed only in the cases of *naichi* Japanese and Koreans.
5. The officials of the Manchukuo government, staff of Concordia Party and employees of special companies who had Manchukuo as their living base should acquire Manchukuo nationality.
6. Coolies from China belong to category “foreigners” in Manchukuo.
7. White Russians who held living bases in Manchukuo are allowed to acquire nationality through naturalization.
8. One will lose Manchukuo nationality upon losing one’s living base in Manchukuo.⁸¹

⁸⁰ Endô (2010, 278).

⁸¹ Endô (2010, 278-279).

It is worth noting that this might have been the first time for the Manchukuo government to admit the effectiveness of dual nationality. Rather than seeing the special status of *naichi* Japanese or Koreans in Manchukuo, item four revealed a strong bond between the Empire of Japan and Manchukuo. This item reiterates that there was no political conflict in being a citizen of Japan and one of Manchukuo at the same time. On the other hand, the requirement of Manchukuo officials and government-related employees to acquire the nationality provides a solution to solve the contradiction that Manchukuo was ruled by foreigners. This had threatened the independent nature of the government even since 1932. On the other hand, considering the attitude toward coolies, it only confirmed that the inflow or outflow of human resources was not encouraged. By classifying coolies as foreigners, the local administrations were aided in the management of their movement into Manchukuo so as to stem anti-Japanese influence in the new state. In contrast, it is not difficult to see that the Manchukuo government was positive in including stateless White Russians. To allow them to acquire Manchukuo nationality through naturalization helped avoid diplomatic confrontation with the U.S.S.R

In terms of the nationality problem of *naichi* Japanese, the 1939 draft of a nationality law could have been viable as long as the *naichi* would agree to revise its nationality law to allow dual nationality. Similarly, it seems that the nationality problem of Koreans would also have been solved under the condition that the *naichi* nationality law be enacted in Korea. Since both the revision of the *naichi* nationality law and the enactment nationality law in Korea would have taken a great deal of time, it was due to the war that Manchukuo had failed to have a nationality law. Nevertheless, this is not to suggest that it is meaningless to reveal the hardships in the legislation process of a

nationality law. Indeed, restoring the contradictions to its historical significance helps in understanding the distance between the ideals and the reality of Japan's construction of Manchukuo and people of Manchukuo.

Conclusion

Following Yamamuro's observation of the contradiction of Manchukuo's authenticity as a national state in terms of nationality law, it seems that more and more historians began to pay attention to the nationality issue of Manchukuo. Asano Toyomi in his "The Extraterritoriality and Nationality Law issue in Manchukuo" analyzes the connection between the abolishment of the Japanese extraterritoriality right and the establishment of a nationality.⁸² Tanaka Ryûichi in his 2003 paper "The making of Manchuria and the problem of Koreans in Manchukuo: the conflicts between 'five races harmony' and 'Japan and Korea as one'" reveals the contradiction between "*wuzugonghe*" (five nations living harmonically under one roof) and the "*naisen ittai*" principle.⁸³ Lu Xinyi's "A study on the nationality issue of Korean in Manchukuo" sheds light on the nationality issue of Koreans and suggests that the failure of solving Koreans' nationality issue resulted from Japan's attempt to avoid splitting Japanese polity into two.⁸⁴ These works share the similarity that they concentrate on the significance of the statuses of the *naichi* Japanese and Koreans in Japan's creation of Manchukuo, while paying less attention to the status of local Chinese. While they valued the importance of balancing the interests of the metropole and its empire, they might have overlooked the fact that the nature of Manchukuo depended heavily on the wishes of local Chinese.

⁸² Asano Toyomi, "'*Manshûkoku*' ni okeru *chigaihôken mondai to kokusekihô* (The extraterritoriality and nationality law issue in Manchukuo)", *Shibusawa Kenkyû* 11, (1998).

⁸³ Tanaka Ryûichi, "'*Manshûkokumin*' no sôshutsu to 'zaimanchôsenjin' mondai: 'Gozokuyowa' to 'Naisen-ittai' no sôkoku (The making of Manchurian and the problem of Koreans in Manchukuo: the conflicts between 'five races harmony' and 'Japan and Korea as one')", *East Asian Modern History* 6 (March 2003)

⁸⁴ Lu (2006)

On the other hand, this thesis has no intention to downplay the historical significance of *naichi* Japanese and Koreans. On the contrary, it agrees with the opinions proposed by the above-mentioned three Japanese scholars. Although the *naichi* Japanese and Koreans were underrepresented, they played an important role in making Manchukuo an international state. Rather than being colonizers or privileged foreigners with extraterritoriality, their status in Manchukuo as people of Manchukuo by acquiring Manchukuo nationality had political meaning in supporting Manchukuo as an independent state. Moreover, whether or not they stood for the interests of the metropole, their participation in the building of Manchukuo had at least demonstrates that Manchukuo government attempted to build a multi-national state.

Manchukuo's failure in enacting a nationality law disqualified it from being considered an independent state; however, even if a nationality law had been enacted, due to the inequalities existing in daily life between Japanese and non-Japanese nationals, the Chinese in particular, it might have only afforded another example of showing how nationality, a legal term, fails to grant citizens the same treatment.

Regardless of the abolishment of extraterritoriality and despite the fact that the Kwantung Army and Tokyo were on their way toward creating a nationality law to put all the people under the same jurisdiction, the reality was that the Japanese remained a privileged group in Manchukuo. For example, rural settlers' land acquisition was undertaken with protection from the Kwantung Army, and urban settlers in general enjoyed a better living standard. The reality that Manchukuo was a state without nationals and was unable to coin a universally-recognized national term had put the Kwantung Army in an awkward position. Moreover, discrimination between Japanese and non-

Japanese residents once again belied the fact that Manchukuo was not an egalitarian society.

After Japan's sudden loss of its overseas colonies in the wake of its defeat in WWII, the term Manchukuo quickly became a dead word. It survives now in academic and documentary works and in the memories of the people who experienced life in Manchukuo. However, the collapse of the state and the death of the word do not offer any answers to the questions triggered by them. In recasting light on the technical difficulties in the legislation of Manchukuo nationality, the aim of this thesis is not to reevaluate the efforts made by the Kwantung Army to ennoble Manchukuo to a legitimate state. This thesis tries to underscore the fact that the equality of formalism cannot stand for real equality. In a similar vein, reconsidering the hardships in making a new state is not to romanticize Japan's colonization in Manchukuo or to demonstrate that Japan's imperialism was different from that of the West. Rather, examining the complicated or even incompatible relationship between laws of the metropole and the empire provides a clear example showing that Japan's real outlook on East Asia was not to create Pan-Asianism and the Greater East Asia Co-Prosperty Sphere, but rather to build a Japanese Empire with subordinate colonies.

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