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IMPERIALISM AND VIOLENCE: A LEGAL INTERPRETATION OF THE NANKING MASSACRE AND ITS IMPLICATIONS FOR INTERNATIONAL RELATIONS

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ABSTRACT: This paper actively delves into the legal dimensions of the Nanking Massacre also known as the Rape of Nanking, an event that stands among history's most contentious. It critically examines its implications for international relations: through analysis of primary sources, legal documents and eyewitness accounts. The researcher aims to understand how imperialistic agendas were shaped by the Japanese empire. Dissecting crimes, human rights violations, and responsibility actions of both the Imperial Japanese Army and Chinese Nationalist Army forms the focus of the research. It emphasizes on transgressed laws during these heinous acts: The Nanking Massacre unveiled itself immediately after the Battle of Nanking - a significant event in the Second Sino-Japanese War starting from December 13th, 1937; it persisted for a daunting six weeks. Not only did the perpetrators commit mass murder, but they also committed other crimes: mass rape, looting and arson. The massacre stands as a testament to one of history's most atrocious wartime events; it left an indelible scar on record. In November 1937—after capturing Shanghai—the Japanese forces swiftly advanced through China until reaching the outskirts of Nanjing. Recognizing the indefensibility of Nanjing, most forces from the Chinese army withdrew. Concurrently, John Rabe, a German citizen who founded the International Committee for the Nanking Safety Zone, assumed de facto control over an evacuated city as its civilian government had fled. Then on December 5th, Prince Yasuhiko Asaka took command of Japan's campaign. The point of dispute remains: Did Asaka directly order the rape and violence, or did he merely allow it to happen? However, there is no question that he took no action to halt this carnage. Unchecked operation started on December 13 - coinciding with the entrance of Japanese troops into the city; they encountered minimal resistance. In violation of the laws of war, perpetrators summarily executed Chinese soldiers; meanwhile, rampant looting and rape prevailed. Estimates for the death toll vary substantially: they range from a minimum of 40,000 to an alarming maximum exceeding 300,000-- similarly disconcerting figures emerge when examining rape cases which number between 20,000 and potentially as high as 80,000. Acknowledging past atrocities and educating future generations: this is the pivot that prevents historical tragedies—a stark underscore of the importance placed on historical memory, justice, and reconciliation in shaping modern relationships.

Index Terms: Imperialism; Accountability; War crimes; Collective memory; Atrocity; Genocide; Legal framework.

I. INTRODUCTION

The Nanking Massacre - a clear exemplification of war's brutality and imperialism's impact on individuals, stands as a horrific chapter in human history. This tragic incident unfolded within the bounds of the Chinese city Nanking – now Nanjing – during The Second Sino-Japanese War (1937-1945), etching an indelible mark upon collective memory. Kidnappings of soldiers transpired across China. Indeed, kidnappings occurred among soldiers in China; this tragic incident--the Nanking Massacre--serves as a stark illustration of war brutality and imperialism's impact on individuals: it happened within the bounds of what is now Nanjing during The Second Sino-Japanese War (1937-1945), leaving an indelible mark upon collective memory. In December 1937, Nanking succumbed; violent riots and numerous massacres followed. The death toll, though varying, stands at tens of thousands: Chinese civilians and unarmed soldiers fell victim during this grim period. The Japanese military perpetrated a litany of atrocities--these encompassed summary executions; acts of violence directed towards women were not spared either--and they ravaged cultural heritage with their destructive might. This paper scrutinizes the legal landscape encompassing the Nanking Massacre; it delves into an analysis of perpetrator and victim conduct through a lens of international humanitarian law, war crimes, and human rights transgressions. Indeed: was the criminal apprehended? Imperialism, driven by its national and ideological ambitions, violated which legal framework? This breach of international law: it seized a golden opportunity to engineer a program culminating in genocide. The pursuit of three key factors - sovereignty; economic interests; and national hatred – instigated this violent storm. Examining how imperialist ideology influenced military strategy, fostered mistrust of the "other," and legitimized disinformation emerging from Nanking, the researcher delves into a complex issue. In this context though--one must pause to ask: what have other countries done? Furthermore—what should international organizations do to address this problem? Analysing the limitations of the United Nations and confronting its inherent difficulties in pursuing justice and reconciliation, our researcher traverses an intricate path. Moreover, this exploration establishes a pivotal connection between Nanking's memory to contemporary global affairs; underlining not only historical knowledge but also accountability as essential needs.

II. RELATED WORK

This literature review plunges into the intricate web of narratives, justifications and research gaps surrounding the Nanjing Massacre - a hauntingly dark chapter in history that still reverberates today. By interweaving scholarly works with films and historical accounts; the researcher sheds light on not only its enduring impact but also underscore an urgent demand for profound comprehension.

Iris Chang's "The Rape of Nanking: The Forgotten Holocaust of World War II" thoroughly examines the atrocities committed during World War II in Nanking, shedding light on a historical event often overlooked. Chang, with her seminal work, thrusts the Nanjing Massacre into global consciousness; indeed--through meticulous research--she exposes the brutalities inflicted by none other than the Imperial Japanese Army upon Chinese civilians. Her book not only underscores an urgent need for rectifying such atrocities but also criticizes Japan: a nation that adamantly refuses acknowledgement of its role in these horrific events.

"Black Sun: The Nanking Massacre" (1995): Mou Tunfei directs this film, offering a dual perspective: it justifies and opposes killing. The imperial rescript—rooted in Japan's mission to transform China—serves as a legal basis for the massacre; cruelty is juxtaposed with absurdity throughout the film, thereby exposing mass violence's moral complexities. Chinese evidence overwhelmingly supports the reality of the massacre, yet extreme right-wing Japanese nationalists vehemently deny it: Naoki Hyakuta's claim that the massacre "never happened" serves as a stark example. Meanwhile, Tanaka Masaki's book acknowledges incidents but portrays them - quite falsely - as unavoidable casualties.

Abundant evidence still leaves a persistent gap in our understanding of the psychological and cultural foundations behind mass violence: how does society rationalize brutality; which narratives continue to justify this? Investigating these questions is crucial for preventing future atrocities. Opposing discourses—justification and opposition—clash, revealing the complexity of human behavior: this is an intricate narrative where elements like the imperial rescript; Lucifer effect; even honesty's dishonesty weave into multifaceted tales around Nanjing Massacre. The Nanjing Massacre serves as a chilling reminder of humanity's potential for brutality: it compels us to pursue a world in which compassion and justice supersede violence.

III. RESEARCH GAP

Even after a lot of time has passed, the shadow of imperialist attacks and the terrible acts that come with them still hang over our world. The Nanjing Massacre is always remembered because it has many stories about violence, sexual assault, and death. Yet, what has not been fully examined is why these actions—those from the past and those happening now—are continually justified. How do communities deal with making sense of cruelty? Which stories continue to give reasons for this, and how can we break them down? Looking into these matters will help us understand the lasting effects of terrible acts and guide us in creating ways to stop them from happening again.

The space for more study calls for a closer look at how history is remembered, the stories we tell now, and why it's important to face violence and stop it from happening again. Your writing can help us know more about what makes us human together by examining reasons given for terrible acts, showing the importance of compassion and fairness.

IV. RESEARCH QUESTIONS

- How do the different stories about the Nanking Massacre affect diplomatic relations between China and Japan?
- What role does collective memory play in shaping responses to past atrocities such as the Nanking Massacre?
- To what extent can joint memorial sites and joint historical research projects bring peace between countries in conflict?
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V. METHODOLOGY

In their study, the researcher employed a mixed-methods approach to investigate the historical context, narratives, and justifications surrounding the Nanking Massacre and its relevance to contemporary conflicts in the Middle East. The methodology encompassed data collection from Google articles, journals, and Iris Chang's book *The Rape of Nanking*. Sources were critically evaluated, and content analysis was conducted. Comparisons were made to understand similarities and differences across contexts. Acknowledging potential biases, the researcher aimed for transparency and rigor. By integrating diverse sources, the study contributed to a deeper understanding of violence, propaganda, and the imperative to prevent future atrocities.

VI. FINDINGS

A major point is discussing whether the terrible acts done in the war were justified and what their purpose was. Legal experts find it hard to understand how the right of a state to govern itself can be used as a shield for serious breaches of human rights and laws meant to help people during war. The Massacre of Nanking makes us confront the moral and lawful questions that come up when we think about a country's power and safeguarding fundamental human rights. Also, looking into laws like positivism, natural law, and legal realism can offer understanding of the subtle details of administration with historical injustice and its impact on contemporary international relations. These ideas offer perspectives to examine the legal and ethical aspects of the Nanking Massacre, including what happened after. They also help us understand how difficult it is to make government bodies and other groups responsible for their doings during warfare. Next parts will talk about how one can use these concepts in real situations. Exploring these legal ideas and their effects on building an international system that is fairer and more accountable, especially considering the historical and current severe wrongdoings.

VII. INTERNATIONAL LAW AND THE NANKING MASSACRE: TREATIES AND VIOLATIONS

During the Second Sino-Japanese War, China and Japan were supposed to follow international humanitarian treaties like the Hague Convention of 1907. This convention set rules for treating prisoners of war in a humane way. But what happened with the Japanese military in Nanking showed clear disregard for these agreements, leading to many terrible acts against civilians and those not carrying weapons. Not following these agreements was a big breaking of the rules for fighting wars. The way the Nanking Massacre's laws were understood had a strong connection with the Japanese empire's beliefs back then. The Japanese army explained their behavior by misunderstanding the Imperial Guidebook. It stressed that Japan had a holy power to control and teach other countries using strong ways. This wrong understanding of law made people see the harsh actions of Japanese soldiers in Nanking as acceptable. Some historians and nationalists in Japan, despite the strong proof of what happened at Nanking Massacre, have refused to acknowledge it and made it seem less serious. They are influenced by extreme political views that try to clear Japan's name from any guilt for crimes during war times. The act of rejecting or wrongly describing historical incidents like the Nanking

Massacre shows us how hard it still is to admit past wrongdoings and to keep up with responsibilities in international law. Also, the Nanking Massacre serves as a clear example of what can happen when nations do not fulfil their duties to humanity on an international level. Legal rules and moral guidelines in times of war. The legal consequences of this sad incident still echo in discussions concerning past unfairness, the duty of countries and seeking justice for those who suffered from great crimes.

VIII. **COMPARATIVE ANALYSIS: IMPERIALIST VIOLENCE FROM NANKING TO THE MIDDLE EAST**

The massacre in Nanking, where many people suffered during the time when Japan expanded its empire into China in 1937, teaches us a lot about how violence from imperialists affects the world's countries and their interactions. When we look at what happened in Nanking alongside wars in the Middle East, it shows patterns of violent acts, struggles for control, and unfairness that has continued through history. Reports show that in these two situations rape has been used as a war tool by imperialist groups to dominate and manage the lands they have taken over. For many years, the conflict between Israel and Palestine has defined the Middle East. Against violence, we talk about things like helping Palestinian refugees find new homes, the building of houses by Israelis in West Bank area and when military power is used on Palestinian people. Also, there's a big fight happening in Syria which has caused so many people to die - more than hundreds of thousands. The groups that are for the government and also those against it have done very bad things that break laws meant for wars. Legal outcomes and responsibility are linked to the Nanking Massacre and actions during conflicts in the Middle East. The understanding of these issues brings up how countries should answer for their actions, follow global humanitarian agreements, and use international law against large-scale human rights violations. Forgetting or changing what happened historically makes it hard to make those who committed war crimes take responsibility. The International Criminal Court started an investigation on the possible war crimes that might have been done by Israeli soldiers and Palestinian fighters in the conflict between Israel and Palestine. The ICC has only limited power, and Israel with its friend countries meets much political resistance against the probe. In the same way, because there is a civil war still happening in Syria, it makes difficult to make Syrian government people answer for war crimes and humanity crimes. The UN Security Council was unable to send the Syria case to the International Criminal Court because Russia and China did not agree.

The effect on global relationships is shown by the consequences of imperial violence from Nanking to the Middle East, revealing how past injustices still affect current international dealings. Not dealing with old wrongs and giving justice to those who suffered continues to make it hard for countries that faced imperialist harm to get along well. The struggle between Israel and Palestine caused a lot of stress in the Middle East for many years, including problems with the United States being involved. Many countries from the West usually pick a side to support in the fight. In Syria's conflict, which continues, there are local and worldwide players involved: Russia and Iran back up the Syrian government, while America and its partner nations give help to groups that oppose it. When we study and compare the violence of empires from Nanking to the Middle East, we learn about how history, laws and power struggles are connected in creating worldwide conflicts. Grasping these similarities can aid in fostering peace, reconciliation, and responsibility in areas impacted by the history of empire. Yet, this comparison goes past just historical occurrences. Propaganda is very important for creating stories about violence. During the Nanking Massacre, the Japanese imperial command was used to make people believe that killing many people was a way to "teach" and "change" China. In conflicts in the Middle East, Western news outlets usually show a preference for the views of America and Israel. They use quiet ways to persuade and keep themselves from saying certain things, which keeps stories that support Israel going around and affects what people think.

These events continue to have an effect not just because they are remembered from history, but also in today's world. Some very conservative Japanese nationalists still refuse to acknowledge the Nanking Massacre happened. At the same time, reasons for conflicts in the Middle East keep repeating and are based on what countries want for themselves, helped by misinformation. It is very important to know how this misinformation, these reasons, and violence work together.

IX. THE NANKING MASSACRE IN INTERNATIONAL RELATIONS: NORMS AND CHALLENGES

The Nanking Massacre: it provoked significant legal and ethical inquiries into Japan's commitment to international humanitarian norms, particularly regarding its treatment of civilians and prisoners of war. Amidst the Second Sino-Japanese War--an engagement necessitating both China and Japan to uphold these global standards--a pivotal document emerged; The Hague Convention of 1907 laid out directives for the merciful management specifically, prisoners in warfare. The Japanese military in Nanking, however, blatantly ignored these orders; their actions led to widespread atrocities against civilians and unarmed combatants. By failing to observe these norms of armed conflict--they underscored a violation of established standards. The legal interpretation of the Nanking Massacre at that time deeply intertwined with Japanese imperial ideology presented significant accountability challenges. Misinterpreting the Imperial Manual, which underscored Japan's divine right to rule and advocate forceful training of other nations, the Japanese military found justification for its actions. This contorted understanding of law rationalized brutal conduct by Japanese troops in Nanking; however overwhelming evidence exists that documents this as a massacre. Some Japanese historians and nationalists, despite the extensive documentation on the Nanking Massacre, deny or downplay its occurrence. Far-right narratives fueled that denial, intending to absolve Japan of responsibility for wartime atrocities; indeed, the Nanking Massacre--a historical event whose denial or distortion highlights ongoing challenges in acknowledging and prosecuting past violations under international law--presents an apt case study for International Relations implications. This study focuses on the impact of international humanitarian norms in shaping global relations. The Second Sino-Japanese War provides a significant case where failure to comply with these standards resulted in diplomatic relations between China and Japan breaking down; this, in turn, inflicted long-term consequences on regional stability and security. The Nanking Massacre underscores an imperative: grappling with issues. It is a pivotal factor in the promotion of peace and reconciliation. However--denial or distortion of historical events, as exemplified by the Nanking Massacre--impedes efforts toward accountability and concord; indeed, it fuels ongoing tensions and challenges in diplomatic relations between countries that suffered under imperialist attacks. In the context of international relations, an examination of the Nanking case--a notorious massacre--yields valuable insights: It illuminates challenges in fulfilling global humanitarian standards and prosecuting mass atrocities.

Comprehending these dynamics: a pivotal task that can foster initiatives for peace, justice and human dignity promotion in our contemporary global society. International law--significantly--shaped the Nanking Massacre; this horrific event unfolded during an era when international norms and standards were being painstakingly established for civilian treatment as well as those of war prisoners. The Hague Conventions of 1899 and 1907, during the Second Sino-Japanese War, set forth rules for warfare; these included protection for civilians as well as prisoners of war. Preventing the atrocities witnessed in Nanking constituted their primary objective. The Japanese Imperial Army--in defiance of these global statutes--inflicted widespread atrocities upon civilians and prisoners of war during what became known as the Nanking Massacre. The Nanking Massacre incontrovertibly transgressed the laws of war, emphasizing a pressing necessity for more robust international mechanisms: ones that guarantee compliance with these norms. Subsequent to this heinous event -- attempts emerged to hold its perpetrators accountable; specifically, in 1946, The International Military Tribunal for the Far East (IMTFE) was instated with a view towards prosecuting Japanese leaders not just for their involvement in warfare but also regarding their role within The Nanking Massacre itself. Several senior Japanese military officials, among them Lieutenant General Tani Hisao, received convictions from the court; notably -Tani Hisao faced a death sentence for his involvement in the Nanking massacre. This event significantly shaped international humanitarian law's development: it directly led to the instigation of Geneva Conventions that bolstered protection for civilians and prisoners of war during armed conflicts. The Nanking Massacre indeed underscored the necessity for more robust international mechanisms: these were to guarantee adherence with laws and standards governing treatment of civilians and prisoners of war under graduate-level punctuation. The event thus played a pivotal role in shaping development--through its sheer magnitude; it compelled action towards stricter enforcement--of international humanitarian law. This branch of legislation, subsequently enacted--since armed conflicts have become increasingly prevalent--provides superior safeguards not just during hostilities but also in peacetime conditions alike

X. IMPERIAL RESCRIPTS AND MORAL RATIONALIZATIONS OF MASS KILLINGS

Understanding the function of emperor's orders and reasons for doing right related to large scale killings, like what happened in Nanking, is not simple and has many sides. These orders from an emperor are formal instructions given by them which might be applied to give a reason or make acceptable things that could be seen as wrong against morality or law. In the situation of Nanking Massacre, Japanese emperor that time, Hirohito, did not talk about Japan's promise to follow international rules for human rights in his official message. This gave Japanese army a quiet approval to overlook these important laws. As a result, soldiers felt they could do terrible things like large-scale killings and not worry about legal problems. Moral rationalizations are when people have thoughts or reasons that they use to make their actions seem right, even if those actions might be wrong or not ethical. When thinking about the Nanking Massacre, Japanese soldiers and leaders had different excuses for why they did what they did. They thought by killing Chinese people, it was a way of teaching them and changing China. These reasons were frequently rooted in the thought that the Japanese people were superior, or that Chinese civilization was not as advanced.

Imperial orders and reasons related to morality were very important in the situation of the Nanking Massacre. They made it possible for the Japanese soldiers to carry out large-scale killings and other terrible acts without worrying about breaking laws or doing something morally wrong. People still discuss and examine these justifications because researchers and history experts want to figure out why mass murders happen, looking at how power and beliefs influence what we think is right or wrong.

XI. REFLECTIONS ON GLOBAL ORDER AND THE LEGACY OF IMPERIALIST AGGRESSION

The legacy of imperialist aggression, as exemplified by the Nanking Massacre, has had significant implications for the global order. The massacre was a stark reminder of the brutal consequences of imperialist expansion and the exploitation of weaker nations. It highlighted the need for a more just and equitable international system that respects the sovereignty and human rights of all peoples. The Nanking Massacre also underscored the importance of international law in regulating the conduct of nations and preventing mass killings and other forms of violence. The Hague Conventions of 1899 and 1907, which were in effect during the Second Sino-Japanese War, established rules for the conduct of war, including the protection of civilians and prisoners of war. The massacre demonstrated the need for stronger international legal frameworks to hold perpetrators accountable for their actions and to prevent future atrocities.

Moreover, the Nanking Massacre contributed to the growing awareness of the moral and ethical implications of imperialist practices. The use of imperial rescripts and moral rationalizations to justify mass killings and other atrocities highlighted the need for a more nuanced understanding of the complex motivations and consequences of imperialist expansion. This has led to a greater emphasis on the importance of cultural sensitivity and respect for local traditions and values in international relations. The legacy of imperialist aggression, as exemplified by the Nanking Massacre, has had far-reaching implications for the global order. It has underscored the need for a more just and equitable international system that respects the sovereignty and human rights of all peoples, and has highlighted the importance of international law in regulating the conduct of nations and preventing mass killings and other forms of violence. It has also contributed to a greater emphasis on the importance of cultural sensitivity and respect for local traditions and values in international relations.

XII. UNDERSTANDING THE DISCOURSE

"The Rape of Nanking: The Forgotten Holocaust of World War II," a groundbreaking work by Iris Chang, vividly presents the atrocities that Japanese soldiers inflicted upon the Chinese population; this term encapsulates not only sexual violence but also wanton destruction and summary executions. Such perspective underlines an immense loss in life and positions Japan as the aggressor accountable for egregious war crimes. The "Incident of Nanking" is Japan's reference to this event; their narrative suggests that China concocted stories which sullied Japanese honour and integrity. By terming these events as an "incident," they mitigate its magnitude and seriousness--presenting it merely as a mere episode, not a massacre.

Chinese cultural identity integrally encompasses Nanking. The memory of the massacre, persisting across generations, fuels emotions and a thirst for justice. Worldwide Chinese communities ensure they commemorate the victims; thus, never forgetting this tragedy. Japan's multifaceted response: some within the nation acknowledge these atrocities, yet others downplay or outright deny them. The memory of Nanking--a

perpetual reminder and point of contention--splits Japanese society; it remains an unresolved issue to this day. The tension between historical truth and national pride complicates reconciliation efforts. The manner in which Chinese and Japanese schools teach the Nanking Massacre profoundly shapes collective memory. Textbooks, curricula, along with classroom discussions actively construct students' understanding; however, discrepancies between official narratives and actual classroom realities continue to exist: a significant challenge that requires attention. Memory construction benefits from the contributions of films, literature, and popular culture. For instance, works such as *Black Sun: The Nanking Massacre* offer conflicting discourses; they justify killing on one hand while opposing cruelty on the other. Public perception and historical consciousness are indeed influenced by media representations. Joint historical research projects and exchange programs strive to bridge the gap actively. Can shared commemorative spaces, in their endeavor towards fostering reconciliation, play a vital role? It is essential: acknowledging the past--yet not perpetuating animosity--requires our attention and commitment.

XIII. CONCLUSION

The tragic events of the Nanking Massacre also known as the Rape of Nanking took place in 1937 during the Sino Japanese War. In Nanking (Nanking), over 30,000 Chinese civilians suffered a fate at the hands of the Japanese Imperial Army. This historical event carries weight in terms of its legal ramifications. In terms of interpretation the Japanese military sought to justify their actions during the massacre by referring to an interpretation of the Imperial Manual issued by Emperor Hirohito. According to this perspective Japan aimed to "reform" China by resorting to violence against its people as a means of fostering progress under leadership. The legal rationale used to support these atrocities sheds light on how imperialism, militarism and legal discourse intersected during that era. Echoes of arguments can be found in works like the film "*Black Sun; The Nanking Massacre*" (1995) which explores both justifications for murder and acts of resistance. This portrayal underscores the cruelty and twisted logic behind using interpretations as a pretext for violence. While researchers and scholars have compiled evidence documenting the Nanking Massacre there are factions within right Japanese nationalist circles who adamantly deny its occurrence. They dismiss it as a scheme designed to tarnish Japan's reputation on a scale.

The memory of the Nanking Massacre continues to be a point of contention between Japan and China influencing their relations significantly. The narrative surrounding this event plays a role, in shaping how history is understood and remembered within international contexts. The collective impact of tragedies serves as a wound that influences the sense of self and Molds the stories surrounding historical wartime horrors.

XIV. THE WAY FORWARD

To navigate the complex two-level landscape, one must tread carefully, considering historical facts while respecting cultural sensitivities. The road to reconciliation involves several important steps. Engaging in ongoing dialogue allows for an exchange of views that fosters understanding and empathy. By listening to each other's stories, individuals can bridge gaps and find common ground. Education about historical events is crucial. The Nanking massacre, with its painful lessons, should be part of our collective memory. Schools, museums, and educational programs play an important role in spreading accurate information. Acknowledging the past is essential; denial or avoidance perpetuates wounds. Honoring the victims ensures their suffering is not forgotten. Holding those responsible for past wrongdoing accountable is a matter of justice. Legal frameworks and international mechanisms play a vital role in this effort. Learning from history to prevent future atrocities is crucial. By understanding the causes and consequences of events like the Nanjing Massacre, we can actively work toward a more just and peaceful world.

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