

Narrative Struggle in the Judicial Arena: A Cross-Disciplinary Investigation of Court Discourse on the Hongqiao (Oyama) Incident in the Tokyo Trial

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doi:10.63593/LE.2788-7049.2026.03.012

Abstract

Based on the original verbatim records of the International Military Tribunal for the Far East (IMTFE) from April 30 to May 1, 1947, this study focuses on judicial inquiries into the causal background of the *Hongqiao (Oyama) Incident* and the outbreak of the *August 13 Battle of Shanghai* in China. Using an integrated analytical framework of *critical discourse analysis*, *international criminal evidence rules*, and *modern Chinese–Japanese war history*, this paper establishes a three-layer model: *discursive construction* → *judicial falsification* → *historical disenchantment*. It systematically examines the discursive practices and power struggles among Japanese witnesses, the prosecution, and the Tribunal. The study finds that Japanese witnesses *Suemasa Okamoto* and *Isamu Takeda* fabricated a cohesive false narrative claiming that “*China breached the 1932 Shanghai Truce Agreement; Japan acted in legitimate self-defense*”. To conceal Japan’s premeditated provocation and war of aggression, they employed legitimizing rhetoric, pervasive reliance on impermissible hearsay, strategic evasion, spatial obfuscation, responsibility externalization, and victimhood reversal. The prosecution dismantled the false narrative through rigorous evidence-based cross-examination, while the Tribunal upheld judicial justice through procedural authority. Court discourse during the trial was not merely factual exchange but a three-dimensional struggle over *war responsibility*, *historical narrative authority*, and *international justice*. This study transcends disciplinary boundaries and provides both theoretical innovation and empirical evidence for historical justice, critical discourse studies, and China’s international narrative capacity.

Keywords: Tokyo Trial, Hongqiao (Oyama) Incident, judicial discourse, narrative struggle, war responsibility, critical discourse analysis

1. Introduction

The Hongqiao Oyama Incident on August 9, 1937, served as the direct trigger for Japan’s launching of the August 13 Songhu Battle and its full-scale invasion of China, as well as a key factual basis for identifying Japan’s crimes against peace in the Tokyo Trial. The original trial records preserved by the International Military Tribunal for the Far East completely present the high-density discursive games among Japanese witnesses, the prosecution, and the tribunal concerning the cause of the incident, responsibility attribution, and the legitimacy of military actions. As non-neutral judicial records, these archival materials constitute a crucial field for war responsibility identification, historical truth construction, and international power games, with extremely high academic research value in terms of discursive structure, rhetorical strategies, power relations and fact distortion methods.

Existing studies on the Tokyo Trial are mostly concentrated on historical fact verification, legal qualitative analysis of war guilt, and trial system sorting. Linguistic studies focus on formal discourse analysis, legal studies emphasize procedural rules, and historical studies prioritize historical fact restoration. These researches generally

suffer from disciplinary segmentation, insufficient depth, and disconnection between discourse and history, failing to achieve theoretical innovation through genuine interdisciplinary integration. Based on the first-hand trial corpus of May 1, 1947, this study takes critical discourse analysis and Foucault’s discourse power theory as the core link, incorporates international criminal evidence rules for judicial judgment, and combines Sino-Japanese historical empirical research to complete historical disenchantment. It constructs an integrated analytical framework of “discursive construction — judicial falsification — historical disenchantment”, realizing the in-depth integration of linguistics, jurisprudence and history. This interdisciplinary research reveals how Japan concealed its aggression guilt through systematic discursive strategies in court, and provides academic support for the historical narrative of the War of Resistance against Japanese Aggression, international communication, and the construction of foreign-related rule of law in the new era.

2. Theoretical Foundation and Corpus Overview

The theoretical framework of this study is jointly constructed by critical discourse analysis, discourse power theory, international criminal evidence rules and historical narrative theory. It emphasizes that discourse is not a neutral communication tool, but a social practice that constructs facts, distributes power and conceals responsibilities. Discourse is capable of shaping “truth”, defining responsibility attribution, legitimizing behaviors, and hiding power relations in seemingly natural, reasonable and objective forms. In the international judicial field, the discursive interaction among the prosecution, the defense and the tribunal directly affects fact identification, guilt judgment and historical qualitative evaluation. Therefore, the analysis of discursive strategies must combine legal rules and historical facts to achieve in-depth interpretation.

The research corpus of this paper consists of the original English trial records and full Chinese translations of the International Military Tribunal for the Far East on May 1, 1947. The core materials include the testimonies of defense witnesses Suemasa Okamoto (former Japanese Consul-General in Shanghai) and Isamu Takeda (former senior staff officer of the Japanese Shanghai Special Naval Landing Force), cross-examinations by the prosecution, procedural objections from both prosecution and defense, and tribunal rulings. The corpus is complete, with concentrated conflicts and clear structure, focusing on key controversial issues such as the Hongqiao Incident, Japanese garrison at Baziqiao (Eight-Character Bridge), interpretation of the 1932 Shanghai Truce Agreement, qualitative definition of the Oyama Incident, and the legitimacy of Japanese troop reinforcement. It serves as a typical sample for the study of judicial discourse on war guilt.

2.1 Theoretical Foundation

- Critical Discourse Analysis (CDA): Discourse shapes social reality and conceals relations of power.
- Foucault’s Discourse/Power: Discourse defines “truth” and allocates legitimacy and authority.
- International Criminal Evidence Rules: Hearsay exclusion, authenticity, relevance.
- Historical Disenchantment: Demystifying ideological myths to restore historical reality.

2.2 Corpus Overview

This study draws on the complete English verbatim records of the IMTFE for April 30 – May 1, 1947, including:

- Direct and cross-examination of Suemasa Okamoto (Japanese Consul-General in Shanghai)
- Direct and cross-examination of Isamu Takeda (Senior Staff Officer, Shanghai Special Naval Landing Force)
- Prosecution arguments, defense objections, and Tribunal rulings

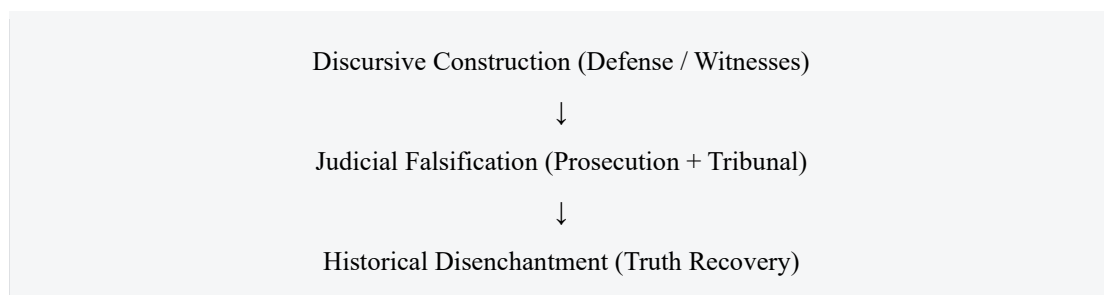


Figure 1. Analytical Framework

Table 1. Discourse Roles and Power Orientation

Participant	Identity Role	Core Discourse Goal	Power Orientation
Japanese Witnesses	Narrative Constructors	Legitimize “self-defense”	Evade war responsibility
Prosecution	Fact Investigators	Uncover deception & verify truth	Judicial falsification
Tribunal	Procedural Authority	Uphold evidence rules	Legitimate discourse definition

3. Discursive Construction of Japanese Witnesses’ Exculpatory Narratives: Strategies, Structures and Rhetoric

During the trial on May 1, 1947, Japanese witnesses Suemasa Okamoto and Isamu Takeda constructed a systematic judicial narrative aimed at evading war responsibility and whitewashing the nature of aggression through highly consistent discursive strategies. Both witnesses took the 1932 Shanghai Truce Agreement as the starting point of argumentation, and completed a narrative closed loop from “China’s breach of contract” to “Japan’s legitimate self-defense” through selective citation of treaty clauses, deliberate ambiguity of factual information, intentional confusion of key spatial geography, and continuous transfer of responsible subjects. From the perspective of internal discursive logic, this exculpatory narrative is not scattered verbal evasion, but a standardized legitimization rhetoric system with distinct hierarchy, stable structure and clear goals. Its core function is to conceal the real cause of the 1937 Hongqiao Incident and Japan’s truth of deliberately provoking incidents and expanding the war through linguistic techniques, so as to legitimize Japan’s aggressive behaviors in the international judicial field.

First, Japanese witnesses glorified the 1932 Shanghai Truce Agreement as a naturally legitimate international binding document and qualitatively defined China’s sovereign acts as “breach of contract”. In court statements, Okamoto repeatedly emphasized that China’s restoration of Wusong fortress exceeded the scope stipulated by the agreement.

-- The Agreement of 1932 stipulated... the demilitarized zone was thus created... Woosung was situated within the said demilitarized area.

He further claimed that any act of restoring military facilities should be regarded as a breach of contract.

-- Any attempt... to restore the razed fortress could not but be construed as a serious contravention of the Agreement.

Through such statements, the witnesses attempted to shape the agreement as a neutral, legal and valid international constraint, while deliberately concealing its essence as an unequal treaty. Takeda further described China’s military mobilization and security force expansion as hostile military preparations, leading to the preset conclusion of “China’s prior provocation”. From legal and historical perspectives, Japan not only violated the basic international law principle that unequal treaties are void ab initio, but also contradicted the fact that Japan itself illegally garrisoned troops at Baziqiao and took the lead in violating the agreement. Therefore, the legitimacy of its narrative is fundamentally untenable.

In terms of fact construction, Japanese witnesses relied heavily on hearsay and indirect statements, forming a weak-evidence discourse system characterized by ambiguity, indirectness and unverification. Okamoto explicitly admitted that all accusations against China were quoted from military reports.

-- I received this report from the Japanese Naval Landing Party... I could not very well go to Woosung to make investigations myself.

He even confessed that he doubted the authenticity of the reports.

-- When I received this report I, of course, hoped that it would not be true.

Nevertheless, he still took these unconfirmed reports as the basis for accusing China. Takeda’s statements on China’s military deployment and anti-Japanese remarks were also derived from newspapers and second-hand accounts without direct empirical evidence. Both witnesses extensively adopted sentence patterns with vague information sources, blurring the origin of information and hiding responsible subjects, thus forming a discourse barrier that could neither be directly refuted nor strictly verified. In accordance with evidence rules, such statements are typical inadmissible hearsay evidence. Discursively, their core purpose is to create a false impression of “China’s premeditated provocation” by repeatedly rendering uncertain information.

More importantly, Japanese witnesses presented highly homogeneous “strategic amnesia” when facing inquiries about core facts. For duty-related factual information such as the boundary of the concession and the specific location of Hongqiao Airport, Okamoto evaded inquiries by claiming cognitive uncertainty.

-- *I am not able to state accurately just where in Shanghai... the boundary of the Settlement begins and where it ends... I cannot state with accuracy just where each of these were located.*

He also prevaricated on the specific location of Hongqiao Airport.

-- *If I had a map here I could easily point this out... I cannot reply with accuracy just where it was located.*

Takeda also equivocated on key details including the on-site investigation of the Hongqiao Incident, Chinese casualties and incident disposal. This concentrated and unified “amnesia” is obviously a deliberately designed judicial resistance strategy. As senior diplomatic and military officials of Japan in Shanghai, the two witnesses were definitely familiar with these basic facts. Hence, their pretended memory loss constitutes deliberate concealment of historical facts and obstruction of judicial procedures.

Meanwhile, Japanese witnesses deliberately blurred spatial relations to undermine the objective basis for responsibility judgment. Geographic space is the core basis for judging the legitimacy of behaviors, yet both witnesses refused to accurately mark key locations on official maps. Okamoto continuously evaded geographical inquiries.

-- *I do not remember very well such small details.*

Though required to mark the locations, Takeda delayed and evaded the requirement on the grounds of insufficient map scale and clarity. The systematic blurring of spatial information by Japanese witnesses aimed to cover up a series of key facts, including Oyama’s trespass into China’s military zone, Japan’s illegal garrison and prior border provocation, depriving responsibility judgment of objective criteria and creating discursive space for their “self-defense” narrative.

In terms of responsibility allocation, Japanese witnesses adopted consistent strategies of responsibility externalization and narrative inversion, reshaping Japan from an aggressor to a passive victim. Okamoto frequently shifted responsibilities to the Japanese military and subordinates.

-- *I believe Commander TAKEDA would be better suited to answer this question... This was the report I got at that time from the naval landing party.*

Faced with key inquiries about the Oyama Incident, he directly refused to undertake investigation responsibilities.

-- *I didn’t make any special investigations concerning this point.*

Takeda deliberately emphasized the military disadvantage of Japanese troops and rendered a crisis atmosphere. Through responsibility transfer, identity reconstruction, causal rewriting and strength inversion, the witnesses attempted to eliminate war guilt at the linguistic level. However, no matter how sophisticated their discursive strategies were, they could not cover up the historical fact that the Hongqiao Incident was a deliberate pretext fabricated by Japan to launch a full-scale war of aggression against China.

Table 2. Exculpatory Discourse Strategies, Typical Characteristics and Empirical Basis of Japanese Witnesses

Discourse Strategy	Typical Discourse Characteristics	Trial Original Text Examples	Legal/Historical Judgment
Treaty Legitimization	Selective citation of treaties and emphasis on China’s breach of contract	“The 1932 agreement created a demilitarized zone”	Unequal treaty, legally invalid
Hearsay Evidence Abuse	Reliance on unverified reports and second-hand information	“I received reports from the naval landing party”	Inadmissible hearsay evidence
Strategic Amnesia	Pretended ignorance and unclear recollection of key facts	“I cannot accurately state the boundary of the concession”	Deliberate concealment of key facts
Spatial Ambiguity	Refusal to mark maps and confusion of geographical locations	“Cannot accurately confirm the location of Hongqiao Airport”	Cover-up of illegal border trespass facts
Responsibility Externalization and Inversion	Shirking responsibilities and rendering a vulnerable posture	“Military issues should be answered by Takeda”	Narrative whitewashing of aggressive acts

Overall, the exculpatory narrative constructed by Japanese witnesses in the trial constitutes a systematic

discursive system with clear goals, rigorous hierarchy and mature techniques. Nevertheless, judged from the three dimensions of discursive logic, judicial rules and historical facts, this narrative is full of internal contradictions, weak in evidentiary basis and seriously inconsistent with historical truth. It is essentially a typical discursive sample of Japan's systematic evasion of war responsibility and concealment of aggressive history in the Tokyo Trial.

4. Prosecutorial Deconstructive Cross-Examination and Judicial Falsification of False Narratives

The prosecution's cross-examination is not a simple verification of facts, but a rigorous, precise and progressive deconstruction mechanism. Its core goal is to pierce the false narrative constructed by Japan, restore the real causes of the Hongqiao Incident and the August 13 Incident, and negate the legal effect of Japanese testimonies in accordance with evidence rules. Through continuous inquiries into information sources, factual details, spatial locations, responsible subjects and behavioral logic, the prosecution gradually dismantled the rationality, consistency and legitimacy of Japanese discourse, ultimately exposing the falsity and arbitrariness of the testimonies in court.

First, the prosecution targeted the source and verification process of evidence, pointing out that Japanese testimonies were entirely based on hearsay and lacked judicial credibility. Judge Ni continuously questioned Okamoto on the source and verification of relevant reports:

-- *Where did this report come from? Have you made any effort to confirm this report?*

-- *Why didn't you investigate yourself before you convened the meeting?*

The inquiry forced Okamoto to admit that he had never conducted on-site investigations, and all accusations were quoted from military hearsay without original documents or third-party verification. The traceable questioning completely exposed the hearsay nature of the testimonies, negating their admissibility judicially and making the tribunal clearly recognize that Japan's accusations lacked basic factual basis.

On this basis, the prosecution further locked in the key fact of Japan's prior breach of contract, fundamentally dismantling Japan's narrative of "China's breach vs. Japan's compliance". The prosecution directly questioned the legitimacy of Japanese troops garrisoned at Baziqiao:

-- *But you did admit that there was a detachment of Japanese soldiers in Paitzechao before the hostilities of 1937, did you?*

Okamoto was forced to admit that Japanese troops had been stationed in the area for a long time, which was explicitly prohibited by the Shanghai Truce Agreement. This questioning completely exposed Japan's double standards, enabling the tribunal to confirm that Japan was the first party to violate the truce agreement, rendering its claims of "self-defense" and "compliance" untenable.

Focusing on the core facts of the Hongqiao Incident, the prosecution conducted targeted inquiries into Oyama's behavioral purpose, task basis and official orders, thoroughly overturning Japan's false claim of "routine patrol and ambush". The prosecution continuously questioned the nature of Oyama's mission on the day of the incident:

-- *What mission was OYAMA on that day at that particular spot? Did you make any inquiry afterwards?*

Okamoto was forced to confess:

-- *I don't know what his mission was... I didn't make any special investigations.*

Combined with the historical fact that Oyama trespassed into Hongqiao Airport without official orders and authorization, the prosecution clearly revealed the essence of the incident: Oyama's behavior was not routine security patrol, but deliberate military provocation, serving as a pretext for Japan's large-scale troop reinforcement and full-scale war of aggression.

In general, the prosecution's cross-examination demonstrated highly professional discursive techniques and judicial logic. By verifying information sources, capturing logical contradictions, locking core facts and restoring causal relationships, the prosecution systematically deconstructed Japan's exculpatory narrative, providing a solid discursive and evidentiary foundation for the tribunal to restore historical truth and identify war responsibility.

5. Tribunal's Authoritative Discourse and Power Regulation in the Judicial Field

In this trial, the tribunal acted as the maintainer of discourse order, enforcer of evidence rules and guarantor of judicial justice. With concise, clear and authoritative discourse, the presiding judge standardized the interrogation process, restrained irrelevant statements, repetitive arguments, procedural delays and emotional expressions of the defense, ensuring that the discursive game proceeded within a legal, orderly and fact-focused framework. Although the tribunal's intervention discourse was brief, it embodied strong judicial power, defining

valid statements, admissible evidence and appropriate interrogation manners.

The tribunal repeatedly restrained irrelevant arguments and required all statements to focus on core facts.

-- *We do not want to hear any more about it.*

-- *You are out of order.*

Meanwhile, the tribunal implemented strict control over evidence qualification.

-- *The maps are not covered by the certificate... no evidence as to their authenticity.*

The tribunal suppressed discursive manipulation through procedural authority and prevented false information from eroding judicial narration. From the perspective of discourse power theory, the tribunal's intervention behaviors are essentially judicial discursive practices. By regulating discourse boundaries, evidence qualification, interrogation modes and procedural rhythm, the tribunal established an objective, neutral and authoritative judicial image, ensuring that fact identification approximates historical truth. Occupying the top of the field power structure, the tribunal's discourse determines the validity of narratives, the admissibility of evidence and the final judicial conclusion, serving as the core force to safeguard judicial justice and curb historical distortion.

6. Historical Disenchantment and Interdisciplinary Conclusions

Through the triple mutual verification of discourse analysis, judicial falsification and historical demonstration, this study restores the historical truth of the Hongqiao Incident and the August 13 Incident: the August 9, 1937 Oyama Incident was not an accidental conflict, but a deliberate provocation fabricated by the Japanese military to launch a full-scale war of aggression against China; Japan's claims of "China's breach of contract" and "Japanese self-defense and overseas resident protection" are post-constructed legitimized narratives; the highly consistent testimonies of Okamoto and Takeda with identical loopholes and strategic logics constitute systematic, organized and unified perjury in the post-war trial.

- June 23, 1937: Japan convenes a joint committee on the pretext of China's "treaty breach"
- August 9, 1937: Second Lieutenant Oyama trespasses into Hongqiao Airport and is killed
- August 9–11, 1937: Japan conducts large-scale troop reinforcement and warship assembly in Shanghai
- August 12, 1937: Japan rejects diplomatic settlement proposals

Figure 2. Timeline of Japan's Premeditated Escalation of the Hongqiao-August 13 Incidents

The discursive game in the judicial field profoundly indicates that the Tokyo Trial was not merely a judicial judgment on war behaviors, but a fierce competition for historical narrative power. Discourse is not only a tool for recording history, but also a core medium for covering up aggression, evading war guilt and reconstructing historical cognition. Relying on a mature and systematic discursive system, Japanese witnesses attempted to whitewash aggressive history in the international court, yet their discursive camouflage was completely pierced by the prosecution's targeted cross-examination and the tribunal's procedural regulation.

The interdisciplinary framework of "discursive construction — judicial falsification — historical disenchantment" constructed in this study breaks through the limitations of previous single-discipline research and realizes the in-depth integration of linguistics, jurisprudence and history. It provides a replicable methodological model for micro-discourse research of the Tokyo Trial, war guilt research and international judicial discourse research. Meanwhile, this study offers solid theoretical support and historical reference for confronting historical revisionism, improving the narrative system of the War of Resistance against Japanese Aggression, and enhancing China's international discourse power and international communication capability.

7. Conclusion

The Tokyo Trial marks the first systematic judicial practice of China to investigate Japan's war responsibility in the international judicial field in modern times. Its trial discourse is not only a record of judicial procedures, but also a concentrated presentation of wars and memories, guilt and narration, as well as power and justice. Through the interdisciplinary analysis of the May 1, 1947 trial corpus, it can be seen that the discursive system constructed by Japan to evade aggression guilt is rigorous in strategy, distinct in purpose and highly organized.

Only by integrating discourse analysis, judicial falsification and historical disenchantment can we penetrate linguistic camouflage, restore historical truth and uphold international justice. In the new era of promoting the construction of China's international discourse power, strengthening international communication capabilities

and improving the foreign-related rule of law system, re-examining the discursive game in the Tokyo Trial bears important academic value and distinct practical significance. Only by respecting historical facts, adhering to the spirit of the rule of law and grasping the initiative of historical narration can we safeguard historical justice and promote the construction of a more just and reasonable international order.

Fund Project

Project supported by a general research project of the Zhejiang Provincial Education Department in 2023: "Analysis of Courtroom Discourse in the Far East International Military Tribunal" (No. Y202352904).

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