

ORIGINAL ARTICLE

Rape in Peking: Injured Woman, Microhistory and Global Trial

Chunmei Du 

History, Lingnan University, Hong Kong, China

Correspondence

Chunmei Du, History, Lingnan University, Hong Kong, China.

Email: chunmeidu@ln.edu.hk

Funding information

Lingnan University Faculty Research Grant, Grant/Award Number: 101876; Chiang Ching-Kuo Foundation for International Scholarly Exchange, Grant/Award Number: scholar grant; Hong Kong Research Grants Council (General Research Fund), Grant/Award Number: 13602120

Abstract

In December 1946, college student Shen Chong was raped by an inebriated US Marine in Peking. Although the initial trial by the court martial in China found the Marine guilty, the verdict was overturned by Judge Advocate General of the Navy in Washington. Student protests quickly turned into a nationwide anti-American movement. In contrast to previous studies that emphasise the event's political impacts from the perspective of American imperialism and Chinese nationalism, this article shifts both the focus and scale of inquiry from the macro of national and international politics to the micro of a Chinese woman's body, investigating the particular mechanisms through which injustice towards a Chinese woman was executed in the US justice system. Probing along and against the 'archival grain' in both countries and languages, this article argues that such injustice was not only grounded in the political hegemony of the US military empire, but also resulted from a flawed legal system steeped in racial and sexual biases against Chinese women. This article further suggests that in order to understand this key chapter of Sino-US history, we must bring back to the centre of our study the injured woman, a figure that has remained largely invisible in the grand narratives of conventional political and diplomatic history.

Introduction

On the windless and bone-chilling night of Christmas Eve 1946, Shen Chong, a nineteen-year-old Peking University student, was on her way to a movie theatre in downtown Peking.¹ Wartime romance film *This Above All* had recently become available in the city after eight years of Japanese occupation, a period during which American movies were banned. At approximately 8:30 pm, Shen encountered two American Marines near the theatre, who proceeded to 'escort' her to a nearby open field. She was then raped by an inebriated Corporal William Gaither Pierson, assisted by Private Warren Pritchard. Three hours later, Shen was finally rescued by a group of patrolling Joint Office Sino-American Police, who took her and Pierson back to the American barracks.² Upon news of the alleged rape, tens of thousands

of university students in Peking participated in a demonstration on 30 December, followed by protests that spread nationwide to over twenty-five cities in the ensuing months. Demonstrators demanded apologies from the American military, punishment of the rapists and complete withdrawal of American troops from China. At an American general court martial trial held in Peking in January 1947, Pierson was found guilty of rape and sentenced to fifteen years of confinement. But the verdict was overturned in June by Judge Advocate General of the Navy, O. S. Colclough, whose recommendation was eventually confirmed by the Acting Secretary of the Navy in August. Pierson was exonerated, an outcome that further enraged the entire Chinese nation.

After the incident, Shen Chong vanished from the public eye. But myths, controversies and speculations about her have never ceased. Some claim that she was in fact a Communist agent, using her young body to set a trap for drunken and randy American soldiers to trigger an anti-American political storm, as well as embarrassing the Nationalist government and weakening its alliance with the USA. According to this claim, the plot of 'Rape in Peking' was as thick as a spy flick. Others just call her a 'Jeep girl', one of those Chinese women who liked to go out with GIs, a popular nickname for American soldiers from the Second World War. There was also a rumour that she went into hiding and became a nun in a far-flung area of China, or possibly committed suicide shortly afterwards; either way, she perished in shame.³ None of these accounts come with any actual evidence, but they remain popular in China even today, as competing political and ideological agendas inflame debates from print media to online forums.⁴ As the rumour mill and opinion factory continue to churn out speculations and views that are mostly patriarchal and often conspiratorial, there is still no trace of Shen Chong, an absence eerily reminiscent of her muzzled silence during those agonising days of the trial. It seems that she is destined to be an invisible woman in history.

The Peking Rape case (also known as the Shen Chong Affair) took place during a time of heightened Cold War power struggles. Two entangled forces were at play: internal tensions of China's Civil War and global expansion of the US military. The incident took place in the last days of the yearlong peace negotiation mediated by President Truman's special envoy to China, General George Marshall, who had arrived in China on 20 December 1945.⁵ The resulting cease-fire agreement signed by the Nationalist and Communist parties on 11 January 1946 was broken in just weeks and fighting resumed. Meanwhile, the stationing of up to 113,000 US troops in China after the Second World War created unprecedented grassroots interactions in Sino-American history.⁶ Officially China was a wartime ally that invited US soldiers to be its guests. But in reality, power asymmetry was embedded in Sino-American interactions on national and individual levels, and grievances towards GI misbehaviours, including sexual violence, had been mounting since wartime.

Existing studies of the case are largely confined within Chinese political history and Sino-American relations, focusing on student protests, diplomatic exchanges and press coverage. Consumed by Civil War politics, Chinese scholars continue to debate whether the entire event is a Communist ruse, an unsubstantiated speculation shaped by the sexist culture still prevalent in China today that sees women as merely political pawns. Ironically, Western scholarship, more or less taking American military sexual violence and injustice against women for granted, has also overlooked the victim or the actual trial, perhaps presuming it to be a mere show. The Peking Rape case therefore continues to be seen as significant only for its political repercussions. Resembling Chinese leftist narratives of the time, the general consensus among historians is that the Peking Rape case exemplified American imperialism in China and provoked a major anti-American movement fuelled by successful Communist propaganda.⁷ Albeit true, this general description cannot explain the heated courtroom debates or the initial guilty charge by the court martial in Peking and loses sight of the historical specificities and illuminating contingencies of this case.

Thanks to its high-profile status and well-documented trial, the Peking Rape case provides a rare opportunity to delve into the complex workings of the American military justice system towards

Chinese female rape victims in an international setting. Situated at the intersection of personal and global violence, this case reveals the centrality of women's bodies within larger ideological and national struggles, especially during war and occupation. Research on militarised violence against Chinese women during this mid-twentieth century remains limited. Most studies focus on under the Japanese occupation, particularly the 'Comfort Women' who were forced into prostitution and the Rape of Nanking, which involved large-scale atrocities committed by the victorious Japanese soldiers against 'enemy' women. Meanwhile, there is a lack of studies on American soldiers' sexual violence in China, despite the flourishing scholarship that shows the key roles that sex played in American post-war occupations across the world.⁸ This dearth of attention is partly a result of the smaller scale of the US troop presence in the country and partly because China, an ally, is often overlooked in the triumphalist narrative of the Second World War and its post-war occupation in East Asia. As shown by an expanding body of literature, wartime sexual violence takes different forms and stems from a range of motives, from acquiring sexual gratification, taking revenge against enemies and enforcing subordination and proving masculinity and enhancing camaraderie to battling fear and feelings of inadequacy. Rooted in a patriarchal political system and the military's promotion of a hypermasculine culture, rape by armed forces could be used as a weapon or strategy of war, a reward or prize or an exertion of power over another body, ethnicity, nation and race.⁹ Despite drastically different political situations, US servicemen in post-war China, almost all white, displayed racist and sexist attitudes towards Chinese women similar to the attitudes displayed in occupied Japan and Korea, perpetuating the image of the hypersexual Oriental women that had been prescribed by American cinema and law for decades.¹⁰ The racialised sexualisation of Asian women as 'villainous temptresses' in history and in representation made women in China more vulnerable when facing American soldiers, who took prostitution for granted, perpetrated sexual violence and enjoyed immunity from local laws.¹¹

This article provides an investigation in the form of a global microhistory of a single rape case and shifts both the focus and scale of inquiry from the macro of national and international politics to the micro of a Chinese woman's body. Rather than merely expose the familiar American imperialism and injustice, I set out to re-examine the infamous Peking Rape case by asking a different question: how did the American system fail? In other words, what were the particular mechanisms through which injustice towards a Chinese woman was executed in the American system of rule of law? Using a 'microhistory approach' to archival sources, I delve into the complex linguistic, medical and legal exchanges and manipulations in the trial shaped by local and global knowledge and beliefs. I argue that such injustice was not only grounded in the political hegemony of the US military empire, performing occupation duties and protected by extraterritoriality, but also resulted from an American legal system steeped in sociocultural biases against Chinese women, a racialised and sexualised group that had faced long-term discrimination. The breakdown of words, scientific certainties and legal order inside the Peking courtroom showed the internal ambiguities and contradictions of a system, of which flaws were further exposed in China's Civil War and transnational conditions.

Making both a historical and a methodological argument, this article is an attempt to combine microanalysis and global history, what some historians would call a 'global microhistory'.¹² Using the strategy of 'following beings, things, objects, disputes, and even emotions', global microhistory often reveals the complex power struggles and negotiations situated in both micro-environments and global processes.¹³ This study focuses on a Chinese woman's body in a confined and yet globalised space – the American military courtroom in Peking – in an attempt to unearth 'the fossilized remains of the many worlds that lay intermeshed in one single location'.¹⁴ Through close scrutiny of sources and thick description of small arenas of action, I uncover the clashes of social, cultural, political and moral systems embodied in the diverse group of trial participants, ranging from veteran Marines, physicians trained in modern Western medicine and local commanders of the American military, to illiterate Chinese witnesses, scholars, reporters and official observers, and, most importantly, the

nineteen-year-old female victim. In a microscopic spotlight, inclusions and exclusions during the trial are exposed, terminologies and translations appear loaded and hidden power and prejudice come to light in this intimate frontier of empire. As we read along and against what Ann Stoler has called the 'archival grain', cracks appear in the ostensibly coherent narrative of American empire, and disruptions kept permeating the courtroom, designed to be a miniature blueprint of American democratic rule.¹⁵

Under a microhistorical lens, this Peking Rape case becomes a window into the sprawling universe of the US military empire, providing not simply a much-needed case study of the American troops' sexual violence in China, but more importantly a glimpse into the microcosm of systematic failures of justice towards Chinese women, thereby connecting Shen Chong's experience to many others across the globe, whether enemies, allies, colonised or Asian American immigrants and citizens. This article does not rewrite the historiography of the Peking Rape, but it suggests a new question and route of analysis by careful scrutiny of the archival sources, prioritising minute details and clues and centring on a single woman's body.¹⁶ By uncovering what has been suppressed in the sanitised text, the messy world of law and order and the fragmented voices and experiences of historical actors who shaped the trial in expected and unexpected ways, my methodological intervention will shed new light on how the deeply prejudiced legal system triumphed over American liberal ideals of justice and *realpolitik* of appeasing Chinese anti-American sentiments. Delving into the micro-level of this global trial, I further suggest that in order to understand this key chapter of Sino–American relations, we must bring back to the centre of our study the injured Chinese woman, a figure that has suffered a particular type of historical erasure and political distortion and remained largely invisible in traditional grand narratives of American imperialism and Chinese nationalism.

The translated body: Chinese whispers

At 9:20 on the morning of 17 January 1947, the long-anticipated trial began at the Fifth Marine headquarters located in Peking's former legation quarter.¹⁷ Present at the general court martial were seven members of the convening authority, Judge Advocate Lieutenant Colonel Paul A. Fitzgerald, the accused's counsel Lieutenant Colonel John H. Masters, the accused, the alleged victim Shen Chong, twenty-six witnesses including fourteen American soldiers (one who was listed as a witness by both sides), ten Chinese civilians and police and one Chinese and one American doctor.¹⁸ The prosecutor pressed five charges against the accused: I: rape; II: assault with intent to commit rape; III: fornication; IV: conduct to the prejudice of good order and discipline; V: scandalous conduct tending to the destruction of good morals.¹⁹ Thorough pre-trial investigations had yielded a trove of evidence, including weather report charts of the night, traffic conditions, a headcount of passers-by on site and medical examination records. Investigators even conducted experiments on two different nights to estimate the distance over which sound would travel in the surroundings. In the eyes of many Chinese observers and readers, it almost felt like a showcase of American democracy, a blueprint for a future liberal China. After observing the trial, Hu Shi, President of Peking University and former ambassador to the USA, told the public that he had 'complete confidence' in the American legal system.²⁰

A typical legal document, the proceedings projected an unmistakable sense of objectivity, completeness and authority. However, if we take a break from the repository of meticulously recorded 'facts' and imagine what actually took place in the courtroom, it is not hard to notice an important piece of puzzle was missing. For example, how did court communications take place, linguistically and conceptually, among this complex group of people made up of a nineteen-year-old alleged rape victim, Chinese civilians, a Chinese and an American doctor, Chinese and American policemen and soldiers and the court martial officers? How did the Chinese witnesses, some illiterate, participate in these foreign and complex legal procedures? These questions are crucial because the trial transcript

documenting witness cross-examinations would provide the basis and justification for the Judge Advocate General to overturn the verdict and it remains the most important primary source for anyone who studies this case.

It seems impossible for us to answer these questions today. But if we shift attention to the narrative structures of the proceedings, even a matter-of-fact legal document may yield useful clues to the actual courtroom interactions. For one thing, there were seemingly inconsistent Chinese witness accounts on many occasions during cross-examination and they were highlighted by the defence to discredit them. The following is one example:

Defence 114: When you fell down on point 'D', did you injure yourself in any way?

Shen: I did not fall down.

...

Defence 130: At any time on the polo ground, did the Marine lose his hold on you?

Shen: He did not let lose of me at all except just before we fell into the ditch when I got loose for a moment but was immediately seized again.

Defence 131: Did you say that 'we' fell in the ditch?

Shen: Yes.

Defence 132: A while ago did you not state that you had not fallen down?

Shen: Yes.

Defence 133: Did you or did you not fall down in the ditch?

Shen: No.

Defence 135: Did the accused fall down in the ditch?

Shen: No.²¹

These circular exchanges certainly would have confused everyone in the courtroom, including Shen herself. The apparent contradictory statements, however, were not because the student from one of the most prestigious Chinese universities could not remember or answer such a straightforward question – did you fall down or not? Instead, the confusion highlighted the linguistic and conceptual challenges and traps that she faced in this complex space. The interpreter's initial usage of the term 'fall into' failed to convey the subtle but important differences in body movements that Shen Chong was describing, as to the various types, forms and degrees of dropping ranging from a gentle skid to a hard tumble. This is why when the prosecutor requested to have the question put in Chinese by another interpreter and asked Shen Chong again, the confusion was immediately clarified.

Prosecutor 136: Did you drop into the pit?

Shen: Just slid down.

Prosecutor 137: Did you fall horizontally on to the ground?

Shen: No.²²

The attempt at linguistic transparency and coherence involved a breakdown of words and order. Unfortunately, since this was an American trial, albeit conducted in China, the original words used

by Shen and the other Chinese witnesses were not recorded in the trial transcript. Through the foggy filter of translation, we can only make contextualised speculations drawing on other sources.²³ Chinese newspaper reports included sporadic information based on several journalists' accounts, providing the main if not the only source through which Chinese society gained knowledge of the trial. Following a request from the Chinese government, a preselected group of around thirty observers, including Shen's family members, government officials and reporters, were allowed to attend the closed trial, conducted in English.²⁴ We can gauge the challenges facing translator Specialist Raymond Lu-Po Chuan of the Marine Corps in a situation where interpretation required such a high level of semantic accuracy and cross-cultural consciousness.²⁵ We can also imagine how the Judge Advocate General in Washington D.C. might have read or misread the case, when he reviewed the filed proceedings.

The courtroom interactions involved multilayers of interpretations between oral and written, lay and medical/legal terminologies and concepts with different cultural implications. To borrow Lydia H. Liu's words, this was a type of 'translingual practice' built on hidden power relations and full of problems.²⁶ Following the defeat of Qing China in the Opium War, the British imposed a ban on the word *yi* from any official Chinese document, fixing the meaning of the ambiguous term to 'barbarian' alone, and used translation to help establish its own claims of universalist civilisation instituted by international law.²⁷ In the late nineteenth-century American courtrooms involving Chinese immigrants, 'many Chinese voices were forever lost, unrecorded in trial transcripts, unavailable for review committees or historians, their voices usurped by multiple interpretations by others'.²⁸ In a complex situation like the American courtroom in Peking, even a most skilful interpreter with native competency in both languages might not be able to avoid missteps on this precarious path of linguistic and cultural translation full of potholes. And yet, no special caution was given to such issues, despite recurrent confusions and problems and the misheard/mistranslated testimonies were later unquestionably used in the ruling.

Moreover, in the authoritative site of the American court, language was not a purely technical problem that could be easily fixed; naming, for instance, had real consequences. The five Chinese witnesses who first discovered the incident were often listed as Chinese Nationalist Army (CNA) soldiers in the proceedings, in parallel to the US Marine Corps, creating an impression of equivalence. In fact, they were all apprentices and workers from a motor repair shop affiliated with the CNA, did not carry guns and might not even have had any formal military training. After they failed to intervene at the rape scene, perhaps scared by the two Marines' physical threats, they went to seek help instead. Obviously, these five 'soldiers' who claimed 'seeing rape' but remained bystanders for nearly three hours shot themselves in the foot by virtue of their failure or inaction that night and rendered their testimonies seemingly unreliable. Indeed, the Judge Advocate General expressed such a view in his statement that 'it is inconceivable that' these 'members of the Chinese army' 'who made forays on the accused and the girl believed that she was being raped and that they were impotent to rescue her'.²⁹

Perhaps the most critical misuse of terminology occurred when Second Lieutenant Richard C. O'Dowd, the Military Police Officer on duty at the barracks, testified that he did not receive any report of rape accusation the night when Pierson was brought in by a group of Chinese and American Military Police. While Chinese witnesses said they had reported the rape both at the scene and back at the barracks, O'Dowd claimed that Lieutenant Ce Shaoming (Tze Shao Min) from the Joint Sino-American Police Office had only said that Corporal Pierson 'had been caught with a girl on the field and that they had an intercourse'.³⁰ Based on this statement, the defence claimed that Shen did not press a rape charge immediately because the liaison was consensual. It was only after she met with her brother-in-law the following morning and realised this incident would harm her reputation, the defence argued, that she fabricated a story of rape.³¹ However, the 'logical' hypothesis would collapse if we reconsider the linguistic context of O'Dowd's exchange with Ce (Tze).

Prosecutor 36: With regard to your conversation with Lieutenant Tze, did you talk to the Lieutenant in Chinese?

O'Dowd: Yes, sir.

Prosecutor 37: Your conversation with him was in Chinese?

O'Dowd: Yes, sir.

Prosecutor 38: When he reported the incident, what Chinese word did he use for describing the affair between the Marine and the girl?

O'Dowd: I think the word was 'Chien'.

Prosecutor 39: What is the Chinese word for rape?

O'Dowd: Chiang Chien.

Prosecutor 40: Lieutenant, could Lieutenant Tze have said 'rape' and you mistook that word for the word 'intercourse'?

O'Dowd: Yes, sir, it is possible.³²

Whether or not Lieutenant O'Dowd who spoke some Chinese was telling the 'truth', the following can be said. First, he heard Lieutenant Ce using the Chinese word 'chien' (*jian*), and simply took it as 'intercourse' (*he jian*) rather than 'rape' (*qiang jian*), two drastically different descriptions set apart by just one modifier. Second, there was no interpreter at the station that night, and O'Dowd did not obtain one, as the protocol required in the case of a serious incident. Rape or not, Pierson's sexual intercourse in a public place was already an offense against the 'Articles for the government of the Navy'. Yet, Pierson was simply 'booked' on the charge that he 'had been disorderly and had been caught in an affray with a Chinese girl', and then 'returned to his compound' instead of being held at the battalion prison.³³ This 'misunderstanding' was not only related to the lieutenant's language skills, but also had to do with the overall American military culture, which was infamous for loose discipline and tolerance of sexual misbehaviours. During and after the war, officers and soldiers in China openly frequented brothels and regulations over prostitutes remained loose. Punishments over sexual violence were lenient at best. None of the patrolling American Military Police (MPs) who arrived at the scene, for instance, thought the Chinese woman was raped or felt the need for further investigation. They planned to end the 'problem' there and then, and it was only at the request of Chinese officer Ce Shaoming that Pierson and Shen were brought to the barracks. After hearing Pierson's claim that Shen was a street prostitute, many North China Marines thought the whole thing was 'just a language mixup and too much liquor'.³⁴

Language and translation remained central to how information was presented, interpreted and understood. *Qiang jian* or *he jian*, slip or not, the American MP officer decided it was the latter without hesitation, and therefore no charge of rape was said to be reported that night. The subtle but important semantic choices made at the scene and in the courtroom directly fed into the narrative constructed by both sides and determined the final outcome of the trial. The 'unpolluted' archival source of the proceedings presented an image of procedural transparency and linguistic equivalence and by implication, legal justice. All evidence was duly collected, and the case thoroughly investigated; Chinese witnesses followed the same procedures in a trial conducted in due form and had their testimonies heard and recorded. However, under the cloak of this universal language of American law and order, translations were messy and words loaded. Chinese accounts were selectively heard and recorded, and the final record was sanitised. Chinese witnesses were indeed invited or required to speak in this American military court, but they remained unheard or misheard. Symptomatically, even Shen Chong's first and last names were reversed in the American investigation reports.³⁵ Like 'Chinese whispers', words were muffled, speeches unintelligible and testimonies slippery.³⁶ A close reading of the proceedings reveals

how cultural assumptions, arrogance and biases penetrated into the event and the trial and helped to build a system of inequality and unfairness towards the Chinese woman.

The medical body: The gaze and the unseen

While the translated body of words and interpretations was used and abused to support an unfair system, medical examinations and reports, treated as objective and universal evidence, also played a vital role in tipping the scales of justice. 'Physical evidence' is deemed crucial in rape trials, as the offense often occurs in secluded locations where eyewitnesses are scarce. But how were medical examinations used? And what role did modern scientific knowledge and tools, raced as well as sexed, play in dissecting Chinese women's bodies and morale? The Peking Rape case allows us to gain insight into the particular ways in which Chinese and American professionals and societies understood the female body and its relationship to rape, and how such interactions shaped the final result of the trial.

Two physicians performed examinations on Shen Chong. Dr Wang Hecheng (Wong Ho Chung), chief physician of the Police Hospital in Peking, examined Shen first at around 2 am on 25 December and again nine days later. Lieutenant Percival L. Clark, III (j.g.) of the First Marine Division, also performed two examinations, first at 4 pm on 25 December, seventeen hours after the incident, and second on 5 January 1947. The findings of the two physicians were quite consistent. In the first exam, Dr Wang found 'a fresh wound in the lower centre part of the vaginal introitus', estimated at 0.4 cm, while Dr Clark noted that 'at the posterior commissure of the vaginal orifice three small abrasions were observed, and a small amount of blood oozing from the surface when gently pressed'. In the second exam, both doctors found some signs of injuries on Shen's legs, ranging from a scratch and a bruise to a dried laceration about two cm in length.³⁷

Both Drs Wang and Clark were trained in Western medicine and had received a Doctor of Medicine degree. Clark used the two types of vaginal examination common at the time: 'digital' (by inserting one or two fingers for palpation), and using a bivalve (vaginal) speculum for better exposure of the cervix. Dr Wang used similar examination methods and testing tools.³⁸ Chinese and American professionals also agreed on the medical definition of rape. *Diseases of Women*, a well-known medical treatise that Clark cited in trial, devoted an entire chapter titled 'Medicolegal Points in Gynecology' to assisting physicians who were asked to testify in court.³⁹ On this chapter's major subject, rape, the author emphasised 'the legal establishment of the crime requiring only the fact of the penetration, the degree of penetration being quite immaterial. Consequently, the hymen is not necessarily ruptured, even in cases where entrance of the male organ into the vagina would be absolutely impossible without such rupture'.⁴⁰ In 1945, a forensic expert from China's Central Police College also drew a distinction between the biological and the forensic definitions of rape: the former being penetration until ejaculation, and the latter counting only penetration.⁴¹ Such a description was consistent with the legal interpretations quoted by the prosecutor: 'ejaculation is not necessary but only that penetration be shown' in a case of rape.⁴²

It seems that there was a consensus between the Chinese and American medical professionals over examination methods, tools and even the understanding of what rape was. Both doctors stated that no sperm was found, but sperm occupied a much more important position in Dr Wang's medical conclusion: 'There is exactly in absence of sperm cell over the external genitalia [sic.]' and 'it is hard to determine that this is really a rape'.⁴³ The prosecutor requested Wang's answer to be stricken from the record as 'it is implied that sperm cells must necessarily be present'. But the court ruled that the answer would remain. Thereafter Dr Wang was widely criticised in the Chinese media for his inconclusive statement and consequent damage to the prosecution.⁴⁴ This very statement was also used by major American media to question the rape allegation. The official *Pacific Stars and Stripes*, for example, turned the Peking Mayor's announcement that 'medical examinations did not prove rape' into a report that the Chinese student exhibited 'no sign of rape' or even 'no traces of assault'.⁴⁵

Despite the professional consensus, it is important to acknowledge that there were notable distinctions between Chinese and American sociocultural attitudes towards rape and the female body. For example, Chinese media from the very beginning paid special attention to whether Shen was a 'virgin' and whether the hymen was 'completely broken'. Even Mayor of Peking in his letter of protest to Commanding Officer of Marine Headquarters emphasised that it was a 'criminal act of rape on an adolescent virgin girl'.⁴⁶ Further, gynaecological examinations in China were still uncommon and rarely undertaken by male physicians. Most likely, nineteen-year-old Shen Chong had never previously had a gynaecological type of exam or knew much about it. Government and professional organisations in China had to campaign to get pregnant women to obstetric exams.⁴⁷ In 1936, after protests from the Shanghai Bar Association, China's Ministry of Justice instructed local courts that 'to protect women's privacy', no order should be given to examine their intimate parts, 'or they must be sent to female physicians at hospitals'.⁴⁸ However, physicians with such credentials were still rare in 1940s China, and those who were women were even rarer. Dr Wang was requested to perform the tests because he was the only qualified physician in the Peking Police Hospital, with a doctorate from Kyoto Imperial Medical College.

In cross-examinations of the doctors, questions focused on whether there were important differences in genital injuries between those caused by voluntary sexual intercourses and those without consent. Again, the two expert witnesses' views were similar and remained inconclusive. For example, Dr Wang testified that the genital wound 'caused by violence would be larger [...] [than] if there were no violence'. But he also added that if she had been overpowered, meaning 'mental overpowering and the overpowering of the will', then the victim's 'wounds would be just as few as in the other cases'.⁴⁹ Similarly, Clark stated that his findings were 'compatible with trauma, caused by penetration of the penis into the vagina', but they could also 'have resulted in normal intercourse where no force was involved' under certain circumstances. When the defence asked whether there would be more extensive trauma to the female organs if 'physical and sexual resistance' occurred more than once during intercourse, Clark replied in the affirmative, but then added, 'because of the stimulation of the female genital tract, the genital tract would become engorged and tumescent to a varying degree so that subsequent introductions of the erect male penis into the female vagina would possibly do less injury'.⁵⁰

Overall, the two physicians' testimonies demonstrated a high level of technicality and specificity and a faith in scientific objectivity that had reached a new height by the mid-twentieth century with the advancements in the medical field. But the seemingly well-run trial showed only one thing for certain: it is difficult to 'prove' rape by relying on scientific knowledge and tools alone. The same information was used to reach completely opposite and yet both apparently 'logical' conclusions. The inconclusiveness of the physicians' testimonies highlighted that human complexity, especially of the female body, could not be reduced to 'scientific evidence'. More importantly, the ostensibly objective and universal standards concealed the degree to which gender bias towards women was ingrained in the medical field. The very guide *Diseases of Women* that Dr Clark relied on included no shortage of examples. Quoting Alfred Swaine Taylor, 'father of British forensic medicine' a century earlier, the author warned that 'for one real rape tried in the courts there are, on the average, twelve pretended cases'. As to the most difficult question of consent, the author emphasised the requirement of making 'strong resistance', with the only exceptions being 'when two or more are combined in the attack or when the woman is rendered powerless by terror or by exhaustion from long struggling with her assailant'.⁵¹ Since its publication in 1907, the bestselling textbook, in its ninth edition at the time of the Peking trial, never revised the section on rape, showing the longevity of such an outdated and backward understanding of rape among professionals. This authoritative medical textbook, which supposedly represented the latest scientific developments, revealed a widespread distrust of women and fed into a system that deemed as the top priority to prevent women from lying and protect men from false accusations.

If we follow the forensic gaze into Shen Chong's body, the microscopic investigations of her private parts were unmistakably intense and exhaustive. Such obsessions over the female body and

judgements of women's moral character stood in sharp contrast to the absence of any concern with the male body and (mis)behaviour. Stunningly, one unusual detail was completely overlooked in the trial: Pierson's 'urination' on Shen Chong's body, following his alleged 'emission' inside.

Defence 83: In the first act of alleged rape, did the Marine have an emission?

Shen: Yes, and he also urinated on me. That was why my overcoat was wet.

...

Defence 106: Did the Marine have an emission during the third act of rape?

Shen: Yes, and like the first time, he urinated.⁵²

The two's physical encounter that night must be understood in the micro-contexts of respective sex cultures. Shen Chong testified that she was raped three times, and in two instances Pierson ejaculated and immediately urinated on her lower body while he was 'still on top' and 'did not stand up'.⁵³ Pierson, on the other hand, said he 'had intercourse with her once and messed around again'.⁵⁴ The sexual behaviours, fantasies or perversions of a twenty-three-year-old white man from South Carolina towards a Chinese woman are relevant here, as Pierson claimed that Shen Chong was a street prostitute with whom he had a three-dollar deal. With a substantial monthly pay of ninety-four dollars and fifty cents, Pierson had easy access to abundant entertainment, alcohol and women in a war-torn city filled with refugees and prostitutes.⁵⁵ He had been drinking for hours at the Manhattan Club before running into Shen on his way to another late-night party at a nearby hotel. Exposed to wartime pinup culture, Pierson had been conditioned by the familiar image of the hypersexual Asian woman from cinema, popular literature, peer education and military publications. Even Army and Marine official guides to China portrayed Chinese women using a stereotypical duality of lure and danger, as warm and attractive dolls, on the one hand, and dangerous carriers of diseases with hidden agendas, on the other.⁵⁶ The officially pronounced respect for Chinese women, as equal allies, was quickly undermined by a toxic hypermasculine military culture and Americans' systematic racism towards the Chinese since the nineteenth century.

By contrast, Shen Chong was born in 1927 into an elite family with a pedigree dating back at least to the nineteenth century and grew up in a conservative society lacking sex education, especially for women.⁵⁷ Meanwhile, she also belonged to the new generation of 'modern women' who came of age after the New Culture Movement. She loved sports during her secondary school years in Shanghai, and was said to be quiet but rebellious, refusing to participate in her family's ancestor worship rituals. Shen had come to Peking for college only twenty-four days earlier, and barely started her attendance. Here is what we know that Shen Chong did on the fateful night: assaulted repeatedly by an American soldier, she struggled, cried and cried out for help; she saw flashlights and heard passers-by who came and left; and she kept her heavy gloves on in the freezing night, thinking that she 'could not injure him as a mouse could not injure a cat'.⁵⁸

Considering the huge gap between their sexual knowledge, experiences and attitudes before, during and after the encounter, we can take at least an educated guess that Shen Chong mistook the two ejaculations as urinations. My initial hunch here led to the discovery of a review by China's Ministry of Justice buried deep in the Nationalist archive, which ascribed Shen's account of urination to the 'sexual ignorance of a young girl'. This confidential Chinese report was sent to the Minister of Foreign Affairs on 28 October 1947, months after the case had been put to rest.⁵⁹ It is not a historian's place to speculate, nor could coitus interruptus ever be 'proven'. But it remains astonishing that none of the medical or legal professionals in this trial followed up on Shen Chong's detailed descriptions, despite Dr Wang's emphasis on the absence of sperm inside her body, nor did any family member, government official or social commentator ever note this unusual detail, American or Chinese. This omission itself is telling. Arcane technicalities of intercourse were meticulously debated in court exchanges and Shen Chong's body was put under microscopic observation. A 'defiled' female body was exposed,

publicised and discussed in the public arena in notably ‘scientific’ language. Likewise, outside the courtroom, the public was obsessively gazing through newspaper reports and tabloid coverage. One might wonder, for a case that attracted such intense gaze and questioning of the woman, why did no one look at the man and consider the obvious? Was it the elephant in the room that could not be admitted, or the spot that all the men ‘blindly’ missed? Regardless, this omission is nothing but a symptom of the larger bias and injustice towards Chinese women; their experiences were neglected and voices unheard in a hegemonic structure buttressed by universal scientific ‘evidence’.

The legal body: ‘no sign of violence’

Rape is the having of unlawful carnal knowledge, by a man, of a woman, forcibly, where she does not consent.

– Naval Courts and Boards, section 121

There is perhaps no better illustration of the American rape law’s archaism than its own ambiguous language dating back to the colonial era: ‘having of unlawful carnal knowledge’.⁶⁰ As explained by Naval Courts and Boards, ‘carnal knowledge is constituted by penetration, without regard to extent. Emission is not necessary. The force involved in the act of penetration alone is sufficient where there is in fact no consent’.⁶¹ In the Peking Rape case, both sides accepted the fact of sexual intercourse and penetration of the male organ into the female vagina. The debate was rather over whether it was done with or without consent. American rape law demanded that women’s physical struggles must be corroborated by medical evidence or witness testimonies, and proving rape was a burden that women had to carry.⁶² The written arguments summarised the key narratives constructed by the two sides. The prosecutor argued that the victim did not consent but yielded to force, emphasising that ‘the law does not require that a woman shall do more than her age, strength, the surrounding facts, and all attending circumstances make it reasonable for her to do, in order to manifest her opposition’.⁶³ In contrast, the defence contended that intercourse was consensual and the accuser’s claims of resistance were neither corroborated, considering the site’s close proximity to a busy thoroughfare with heavy traffic, nor substantiated by physical evidence borne out of medical testimony.⁶⁴

The main defence strategy was then to challenge the authenticity of Shen Chong’s testimony. Such questioning, however, was not primarily based on medical evidence or corroborations by other testimonies, but rather on her own character and potential motives. In cross-examination, the defence asked whether Shen Chong intended to put in a claim to the US government for damages. Claiming that Shen did not file the rape charge that night but fabricated it later, the defence again framed it in the context of a woman’s suspicious motive: ‘This is not the first time such an artful dodge has been utilized by a woman who wishes to avoid an otherwise hard to explain position’. The defence tried to probe into Shen’s sexual history four times, asking whether she had previous sexual experiences, first to Shen, then to the Chinese doctor and twice to the American doctor.⁶⁵ Questioning the rape accuser’s motive and sexual history was a common defence strategy, and the prosecutor was prepared to counter it. He successfully objected to the defence question of whether Shen planned to file a claim on the grounds that it was immaterial. It was also established that Shen came from an affluent family; her American-educated father was a deputy director of the transportation department. In other words, the money issue was moot.

It can be seen that both the prosecutor and the defence were well prepared, drawing upon thorough research, solid medical evidence and multiple witness testimonies. With intense public attention to the trial, they fought over meticulous details and argued tooth and nail in a law school textbook style. In the end, the convening authority in the Peking court martial found Pierson guilty of rape, sentencing him to ‘reduction to the rank of private, confinement for a period of fifteen (15) years, a

dishonorable discharge and accessories'.⁶⁶ In February 1947, General Samuel Howard ratified the sentence.⁶⁷ However, Navy Judge Advocate General, Colclough, after his review in June, concluded that 'evidence adduced fails to reveal that the prosecutrix resisted to the extent of her ability at the time and under the circumstances in order to substantiate her claim of lack of consent'. He thus overturned the initial ruling and recommended all the original sentences be set aside. In July, the Naval Sentence Review and Clemency Board found that 'the evidence is sufficient beyond a reasonable doubt to support the findings of the court on a charge of Rape'.⁶⁸ Finally, Acting Secretary of the Navy John Sullivan approved Colclough's recommendation and reversed the guilty verdicts in August. He ordered Pierson to be released from the naval stockade at Terminal Island, California and returned to active duty. James Forrestal, the first Secretary of the newly created Department of Defence, signed the final order.

The Judge Advocate General's recommendation was crucial and unexpected. Overall, it was in the American military's own interest to appear as a true torchbearer of legal justice, especially in an allied country. US strategic objectives also called for a serious trial to appease strong anti-American sentiments among the Chinese public in the middle of the Civil War. There are reasons to believe that the American leadership had at least attempted so. A few days before his departure from China in early January 1947, the newly appointed Secretary of State, Marshall, discussed the affair with Ambassador John Leighton Stuart and General Samuel Howard, Commander of the First Division of the US Marine in China, and promised demonstrating students a thorough investigation and due punishments. They also met with Generalissimo Chiang Kai-shek, who had been closely watching over the development of the student movement and giving direct instructions to his various ministers. Major General S. L. Howard appointed all members of the convening authority of the Peking court martial, chaired by his own deputy and acting chief of staff, Lieutenant Colonel Thomas B. Hughes. After the comprehensive trial, the convening authority reached an unambiguous conclusion of guilty and felt 'such a light sentence has precluded the exercise of clemency by him'.⁶⁹

The Judge Advocate General's conclusion, therefore, cannot be simply attributed to the grand narrative of American imperialism and self-vindication, but had to be explained by delving into the particular rationale, mechanism and structure through which sociocultural prejudices prevailed inside the legal system, despite the overall political motivation to appear fair. Colclough adopted a very narrow and strict position that women's physical resistance, even in an environment where it was dangerous and futile, must occur and bear evidence.⁷⁰ Quoting the 1897 Supreme Court case *Mills v. USA*, he applied this conservative legal understanding to the case, where the 125 pound, nineteen-year-old Chinese girl was alone facing six-foot Pierson in an isolated outdoor field, assisted by another Marine. Colclough further pointed to the lack of evidence of Shen's resistance: no other witnesses heard any outcry or observed any struggle, 'She was not beaten helpless, nor does it appear that she ever lost her consciousness'.⁷¹ It is also fair to say that the Judge Advocate General's use of testimony was selective at best. He quoted Lieutenant O'Dowd that no serious charges were made against the accused that night, even though in cross-examination it had been already established that the MP officer could have misheard the Chinese word for rape. He wrote that various MPs testified that 'the accused had his arm around the prosecutrix, apparently with her consent', and that 'they attempted to leave the field together'. He also quoted one MP from the same unit as the accused, who volunteered his opinion: 'the Chinese girl "looked perfectly at ease", that she did not look "wrought up nor did she look as if she had been crying", but "was perfectly calm about the whole thing"'. In contrast, the Chinese testimonies were ignored or downplayed: these individuals told the American MPs about the rape both at the scene and back at the barracks; Shen Chong looked pale, had dirt on her body and had been crying; she tried to hide when Pierson was hugging her, with her 'appearance showing strong struggles'.⁷²

Even more revealing was Colclough's statement that 'there was no evidence of emotional hysteria or physical fatigue at the time of the apprehension by the police'; this statement supported his conclusion on lack of evidence of resistance.⁷³ This reasoning revealed the implicit and explicit assumptions and expectations of a 'true' victim's character: when utmost resistance failed, she would make an immediate complaint in a hysterical state, the only legitimate emotional reaction to rape. The explicit

reference to 'hysteria' also reveals prevailing perceptions of women's behaviours and sexuality. From Freud's time, hysteria had been considered a mental disease closely connected with sexual repression, especially for women.⁷⁴ The popular nineteenth-century concept of nymphomania, a mental disorder marked by compulsive hypersexual behaviours, was still used to explain female behaviours in false rape accusations.⁷⁵ It was in this context that we can better understand why the Judge Advocate General accepted the defence's explanation that Shen Chong and Pierson had sex to 'satisfy a primitive urge that is as old as man himself', rather than the common sense reasoning, as the prosecutor put it:

It is most difficult for him to explain why a young, sheltered Chinese girl, of excellent family background should willingly spend three hours at night in a lonely field, in temperature 8 degree [Celsius] below zero, with an intoxicated man she just casually met. There is only one logical explanation—she remained because she had to remain!⁷⁶

In the hypermasculine culture of the American military, non-white women accusing white soldiers were often seen as suspicious: they appeared as sex workers who transmitted dangerous diseases or gold diggers eyeing economic compensation. Before the trial, one Marine officer expressed fear that if Shen received compensation, many 'girls of loose morals' who associated with GIs would accuse rape.⁷⁷ After the initial guilty verdict was announced, many North China Marines thought the sentence was 'a tough price to pay for a day off'.⁷⁸ Others called it 'the Dreyfus case of North China', referring to a political crisis during the Third French Republic in which a Jewish officer was falsely convicted of treason, and saw Pierson as a political scapegoat to appease Chinese nationalism.⁷⁹ Even respected General Albert Coady Wedemeyer, who had commanded US forces in China, seemed puzzled and asked the president of Tsinghua University, 'rape was everywhere and nor was soldiers' rape non-existent, but why did this incident cause so much trouble?' Despite China's ally status, women like Shen Chong, with their elite families and educational background, were still facing real dangers from violence on the street and systematic injustice in American law.⁸⁰

Finally, no legal discussion of the case is complete without a look into the continuing presence of extraterritoriality, which enabled the American court martial to take place in Peking in the first place. Although during the Second World War America relinquished its extraterritorial rights in China that it had held since the First Opium War, a Sino-American agreement in May 1943 granted the US exclusive military jurisdiction over its members in China, and this was recently renewed in June 1946. By this agreement, GIs were not subject to Chinese law, on or off duty. America's continuing insistence on extraterritoriality was 'justified' by the long existing belief that China was under lawless corrupt governments, a discourse of 'legal Orientalism' that continued well into the Cold War era.⁸¹ But in fact, when drunken GIs faced sexual misconduct charges by the US military court, punishments were often lenient, showing a systematic tolerance and contradicting the claim of the rule of law. In terms of rape laws, China certainly had its fair share of legal problems and biases. Similar to the English Common Law understanding that was inherited by the American legal system, in the stringent Qing Code, the rape victim's 'chastity' and social status were both important considerations in sentencing, and proof of resistance throughout the ordeal was required.⁸² But Chinese rape statutes cannot be simply called more 'backward in comparison with the American ones. For example, Republican Chinese laws challenged the requirement on women's virginity, and in the 1935 new Criminal Law 'resistance was not mentioned as an essential element in making a determination of rape'.⁸³ The Criminal Codes of the Armed Forces in Republican China had included rape since the 1920s and imposed capital punishment on rape perpetrators.⁸⁴ Although the severe punishment was not primarily for protecting women and might again be construed as Oriental cruelty, total exoneration or light sentencing in the case of GIs was more likely interpreted as judicial bias by the Chinese public, who often attributed such troubling outcomes to American extraterritoriality and legal privileges. Even pro-American elites were disappointed and shocked; many had much higher expectations of the US system than their own corrupt government.

The final decision in Washington to overturn the verdict was not initially conveyed to the Chinese government and only reached China through an Associate Press dispatch from Pierson's hometown of Sumter, South Carolina on 17 June 1947, stating Pierson would soon be released and return to full duty status.⁸⁵ Not only did China have no legal jurisdiction over the case, apparently it also had no right of being notified of the American decision. The Nationalist government, which had spent most of its energy watching over student protests and attacking the Communist Party, was caught completely off guard, making it appear incompetent or as if having a secret agenda at the cost of its people. The Communists, unsurprisingly, grabbed the opportunity and led a successful anti-American propaganda campaign, transforming the rape into a national humiliation. Neither party, however, treated the incident as a woman's issue.

Empire's body politic: Law and injustice

The Peking Rape case represents an intimate contact zone where a local woman was violently brought into the focus of the global US military empire. On the desk of the Judge Advocate General in Washington, the Pierson folder sat next to piles of proceedings from the Philippines, Japan, South Korea and other Asia-Pacific areas where the US military was stationed. While William Pierson, the accused Marine rapist, embodied the opposite of the American ideal, these court martial trials aimed to restore the country's reputation in the post-war world grappling with decolonisation, nationalism and American dominance. Together with millions of GIs, the military cloned legal procedures and paperwork and transplanted them to different corners across the globe. These standardised Manila folders presented a parallel universe in which there was a unified language, one universal standard and a shared space of equality. This projected sense of justice was crucial to the legitimacy of the expanding American military empire in the early Cold War era and its liberal self-image as a 'benevolent leader of the world'.⁸⁶ But in reality, GI misbehaviours and systematic discrimination injured local civilians and damaged grassroots international relations, setting the stage for anti-American sentiments to thrive. And cases like the Peking Rape spoke to not only the familiar theme of US imperialism, but also the internal fragility and contradictions of its legal system, a tragic breakdown of American law and order.

The Peking trial reflects inherent biases and judicial discrimination against Chinese female rape victims. In the American military courtroom in Peking, a micro-global site of governance, the body of Shen Chong was rendered into a coded text, a cipher whose interpretation was subject to the vagaries of linguistic, scientific and legal manipulations. During the trial, the American military tried to construct a coherent narrative of universal justice based on its transparent procedure, impartial language and objective evidence, one to be preserved in a reasoned and clean archival space. However, this fragile legal structure and courtroom decorum were soon corroded by inner ambiguities and contradictions rooted in long-term sexual and racial biases in the American society. Outside the military trial, such prejudices were reflected in the attitudes of the American media and society at large. Early on, the American consulate in Peking, without knowledge of the details, wrote to the State Department that it was uncommon for 'Chinese girl of good breeding to go to late evening moving pictures unaccompanied'.⁸⁷ Back home, major US newspapers covered the incident, but most reports focused on the anti-American student protests and refrained from directly mentioning the rape and the Chinese woman or significantly downplayed them in their stories. Some simply reported 'incidents' involving Marines in China without mentioning sexual assault at all. Most of the American press portrayed the student demonstrations negatively, as evidence of Chinese ingratitude or as an example of Communist threats. While some American Communist papers expressed support for Chinese students' demands for democracy and independence, other pro-left commentators were sceptical of the rape accusations.⁸⁸ Caught between a nation mired in the Civil War and an empire thirsty for expansion, Shen Chong's body was first penetrated, then further exposed and insulted; she was injured both inside and outside the courtroom.

Shen Chong died in 2014 in Peking, now known as Beijing. Despite the applauding by the left, she did not become a student leader of the 1940s radical movements.⁸⁹ Nor did she join her family in relocating to Taiwan in 1949, a surprising but not uncommon choice for many young free spirits who parted ways with their Nationalist progenitors and chose to embrace a new nation. She stayed in Communist China, choosing a different name, identity and path. Her identity as the victim of the Peking Rape incident was only confirmed shortly before she passed away.⁹⁰ A major international event bears her name, and yet Shen Chong remains invisible and unheard in its numerous accounts, then and now. Today, as we re-examine the microhistory of this injured female and the global trial, we should ask why the Chinese woman's body is still forgotten in the grand narrative of military occupation and international relations.

Inside the USA, racialised sexual violence continues to haunt Asian women, who experience high rates of harassment and brutality. In 2017, Zhang Yingying, a Chinese visiting scholar at the University of Illinois Urbana-Champaign, was abducted, raped and murdered by a white male who had accessed a sexual fetish website shortly before. In 2021, six Asian women were killed by a white gunman in Atlanta who targeted Asian massage parlours. As anti-Asian violence rises during the COVID-19 pandemic and US–China relations reach the lowest point in decades, this study hopes to remind us to not only look at large ideological and national struggles, but also dive deep into micro human experiences, especially those of women, who, willingly or unwillingly, by coercion or by choice, have always stood at the centre of history, conflict and reconciliation.

ACKNOWLEDGEMENTS

This article is dedicated to Shen Chong and Chinese women, especially the younger generation, who have shown remarkable courage and wisdom during recent crises, fighting for the un-silencing of their voices and the visibility of their experiences. I am grateful for the meticulous suggestions from Hu Cheng, Tony Harkins and Y. T. Huang which have helped shape this article. Invaluable feedback from Ying Zhang, Shellen Wu, Bin Yang, Zuo Shuangwen and the two anonymous reviewers at the different stages of this work has greatly enhanced its quality. I would also like to express my appreciation to the Women's Writing Group in Hong Kong, which has been a source of unwavering intellectual and emotional support. This research is supported by a scholar grant from the Chiang Ching-kuo Foundation, a general research grant from the Hong Kong Research Grants Council (13602120) and a Faculty Research Grant from Lingnan University.

ORCID

Chunmei Du  <https://orcid.org/0000-0003-3332-4055>

ENDNOTES

¹ Chinese witnesses' names are rendered in pinyin with their original spellings in brackets.

² Time, location, weather and other factual information are from the American investigation reports and the trial transcript, unless otherwise specified. See 'Case of William G. Pierson', box 4663, Record Group (RG) 59: General Records of the Department of State, National Archives in College Park, Maryland. Prichard had left the site for another party before the Joint Police arrived. He had a separate trial in Peking and was also exonerated by the Judge Advocate General.

³ See Chen Guohua, 'Ding Cong he Shen Jun: Fengyun chuanxing guo' [Ding Cong and Shen Jun: A journey through history], *Beijing qingnian bao*, 23 June 2016, p. B5; Ai Qun, 'Shen Chong shijian' zhenxiang [Truth of the 'Shen Chong Affair'] (Beijing: Zhonggong dangshi chubanshe, 2012), pp. 1–4, 180–194.

⁴ For a recent debate that has engaged many Chinese contributors ranging from scholars and reporters to participants of the 1940s student demonstrations, see Xie Yong, 'Geren zaoyu ruhe chengwei gongzhong shijian: Yi 1946 nian fasheng de Shen Chong shijian weili' [How a personal experience became a public event: A case study of the 1946 Shen Chong Affair], *Dushu wenzhai* 2 (2010), pp. 1–10; Ha Mi, 'Shen Chong an: Zhiji de zhiyi' [Shen Chong Affair: Questioning the questions], *Bolan qunshu* 12 (2010), pp. 50–52; Ma Ju and Song Bo, 'Shen Chong shijian yu kangyi Meijun baoxing zai huigu' [Another review of the Shen Chong Affair and anti-American atrocity movement], *Bainian chao* 4 (2010), pp. 40–45; Ding Panshi, 'Ye tantan wodui "Shen Chong shijian" de jianwen' [My experience of the 'Shen Chong Affair'], *Shuwu* 4 (2011), pp. 13–17; Tong Shiyi, "'Shen Chong shijian" de huiyi yu fansi' [Memory and reflection of the 'Shen Chong Affair'], *Hongyan chunqiu* 2 (2015), pp. 54–59.

- ⁵For studies on the Chinese Civil War, see Suzanne Pepper, *Civil War in China: The Political Struggle, 1945–1949* (Lanham: Rowman & Littlefield, 1999); Odd Arne Westad, *Decisive Encounters: The Chinese Civil War, 1946–1950* (Stanford: Stanford University Press, 2003).
- ⁶See Xixiao Guo, ‘Paradise or Hell Hole?: U.S. Marines in Post-World War II China’, *Journal of American-East Asian Relations* 7 (1998), pp. 157–85; Ren Donglai, ‘1941–1949 nian Meiguozai Zhongguo de junshijigou jiqi yange’ [American military institutions in China and their evolvments, 1941–1949], *Minguo dangan* 1 (2003), pp. 70–77.
- ⁷For existing studies on the Peking Rape incident, see James A. Cook, ‘Penetration and Neocolonialism: The Shen Chong Rape Case and the Anti-American Student Movement of 1946–47’, *Republican China* 22 (1996), pp. 65–97; Robert Shaffer, ‘A Rape in Beijing, December 1946: GIs, Nationalist Protests, and U.S. Foreign Policy’, *Pacific Historical Review* 69 (2000), pp. 31–64; Hong Zhang, *America Perceived: The Making of Chinese Images of the United States, 1945–1953* (Westport: Greenwood Press 2002), pp. 78–111; Zuo Shuangwen, ‘1946 nian Shen Chong shijian: Nanjing zhengfu de duice’ [The 1946 Shen Chong Incident: Nanjing government’s policies], *Jindaishi yanjiu* 1 (2005), pp. 65–103.
- ⁸For studies on East Asia, see, for example, Sarah Kovner, *Occupying Power: Sex Workers and Servicemen in Postwar Japan* (Stanford: Stanford University Press, 2012); Robert Kramm, *Sanitized Sex: Regulating Prostitution, Venereal Disease, and Intimacy in Occupied Japan, 1945–1952* (Berkeley: University of California Press, 2017); Katharine H. S. Moon, *Sex Among Allies: Military Prostitution in U.S.–Korea Relations* (New York: Columbia University Press, 1997).
- ⁹See Susan Brownmiller, *Against Our Will: Men, Women and Rape* (New York: Bantam Books, 1975); Cynthia Enloe, *Maneuvers: The International Politics of Militarizing Women’s Lives* (Berkeley: University of California Press, 2000); Janie L. Leatherman, *Sexual Violence and Armed Conflict* (Cambridge: Polity Press, 2011); Elisabeth Vikman, ‘Ancient Origins: Sexual Violence in Warfare, Part I’, *Anthropology & Medicine* 12 (2005), pp. 21–31 and ‘Modern Combat: Sexual Violence in Warfare, Part II’, *Anthropology & Medicine* 12 (2005), pp. 33–46.
- ¹⁰See Chunmei Du, ‘Jeep Girls and American GIs: Gendered Nationalism in Post-World War II China’, *The Journal of Asian Studies* 81 (2022), pp. 341–63; Zach Fredman, ‘GIs and “Jeep Girls”: Sex and American Soldiers in Wartime China’, *Journal of Modern Chinese History* 13 (2019), pp. 76–101.
- ¹¹See Maria Cecilia Hwang and Rhacel Salazar Parreñas, ‘The Gendered Racialization of Asian Women as Villainous Tempresses’, *Gender & Society* 35 (2021), pp. 567–76; Laura Hyun Yi Kang, *Compositional Subjects: Enfiguring Asian/American Women* (Durham: Duke University Press, 2002); Celine Parreñas Shimizu, *The Hypersexuality of Race: Performing Asian/American Women on Screen and Scene* (Durham: Duke University Press, 2007).
- ¹²For two forums that introduce major works and debates on the issue, see John-Paul A. Ghobrial (ed.), ‘Global History and Microhistory’, Special Issue, *Past and Present* 242, supplement 14 (2019); Sebouh David Aslanian, Joyce E. Chaplin, Ann McGrath, Kristin Mann, ‘AHR Conversation How Size Matters: The Question of Scale in History’, *The American Historical Review* 118 (2013), pp. 1431–72.
- ¹³Romain Bertrand and Guillaume Calafat, ‘Global Microhistory: A Case to Follow’, *Annales. Histoire, Sciences Sociales* 73 (2018), pp. 3–17.
- ¹⁴Romain Bertrand, ‘Where the Devil Stands: A Microhistorical Reading of Empires as Multiple Moral Worlds (Manila–Mexico, 1577–1580)’, *Past & Present* 242, supplement 14 (2019), pp. 83–109.
- ¹⁵Ann Laura Stoler, *Along the Archival Grain: Epistemic Anxieties and Colonial Common Sense* (Princeton: Princeton University Press, 2009).
- ¹⁶For studies that centre the voices of survivors of sexual violence in global military warfare and that highlight the female bodies as the focus of public accounts of rape, see Sohaila Abdulali, *What We Talk About When We Talk About Rape* (New York: The New Press, 2018); Sarah Deer, *The Beginning and End of Rape: Confronting Sexual Violence in Native America* (Minneapolis: University of Minnesota Press, 2015); Christina Lamb, *Our Bodies Their Battlefield: What War Does to Women* (London: William Collins, 2019).
- ¹⁷The five-day trial was held from 17 to 22 January 1947, and adjourned on Sunday.
- ¹⁸The proceedings of a military court differ from a civilian court in many aspects, including that there is no jury, the accuser is called a witness and the defendant attorney is called counsel. In this article, the Judge Advocate will be referred to as prosecutor in order to distinguish him from the Judge Advocate General of the Navy, and the accused’s counsel will be referred to as the defence.
- ¹⁹See ‘Case of William G. Pierson’, pp. c1–c2. Page numbers of the Pierson case files are included whenever available in the original document. All trial information comes from ‘Case of William G. Pierson’ unless otherwise specified.
- ²⁰‘Hu Shi dui jizhe tan’ [Hu Shi talks to reporters], *Zhongyang ribao*, 23 January 1947.
- ²¹‘Case of William G. Pierson’, pp. 49–51.
- ²²‘Case of William G. Pierson’, p. 53.
- ²³The Chinese original word that Shen spoke was mostly likely *hua dao*, a term used in the Chinese investigation reports. See ‘Shen Chong case I’, p. 167, 020-050204-0001, Academia Historica Archives, Taipei, Taiwan. Other possible Chinese terms include *die dao* and *shuai dao*, both synonyms that may be translated variously as fall, fall over, fall down, skid, slide, trip, trip over, glide, tumble or stumble.
- ²⁴See ‘Meijun baoxing an kaishen’ [GI atrocity trial opens], *Yishi bao*, 18 January 1947; ‘Shen Chong Case I’, pp. 062–064.
- ²⁵Born in 1925, Raymond Lu-Po Chuan came to the United States from Shanghai to attend Pomona College in 1941. He joined the US Marine Corps in 1945. See ‘Raymond Lu-Po Chuan’, WWII Draft Registration Cards for California, 10/16/1940-03/31/1947, box 324, RG 147: *Records of the Selective Service System*, National Archives in St. Louis.

- ²⁶ Lydia H. Liu, *Translingual Practice: Literature, National Culture, and Translated Modernity—China, 1900–1937* (Stanford: Stanford University Press, 1995).
- ²⁷ Lydia H. Liu, *The Clash of Empires: The Invention of China in Modern World Making* (Cambridge: Harvard University Press, 2004).
- ²⁸ Mae Ngai, *The Chinese Question: The Gold Rushes and Global Politics* (New York: W. W. Norton & Company, 2021), pp. 65–78.
- ²⁹ ‘Case of William G. Pierson’.
- ³⁰ ‘Case of William G. Pierson’, p. 82.
- ³¹ Shen Chong was able to talk with her brother-in-law for ten minutes, after the Chinese police took her from the Marine Military Police Headquarters to the Chinese Military Police Headquarters. She was living at his house at the time.
- ³² ‘Case of William G. Pierson’, p. 84.
- ³³ ‘Case of William G. Pierson’, pp. 81–85.
- ³⁴ ‘Shen Chong Case II’, p. 019, 020-050204-0002, Academia Historica Archives, Taipei, Taiwan.
- ³⁵ In the pre-trial American investigation reports, Shen Chong (Shen Chung) was written as Shen CHUNG, following the American order of last name first rather than the Chinese sequence of the opposite. See ‘American initial investigation report’, 28 December 1946 in ‘Shen Chong Case I’, pp. 066–67.
- ³⁶ Also called ‘telephone’ or ‘gossip’, Chinese whispers is a popular children’s game where one passes down a message to another, each becomes different from the previous, and the final telling bears only a scant resemblance to the original. The popular term has a colonial or Cold War origin. See Yunte Huang, ‘Chinese Whispers’, *Verge: Studies in Global Asias* 1 (2015), pp. 66–69; Rosalind Ballaster, *Fabulous Orients: Fictions of the East in England, 1662–1785* (Oxford: Oxford University Press, 2005), pp. 202–07.
- ³⁷ ‘Case of William G. Pierson’, pp. 52–59; 85–94.
- ³⁸ ‘Guoli Beijing daxue konggao jiufen ji xuechao an’ [Case of National Peking University legal disputes and student unrest], A309000000E/0036/140.06-22/0001, National Archives Administration, Taiwan.
- ³⁹ Harry Sturgeon Crossen and Robert James Crossen, *Diseases of Women* (St. Louis: C. V. Mosby Company, 1944), pp. 896–907.
- ⁴⁰ Crossen and Crossen, *Diseases of Women*, p. 897.
- ⁴¹ Jiao Junling, ‘Qiangjian anjian zhi jiangding’ [Examination in rape cases], *Jingsheng yuekan* 9 (1945), pp. 8–10.
- ⁴² ‘Case of William G. Pierson’, p. 57.
- ⁴³ Although in the original Chinese report Wang’s somewhat ambiguous language did not indicate a necessary causative relation between these two statements, it was interpreted as such in the trial. See ‘Guoli Beijing daxue konggao jiufen ji xuechao an’; ‘Case of William G. Pierson’, pp. 55–57.
- ⁴⁴ Most blamed Dr Wang’s incompetency while some suspected political reasons for his unsatisfactory testimony. For example, one author claimed that Wang was pressured into downplaying Shen’s injuries in his written report by the Nationalist government, which wanted to cover up to avoid damage to the Sino–US relations. See Ou Ran, ‘Chenzhong de huiyi san’ [Heavy memories III], *Xiandai zhishi* 1 (1947), pp. 29–30; ‘Wang Yuanzhang gongci shicuo’ [Director Wang’s testimony inappropriate], *Xinmin bao*, 29 January 1947.
- ⁴⁵ ‘China Student Body Protests Alleged Rape’, *Pacific Stars and Stripes*, 1 January 1947; ‘Chinese Student Shows No Traces of Assault’, *Pacific Stars and Stripes*, 20 January 1947.
- ⁴⁶ See ‘The Consul General at Peiping (Myers) to the Secretary of State’, *Foreign Relations of the United States*, 1947, The Far East: China, Volume VII, (eds) Ralph E. Goodwin, Herbert A. Fine, John G. Reid, and Francis C. Prescott (Washington: Government Printing Office, 1972), Document 1.
- ⁴⁷ Liu Zhiyi, ‘Gao yunfu xu lixing chanqian jianchashu’ [Pregnant women must have obstetric examinations], *Jiangxi zhuchan yuebao* 1 (1935), p. 29; ‘Chanke yiyuan guli chanfu chanqian jiancha’ [Obstetrics hospital encourages pregnant women to have physicals], *Yishi bao*, 12 April 1948.
- ⁴⁸ ‘Jiancha funü shenti yingyou nüyi zhixing’ [Physical examinations of women should be done by female physicians], *Funiü yuebao* 2 (1936), p. 28.
- ⁴⁹ ‘Case of William G. Pierson’, pp. 52–59.
- ⁵⁰ ‘Case of William G. Pierson’, pp. 85–94.
- ⁵¹ Crossen and Crossen, *Diseases of Women*, pp. 896–905.
- ⁵² ‘Case of William G. Pierson’, pp. 46, 48.
- ⁵³ ‘Shen Chong Case I’, pp. 166–68.
- ⁵⁴ ‘Shen Chong Case I’, p. 071.
- ⁵⁵ Born on 23 March 1923 in South Carolina, Pierson first enlisted on 24 July 1941 and served four years before extending for another two years. He was a member of the famous First Marines who survived some of the most brutal battles in the Pacific. After the war, together with other First Marine ‘old breeds’, he was deployed to North China. See ‘Case of William G. Pierson’.
- ⁵⁶ See John Costello, *Virtue Under Fire: How World War II Changed Our Social and Sexual Attitudes* (Boston: Little Brown and Company, 1985), pp. 89–154; Du, ‘Jeep Girls and American GIs’.
- ⁵⁷ Shen’s great-grandfather was Shen Baozhen, an influential late Qing official and pioneering reformer in the Self-Strengthening Movement.

- ⁵⁸ 'Case of William G. Pierson', p. 40.
- ⁵⁹ 'Shen Chong Case II', pp. 177–83.
- ⁶⁰ 'Carnal knowledge' was replaced by 'sexual intercourse' in the statute in 1955, but the requirements of 'force' and 'against her will' remained unchanged. See Susan Estrich, 'Rape', *The Yale Law Journal* 95 (1986), p. 1106, footnote 44.
- ⁶¹ United States Navy Department, *Naval Courts and Boards* (Washington DC: Government Printing Office, 1945), section 121, quoted in 'Case of William G. Pierson', p. I (1).
- ⁶² It was not until the 1970s, in the wake of the women's and civil rights movements, that the archaic American rape law was finally revised. See Estrich, 'Rape'.
- ⁶³ 'Case of William G. Pierson', pp. I (1)–I (3).
- ⁶⁴ 'Case of William G. Pierson', pp. J (1)–J (5).
- ⁶⁵ The sexual history question by the defence was successfully objected to by the prosecutor for the first three times on the grounds that it was 'irrelevant and immaterial'. But the court seemed ambivalent the fourth time: it first allowed the question to Dr Clark, then decided to strike his second statement from the record. What remained in the record was unsurprising: 'That question is impossible for me to answer. I can say from my examination that Miss Shen had not had sexual intercourse many times previous to my examination'. See 'Case of William G. Pierson'.
- ⁶⁶ The convening authority of the general court martial found Pierson guilty of the first and most serious charge, rape, and acquitted him of charges II and IV. The judge advocate entered a nolle prosequi to charges III and V.
- ⁶⁷ The Chinese government was relieved, and the public largely welcomed the guilty verdict. For example, Hu Shi called it 'the best Chinese New Year's present we Chinese could get'. See 'Shen Chong Case II', p. 019.
- ⁶⁸ 'Case of William G. Pierson'.
- ⁶⁹ 'Case of William G. Pierson'.
- ⁷⁰ See *Mills v. United States*, 164 US 644 (1897); Estrich, 'Rape', pp. 1106–08.
- ⁷¹ 'Case of William G. Pierson'.
- ⁷² 'Case of William G. Pierson'.
- ⁷³ 'Case of William G. Pierson'.
- ⁷⁴ Hysteria was largely considered a physical disease in the nineteenth century but shifted to a mental illness by Freud's explanation, a view that would lose traction in the later twentieth century. See Mark S. Micale, 'On the "Disappearance" of Hysteria: A Study in the Clinical Deconstruction of a Diagnosis', *Isis* 84 (1993), pp. 496–526; Carroll Smith-Rosenberg, 'The Hysterical Woman: Sex Roles and Role Conflict in 19th-Century America', *Social Research* 39 (1972), pp. 652–78.
- ⁷⁵ A young and attractive woman was said to be unable to control her sexual desire, and her saying 'no' actually could mean 'yes', as she unconsciously let the rapists in due to her unconscious sexual desire. See Estrich, 'Rape', pp. 1087–184.
- ⁷⁶ 'Case of William G. Pierson', p. K (1).
- ⁷⁷ Shaffer, 'A Rape in Beijing, December 1946', p. 43.
- ⁷⁸ 'Shen Chong Case II', p. 019.
- ⁷⁹ 'Shen Chong Case II', p. 019; Shaffer, 'A Rape in Beijing, December 1946', p. 59, footnote 68. Although Pierson was buried in a Jewish cemetery, it is unclear whether Marines were making any direct reference to his Jewishness or anti-Semitism here. In Chinese accounts, Pierson was never referred to as a Jewish person, but rather a white American soldier.
- ⁸⁰ 'Weishi fangwu Ping ge shouzhang' [Envoy Wedemeyer met with Beijing high officials], *Shen bao*, 3 August 1947; For how existing hierarchies of class and race informed policies and practices of the American military on sex with foreign women after the Second World War, see, for example, Du, 'Jeep Girls and American GIs'; Mary Louise Roberts, *What Soldiers Do: Sex and the American GI in World War II France* (Chicago: University of Chicago, 2013).
- ⁸¹ See Teemu Ruskola, *Legal Orientalism: China, the United States, and Modern Law* (Cambridge: Harvard University Press, 2013); Li Chen, *Chinese Law in Imperial Eyes: Sovereignty, Justice, and Transcultural Politics* (New York: Columbia University Press, 2016), pp. 25–68.
- ⁸² Matthew H. Sommer, *Sex, Law, and Society in Late Imperial China* (Stanford: Stanford University Press, 2000), pp. 66–113; Vivien W. Ng, 'Ideology and Sexuality: Rape Laws in Qing China', *The Journal of Asian Studies* 46 (1987), pp. 57–70; Harold Tanner, 'Chinese Rape Law in Comparative Perspective', *The Australian Journal of Chinese Affairs* 31 (1994), pp. 1–23.
- ⁸³ Tanner, 'Chinese Rape Law in Comparative Perspective', p. 2.
- ⁸⁴ Liu Shushi (ed.), *Luhai kong jun xingfa quanjie* [Interpretation of Criminal Codes of the Armed Forces] (Shangrao: Zhendi tushu chubanshe, 1941), p. 86.
- ⁸⁵ The Associated Press quoted a letter from General Alexander A. Vandergrift, commander of the US Marine Corps, which Senator Olin Johnson had forwarded to Pierson's mother, notifying her of the Judge Advocate General's decision and that Pierson would soon be released and return to a full duty status. See 'Shen Chong Case II', pp. 095–96.
- ⁸⁶ See Höhn and Moon (eds), *Over There*, p. 14.
- ⁸⁷ 'Consul General at Peiping (Myers) to the Secretary of State 1946'.
- ⁸⁸ Major American media covered the incident, such as the *New York Times*, *Washington Post*, *Los Angeles Times*, *Christian Science Monitor* and *Chicago Tribune*, some of which had their own reporters in China. See Shaffer, 'A Rape in Beijing, December 1946'.

⁸⁹ Chinese reporters, many of whom were leftists, covered the incident immediately and extensively, making this case a cause célèbre. See 'Shen nüshi fangwen ji' [A visit to Ms. Shen], *Yanjing xinwen*, 6 January 1947; Liao, *Xuechao yu zhanhou Zhongguo zhengzhi (1945–1949)*, pp. 182–85.

⁹⁰ During an interview in 2012, 'Shen Jun' for the first time confirmed that she was 'Shen Chong'. After the trial, she went back to Shanghai and graduated from Fudan University. In the 1950s, she married the renowned cartoonist Ding Cong. During the Cultural Revolution, she was abused by the Red Guards because, ironically, of her alleged fraternisation with American soldiers. She later worked as an editor of the Foreign Languages Press. See Chen Guohua, 'Ding Cong he Shen Jun: Fengyun chuanxing guo' [Ding Cong and Shen Jun: A journey through history], *Beijing qingnian bao*, 23 June 2016, p. B5.

AUTHOR BIOGRAPHY

Chunmei Du is an Associate Professor of modern Chinese History at Lingnan University (Hong Kong). She is the author of *Gu Hongming's Eccentric Chinese Odyssey* (University of Pennsylvania Press, 2019) and *Notes of Insanity: My Experience Working in an American Psychiatric Hospital* (Jiangsu Phoenix Literature and Art Publishing, 2017). Her articles have appeared in English, Chinese, and Japanese journals, including *Journal of Asian Studies*, *Diplomatic History*, *Journal of World History* and *Twenty-First Century*, among others. She is currently completing a book on the sociocultural history of American servicemen in post-Second World War China.

How to cite this article: Du, Chunmei. 2023. "Rape in Peking: Injured Woman, Microhistory and Global Trial." *Gender & History* 1–19. <https://doi.org/10.1111/1468-0424.12688>