

China, Japan, and the United States in World War II: The Relinquishment of Unequal Treaties in 1943

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Abstract

This paper aims to examine how the United States transformed its foreign policy to promote China as an “equal state” in international politics during World War II, with focus on the process of the American relinquishment of its unequal treaties with China in 1943. In particular, it concentrates on analyzing the conflicts between the United States and Japan in the process of relinquishment. By examining the rivalry between the United States and Japan in the social warfare – propaganda – we can see that the relinquishment of the unequal treaties in 1943 not only marked a historical turning point in America’s China policy, but also had a great impact on the transformation of East Asian politics in World War II and its influence in the world politics.

Keywords: *unequal treaty, extraterritoriality, propaganda, legal equality, Sino-American alliance, Sino-Japanese relations, nationalism*

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1. Introduction

World War II was one of the most monumental events in world history and was also the most significant event of the twentieth century. It was the largest and deadliest war ever fought in human history. Meantime, it marked the beginning of the end of colonialism. The issue of colonialism was one of the few major matters dividing the Allies and the Axis during the war. Japan's attack on Pearl Harbor and American entry into World War II in December 1941 led to changes in the overall direction of American foreign policy, particularly its policy toward China. Because of the war, the United States came to embrace a vision of a "strong" and "independent" China emerging in post-war Asia. How did this new policy emerge in the America's global strategy?

For a long time, scholarship on U.S.-East Asian relations during World War II has concentrated on the complexity of political, economic, and military strategies while issues concerning the social and psychological warfare have been overlooked. In time of war, there is fighting, killing, violence, and hatred, all stirred up from within. War is no longer only between soldiers on a battlefield but between nations and their ideas. In order to make a whole nation of people support the war with mind and spirit, there needs to have influence. That influence is propaganda, a silent but formidable weapon. The widespread use of propaganda became an important practice during World War II. As many historians have pointed out, World War II witnessed the greatest propaganda battle in the history of warfare.¹

This paper aims to examine how the United States transformed its foreign policy to promote China as an "equal state" in international politics during World War II, with focus on the process of the American relinquishment of its unequal treaties with China in 1943. In particular, it concentrates on analyzing the conflicts between the United States and Japan in the process of relinquishment since Japan's factor in the

relinquishment of the Powers' unequal treaties in China has been overlooked.² By examining the rivalry between the United States and Japan in the social warfare – propaganda – we can see that the relinquishment of the unequal treaties in 1943 not only marked a historical turning point in America's China policy, but also had a great impact on the transformation of East Asian politics in World War II and its aftermath in the world politics.

2. Chinese Struggle for Legal Equality before 1941

The extraterritoriality system was established in China by the treaties followed the Opium War of 1842.³ The Qing (Ch'ing, 清) Dynasty signed the first unequal treaties under the Treaty of Nanking (南京條約) in 1842 with Great Britain during the First Opium War. Under the treaties, Great Britain established the British Supreme Court for China in Shanghai. Under the most-favored-nation clause contained in the existing treaties, all of the foreign Powers operating in China were permitted to seek the same concessions of China that Great Britain achieved by force. As a result, France, Russia, the United States, and Japan all signed treaties with China and enjoyed the same privileges. The agreements reached between the Western Powers and China following the Opium Wars came to be known as the unequal treaties since in practice they gave foreigners privileged status and extracted concessions from the Chinese. Foreign Powers' extraterritorial rights, whereby foreign nationals in China were immune from Chinese law, increased China's semi-colonial status.

Chinese desire for the abolition of the unequal treaties with the Powers had a long history. Since the establishment of the Chinese National government by Dr Sun Yat-sen (孫逸仙/孫中山) in 1911, it had been one of the most important political goals for the Nationalist

government in international politics. After World War I and the Washington Conference of 1921-1922, the issue of extraterritoriality became the focus of Chinese nationalists because it damaged China's sovereignty. The Nationalist government negotiated with the foreign Powers to revise the treaties, but Chinese efforts did not succeed. To convince China's determination, the Nationalist government opened negotiations for the abolition of extraterritoriality with the Powers in 1929. The United States and Britain both demanded evidence that China had actually improved its judicial system and that the rights of foreigners in China were properly protected. Only after that, they would be willing to gradually rescind extraterritorial rights. Finally the Chinese government proclaimed unilaterally that all foreign jurisdictional rights in China would be terminated on December 31, 1929, which caused the resentment of the foreign Powers.⁴ Furthermore, on December 23, 1933, the Nationalist government informed the United States that the Sino-American Commercial Treaty of 1903 should be revised.⁵ The American government expressed its willingness to deal with the treaty issues, but no real progress was made and negotiations ended almost as soon as they had begun.⁶ Soon after, the Chinese government continued to negotiate with the United States about American extraterritorial rights and related privileges in China; these efforts, however, were not successful.

The efforts of the Chinese government never ended, but the result was far beyond expectations. After the outbreak of the Marco Polo Bridge Incident (盧溝橋事變 / 七七事變) on July 7, 1937, the Chinese Nationalist government evacuated Nanjing (Nanking) and moved westward to Chongqing in 1938. Although there was no declaration of war, China clearly had the sympathy of the United States and Britain. The two governments continued to recognize the government at Chongqing, under the leadership of Chiang Kai-shek (蔣介石), as the government of China, despite the fact that it retained

control only over the southwestern part of the country. With regard to the Chinese demand for the revision of the unequal treaties, the United States considered the exercise and continuance of extraterritoriality and other similar privileges in China to be increasingly useful after Japan's large-scale aggression in China. In December 1937, U.S. Secretary of State Cordell Hull expressed his view clearly that the American government should complete its responsibilities and obligations in China. He held the opinion that the presence of American armed units to protect American nationals in China had become more necessary than ever before because the situation in China was rapidly deteriorating. In particular, Hull stated that at the moment to withdraw American troops in China "would appear like abandoning China to her fate."⁷

On the other hand, Japan began to utilize extraterritorial rights in its newly occupied areas as a means to attack the Western Powers to exclude their forces involved in these regions. After establishing two puppet regimes in northern and central China, on December 22, 1938, Japanese Prime Minister Konoe Fumimaro (近衛文麿) stated in the Imperial Diet that Japan not only respected "China's sovereignty", but also was willing to "take an active measure to proceed with the issues concerning the abolition of extraterritoriality and the rendition of concessions and settlements, which would be necessary for the recognition of China's independence."⁸ Furthermore, on January 26, 1939, Japanese Foreign Minister Arita Hachirō (有田八郎) clarified in the Imperial Diet that Japan was considering "abolishing extraterritorial rights with the new government of China."⁹

On March 30, 1940, Wang Jing-wei (Wang Ching-wei, 汪精衛) escaped to Shanghai, which was under Japan's military control, and this action finally resulted in a new puppet regime – "the National Government of the Republic of China" in Nanjing. On November 30, Japan officially recognized that Wang Jing-wei regime was "the only

government of China”. According to Article VIII of the Sino-Japanese Treaty signed in November 1940, Japan announced that it would “abolish extraterritorial rights possessed by Japan in China and make concessions to the Chinese government.”¹⁰

As soon as Japan recognized the Wang puppet regime, the United States responded vigorously by aiding Chiang Kai-shek through the lend-lease project. With regard to extraterritorial rights in China, the attitude of the American government underwent a subtle change. In April 1941, when Chinese Foreign Minister Guo Tai-qi (Guo Tai-chi, 郭泰祺) arrived in Washington he expressed the strong Chinese desire for abrogation of extraterritoriality and requested that the United States take the initiative to “abolish the unequal treaties and complement an agreement based on mutual interests and equality” with China.¹¹ On May 13, 1941, Hull made an announcement that the American government would not change its policy of surrendering extraterritoriality in China because “the time had not come to dispense with the protection that American forces stand ready to accord to American citizens there.”¹² On May 26, Chinese Foreign Minister Guo Tai-qi reiterated the stance of the Nationalist government that Chinese people intended to terminate the unequal treaties. He stated that China believed in “non-discrimination in international commercial relations” and Chinese people demanded “in the broad principles of cooperation and equality.”¹³ On May 31, Hull stated that the American government understood “China’s aspirations for readjustment of anomalies in its international relations” and promised that the United States would solve this matter with the Chinese government when “conditions of peace again prevail” in China.¹⁴

Compared with the ambiguous attitude announced before, this policy was rather more progressive, at least it shows that the United States was willing to solve the unequal treaty issue although it was limited only to a special period after the restoration of peace in China.

As the war developed in Europe and Asia, the attitude of the American government towards independent self-government became much more explicit than ever before. On August 14, President Franklin D. Roosevelt and British Prime Minister Winston S. Churchill signed the Atlantic Charter, in which the two governments proclaimed that they respected the right of all peoples who “wish to see sovereign rights and self-government restored to those who have been forcibly deprived to them” after the war.¹⁵ The charter set forth the concepts of self-determination, end of colonialism, freedom of the seas, and the improvement of living and working conditions for all people and became a public declaration of war aims of the Allies during World War II. However, how to respect the right of all peoples who “wish to see sovereign rights and self-government restored to those who have been forcibly deprived to them” was considerably equivocal for the United States and Britain. Japan’s sudden attack on Pearl Harbor on December 7, 1941, led to a transformation of America’s China policy.

3. Transformation of Powers’ Attitude Toward China

Pearl Harbor strengthened the tie of a new relationship between China, the United States and Great Britain. As soon as the United States entered the war in December 1941, an alliance between China and the United States was established. The day after the attack, China, together with the United States and Great Britain, declared war on Japan. This special wartime alliance between the two countries resulted in a crucial transformation of America’s policy in East Asia.

3.1. A Special Sino-American Alliance

In the early part of the war, the United States adopted a “Europe First Policy”. This policy implied that the war in Asia was secondary to America’s global strategy. President Roosevelt continued to focus his attention on the war in Europe, persisted in his belief that Germany was the greatest danger and Britain his most important ally. Notwithstanding, Japan’s attack on Pearl Harbor altered American concerns and forced the United States to focus on the war in Asia. China was allotted the role of keeping Japan busy until the major task was completed in Europe. Thus, the wartime strategy of the United States was to tie China into the war as tightly as possible.

For the United States, China’s importance was twofold. The United States intended to make full use of Chinese resistance forces to fight against Japanese aggression. Meanwhile, from the perspective of America’s own military strategy, bases on the Chinese mainland would permit American bombers to strike Japan. Admiral Harry E. Yarnell, former Commander-in-Chief of the U.S. Asiatic Fleet, testified before the House Committee that the Chinese mainland was “the only area from which long-bombers can reach Japan”.¹⁶ This led to the conclusion that Allied success against Japan required the continued participation of China in the war.

In doing so, the United States attempted to support China. Politically, one of the most important measures taken was to support China’s participation in international affairs, recognizing China as a “Great Power” in world politics. This strategy emerged in the spring of 1942. On May 2, 1942, President Roosevelt declared that “in the future an unconquerable China will play its proper role in maintaining peace and prosperity not only in Eastern Asia but in the whole world.”¹⁷ Soon after, in discussions with Soviet Foreign Minister V.M. Molotov in late May, Roosevelt further reiterated the significance of post-war

cooperation among the “four policemen”, which included China together with the United States, Great Britain, and the Soviet Union.¹⁸

The newly established alliance, however, could not alter unequal relations between China and the Allied Powers in international politics. In many ways, China was an unequal ally to the United States and Britain. One outstanding feature of this inequality is the fact that the United States and Britain still exercised over China rights accrued from the unequal treaties which China had been forced to sign a century ago. The unequal treaties provided extraterritoriality, the opening of foreign trade of treaty ports, in some of which were even demarcations of areas directly administrated by foreigners, foreign control over the Chinese customs tariff, foreign possession of based territories, the stationing of foreign navigation along the coast and inland waterways in Chinese territory.¹⁹

After America’s entry into the war, legal discrimination against Chinese was brought to the attention of American public, in particular to the concern of pro-China intellectuals. Pearl S. Buck (赛珍珠), for example, America’s first female Noble Prize winner, who spent most of her life in China and was known as the most influential Westerner to write about China since Marco Polo,²⁰ emerged as one of the strongest wartime defenders of freedom and equality for the Chinese people. For instance, on March 14, 1942, addressing the celebration of India-China Friendship Day in New York, Buck urged her audience that “our democracy has been marred by imperialism” because we did not treaty our Asian allies equally.²¹ Approximately two weeks later, on March 26, in a radio address, Buck repeatedly denounced American discrimination against the Chinese and pointed out that “China will fight for the Allied cause as long as that cause is a truly democratic one and will give real freedom and human equality to all peoples.”²²

On the other hand, Chinese demands for abolition of the unequal treaties emerged. Typical of these voices was Madame Chiang Kai-Shek's. On April 23, 1942, Soong May-ling (宋美齡), Chinese First Lady, who was educated in the United States, published an article in *The New York Times* condemning the evils of the extraterritorial rights of Western Powers in China and pointed out that "the Westerners must change their attitudes towards China" and "give Chinese real freedom which is based on principles of equality."²³

Immediately these voices, particularly Madame Chiang Kai-Shek's demand, aroused awareness in the State Department. Two days later, on April 25, Secretary of State Hull discussed with British Ambassador Edward Halifax in Washington and exchanged their views on extraterritorial issues and related rights in China because Madame Chiang's articles, which were considered "China's state papers" in the American press, extremely criticized the Western Powers' extraterritorial system in China.²⁴ Having exchanging views with Britain, the State Department concluded that negotiation with the Chinese government would not be taken up at the moment until peace was restored in China.

This policy became the dominant tone in the American government. Early in 1942, Maxwell M. Hamilton, Chief of the Division of Far Eastern Affairs, gave the following four reasons for not abandoning American extraterritorial rights and related privileges. First, the United States had promised the Chinese government its readiness to abolish extraterritoriality after the war ended. Second, because of the Japanese military occupation, extraterritoriality could no longer be put into practice. At this moment, if the United States decided to abolish the extraterritorial rights in China, it meant "nothing but a gesture conceived in and manifesting weakness" of the United States. Third, under a period of unsettled conditions, there would be a special need for American nationals to have the protection accorded by extraterritorial rights.

Fourth, when the war was over the United States would deal with the Chinese government in accordance with what the American government needed, and retention of extraterritorial and related rights could give the United States a “bargaining factor of some importance”. Finally, Hamilton concluded that there would be “more to be lost than gained by abolishing extraterritoriality now” and insisted on revision of treaties with China “after the termination of hostilities in the light of conditions then prevailing”.²⁵ Nevertheless, he pointed out that the United States was fighting not only for self-preservation but also for human rights and democracy, as well as for greater equality in the general political, economic, and social systems that had previously existed. Relinquishment of extraterritoriality would explicitly manifest the war aims of the Allies. Therefore, Hamilton suggested that the United States take the initiative in setting up a small committee to do some preparatory work toward the drafting of a suitable treaty with the Chinese government in the “not too distant future”.²⁶

In addition, Stanley K. Hornbeck, Adviser on Political Relations in the State Department, agreed with Hamilton’s proposal and insisted that “there was no special need for special action on our part in support of Chinese morale or by way of conciliating the Chinese” at the moment. In particular, he emphasized that there were no good reasons and necessities for the United States to play “this China card” during the wartime. “There may come a time when we will need a card and when it would be advantageous for us to have this card and opportunity for us to play it,” he said, “We should make such preparations as would put us in position to move promptly and well if, when and as occasion arises.”²⁷

In the meantime, in response to Madame Chiang Kai-shek’s demand, the British government was also taking into account the same matter. On May 12, 1942, British Ambassador Halifax called on Hull in Washington and requested American collaboration to proceed with their

extraterritorial rights in China since Madame Chiang Kai-shek continued to publish articles in the American press strongly condemning the extraterritorial system. Eventually, the two governments reached the conclusion that “the present time would not be favorable” for them to abolish extraterritoriality in China.²⁸ Furthermore, in June 1942, American Ambassador John G. Winant in London discussed this matter again with Antony Eden, British Foreign Minister. The two governments reached a conclusion that it was not “an opportune time” for abolishing their extraterritorial rights in China.²⁹ However, Japan’s challenge to the interests of the Allied Powers in the occupied areas led to the United States to alter its policy and began to play this “China card”.

3.2. Rise of Chinese Nationalism and the Japanese Propaganda Campaign

Soon after the outbreak of the Pacific War, another front, which used propaganda, started. On this battlefield to establish a new world order, the conflicts between the United States and Japan became aggravated as the war developed. Even before the war broke out, Japan had targeted Western imperialism, appealing to other Asian countries to cooperate with Japan to construct an “Asia for the Asians”.

Five days after the attack on Pearl Harbor, Japan began to call the war “the Greater East Asia War” and proclaimed that its war purpose was to “overthrow the American and British imperialists who have oppressed and squeezed one billion Asians to establish an ideal order of co-prosperity and co-existence in East Asia”.³⁰ Meanwhile, Japanese propagandists utilized “psychological weaponry”, emphasizing the discriminatory policy and the unequal treaties, to fight against Roosevelt’s Four Freedom, from which racial equality was excluded.

To reinforce the propaganda effect, in February 1942, with the guidance of the Japanese army, *FRONT*, one of the most important wartime propaganda magazines, began publication, condemning Western imperialism in Asia. “Asia must be one,” It propagated, “When Asia becomes one, a new order of co-prosperity will be born in the Greater East Asia.”³¹ Meantime, an article entitled “A New Step towards Emancipation of Asian Peoples” came out in another wartime propaganda magazine, *Toa Kaihou* (*Tō-a Kaihō*, 東亞解放) [emancipation of East Asia], which proclaimed that the essence of “injustice and inequality” was rooted in the exploitation by the Western Powers of Asian peoples.³² Later, in June 1942, a series of “Open Letters to Asian Peoples” continuously came out in Japanese newspaper, the *Asahi Shimbun* (朝日新聞), in which exploitation and oppression of Asians by the European Powers were severely denounced.³³ In another editorial, “Shake Hands – Japan and China”, on June 25 of the same year, the author saw hypocrisy in the Allied democracies and appealed to the Chinese to “share hardship” with the Japanese in this war for “China’s independence and freedom”.³⁴ Japan’s propagandists characterized America’s “equality” as a sham, with the United States discriminating against the Chinese in its immigration laws. This accusation had been mostly true at the time since Chinese people were not allowed to enter American shores.³⁵

Japan’s campaign of “Asia for the Asians” aroused an immediate response from its agents in China. Before the coming of the 100th anniversary of the Treaty of Nanking, the ratification of the first unequal treaty between China and the Western Powers in 1842, various anti-Anglo-American campaigns took place in the Japanese-occupied areas. On August 10, Lin Bo-sheng (林柏生), Minister of Propaganda of the Wang Jing-wei puppet regime, issued a radio address: “From the Opium War to the Greater East Asia War”. “Our Chinese have had deep hatred

towards British and American imperialists after the Opium War,” he addressed his audience, “Now it is a crucial moment for us to liberate East Asia from Western oppression and remove this humiliation.”³⁶ To reinforce Chinese determination to cooperate with Japan, the Wang puppet regime declared a special week, which started from August 23 to 29, to batter the sins of Western imperialism in order to “wake up Asian peoples to kick out the Anglo-American imperialists in the Greater East Asia War”.³⁷

The anti-Allied propaganda was highlighted in late August in the Japanese-occupied areas. On August 29, on the 100th anniversary of the ratification of the Treaty of Nanking, the Wang Jing-wei regime in Nanjing convened a momentous mass rally. At the meeting Wang Jing-wei, Chairman of the Nanjing regime, condemned the evils of the unequal treaties and highly extolled Japanese achievements in assisting the Chinese to “overthrow the oppression of the Western imperialism”. Furthermore, Wang appealed to the Chinese, uniting with the Japanese, to “expel all the Western imperialists from Asia” in order to “vitalize East Asia”.³⁸ With the resurgence of Chinese nationalism, a tremendous anti-Anglo-American movement, known as “Down with Anglo-American Imperialism” prevailed in the Japanese-occupied areas.

3.3. A Shift of America’s Policy toward China

Immediately Japan’s propaganda weapon to utilize the unequal treaties to batter the Allied Powers raised American concern. On May 18, 1942, an article entitled “Exclusion and Extraterritoriality” came out in *Contemporary China*. The author denounced the racial discrimination against the Chinese in American legislation and the evils of extraterritorial rights in China and demanded that “the era of the unjust system” toward China must “come to an end”.³⁹ In order to silence

Japanese propaganda, on August 10, another article entitled “This Is No Racial War” was published, which clamored for freedom and equality for “all the oppressed races and nations”. The author stressed the significance of terminating unequal treaties to counteract Japanese propaganda which was impeding America’s good relations with China, American ally in East Asia.⁴⁰

In response to the increasing demand of abolition of extraterritoriality, on August 13, Roger S. Greene, a former U.S. diplomat in China, wrote to his friend Stanley Hornbeck, requesting that the State Department concern itself with this issue since it would “help to convince some doubters in Asia that we really do mean that the Atlantic Charters shall apply to the Far East as much as Europe.”⁴¹

In addition, on August 17, Senator Elbert D. Thomas, a member of the Senate Committee on Foreign Relations, urged Congress to abolish the unequal treaties with China since it would be advantageous for the United States to establish a new partnership with the Chinese people and to win the war quickly. He addressed the Senate:

As a war measure, the United States and Great Britain should say to China that they renounce their extraterritorial rights. I cannot conceive why we should wait until peace comes to negotiate an extraterritorial agreement with China, when the Japanese have rushed us, and the Chinese with us, as the British, and practically all the extraterritorial law, out of China at the present time ... I know of no better time to renounce our rights than on August 29, 100 years after the imposition of the Opium War Treaty.⁴²

In light of growing popular sentiment in favor of action toward abolition, the State Department decided to consider the extraterritorial issues in China. Since Hull insisted on “a common interest” among the

Allied Powers, he suggested cooperating with Great Britain. On August 27, Hull discussed with British Ambassador Halifax possible abrogation of extraterritoriality.⁴³ The American and British governments conceded to conclude brief treaties with China, which would provide for abolition of extraterritorial rights. On September 5, Hull urged Winant in London to convince the British government to take an affirmative step in the matter of abolition. The United States insisted that this strategy would accomplish the following three principle objectives. First, it would have psychological and political benefits to the cause of the Allied Powers, which would be of concrete assistance to China and strengthen the determination of the Chinese war efforts. Second, it would eliminate an existing anomaly in relations with China. Third, it would enable the United States to earn Chinese trust in the post-war era.⁴⁴ The United States put heavy pressure on the British government to relinquish its extraterritoriality to improve relations between the three countries. Finally, the British government agreed to abolish its extraterritorial rights in China. Both the governments decided to inform the Chinese government on October 10, the National Day of the Republic of China, when they would abolish their extraterritorial rights and related privileges in China and issued common statements in the press in the three countries in order to strengthen the propaganda effect.

This new gesture of the Allied Powers won great enthusiasm from the Chinese government. On October 9, President Roosevelt informed Chiang Kai-shek that the United States would rescind the unequal treaties with China.⁴⁵ Chiang, greatly moved by this unexpected action, sent a telegram to Roosevelt immediately: "Certainly, it will bolster the morale of our Chinese people to fight against Japanese aggression bravely." He added, "Any other action cannot compare with the abolition of the unequal treaties."⁴⁶ Subsequently, in a radio address, Chiang stated that the abolition was not only "an important milestone in the

history of the revival of the Chinese nation,” but was also “a brilliant lighthouse erected by Britain and America to guild a great progress on the road toward freedom and equality for all mankind.”⁴⁷ The U.S. Ambassador in Chongqing, Clarence Gauss, reported to the State Department on the Chinese enthusiasm for the abolition and stated that this Anglo-American strategy would be “a blow to Japanese propaganda efforts”.⁴⁸

Notwithstanding the propaganda effect of the Allied Powers far exceeding their expectations, little progress was made in negotiations. The United States had drafted a brief agreement before the announcement was issued. It mainly consisted of the following articles: relinquishment of extraterritorial rights; abrogation of the Sino-American Treaty of 1901, also called the Boxer Protocol; and return of the International Settlements at Shanghai and Amoy to China, etc.⁴⁹ The State Department began to negotiate with the British government for this draft treaty.

Since Britain enjoyed more privileges than any other Power in China except Japan, it was cautious about each word of the draft. The British government agreed to relinquish its extraterritorial rights, but it considered the American draft “unwise” because it included “many restrictive provisions designed to safeguard American interests” in China and requested a revision to defend their rights.⁵⁰ After amendments to the draft, the American and British governments began to negotiate with the Chinese government.

During the negotiation, Chiang Kai-shek told T.V. Soong (Soong Tse-ven/Soong Tzu-wen, 宋子文), Chinese Foreign Minister, “All unequal treaties must be completely abolished apart from extraterritorial rights.”⁵¹ The unequal treaties included extraterritoriality, special commercial and other rights in relation to inland navigation and cabotage privileges enjoyed by American naval vessels in Chinese

territorial waters, American and British nationals in China, and the issues of British colony in Hong Kong, etc. The Chinese government prepared for a draft treaty which focused on abolishing all special privileges enjoyed by American and British nationals in China. The American and the British governments agreed to rescind their extraterritorial rights. However, as to other special rights and interests involved in China, various problems and conflicts surfaced. The United States persisted in maintaining privileges for its nationals such as real property and “impartial treatment” for its nationals; Britain insisted on “non-discrimination” against its nationals in international commerce and business and firmly refused to negotiate issues of Hong Kong.⁵² It was at this moment that an invisible war between the Allied Powers and Japan started.

4. Japan’s Challenge to the Allied Order

In October 1942, with the rapid increase of Chinese nationalism, the Allied Powers decided to abolish their extraterritoriality and related rights in China. At approximately the same time, Japan attempted to use this unusual opportunity for another propaganda offensive on the ideological battlefield and began to adjust its China policy.

In August 1942, when the Chinese nationalist movement known as “Down with Anglo-American Imperialism” prevailed in the Japanese-occupied areas, Shigemitsu Mamoru (重光葵), Japanese Ambassador in Nanjing, sent a confidential telegram to the Foreign Ministry on August 17. He gave a detailed description of the rise of Chinese nationalism and urged his government to “catch this golden opportunity” for an offensive against the Allies. “To abolish the unequal treaties,” he suggested, “would have a great value for our future.”⁵³ The key point of this new China policy proposed by Shigemitsu was to recognize “China’s

independence and sovereignty”.⁵⁴ Soon after, the Japanese Foreign Ministry accepted Shigemitsu’s proposal. On August 19, Japan decided to abolish the unequal treaties with the Wang Jing-wei regime. The Japanese government considered that the abolition could have three advantageous effects. First, the abolition of the unequal treaties, the first step in the Western invasion of East Asia, would give Japan “a psychological success”. Second, Japanese conquest of Hong Kong, a British colony in East Asia, would have great political value for the campaign of “Asia for the Asians”. Third, Japan could use this abolition to condemn the double standards of the Allied call for democracy and freedom.⁵⁵

Japan’s policy immediately won enthusiasm from the Wang puppet regime. In his address on August 29, Wang Jing-wei expressed his “great gratitude” for Japan’s action and appealed to “four hundred million Chinese, uniting with the Japanese, to fight for ultimate victory in the Greater East Asia War.”⁵⁶ Moreover, Japan paid great attention to the Allies’ action on extraterritoriality. When news of the official announcements issued by the United States and Great Britain came out on October 10, 1942, the Japanese government concerned itself with the issues relating to the “abolition of Japan’s special privileges” and giving the Chinese “equality” and “independence”. On October 15, the Japanese consulate in Beijing sent a confidential telegram to the Foreign Ministry, requesting the government to abolish extraterritorial rights since “it would greatly benefit our campaign for the liberation of East Asia” and would have “immense propaganda value to attack the Allied Powers.”⁵⁷

To escape from the deteriorating situation in China, the Japanese government insisted that abolition would be increasingly necessary to “obtain Chinese cooperation and enhance Chinese morale in the Greater East Asia War”. On November 10, Japan decided to abolish

extraterritorial rights and related privileges in China and began to implement a new strategy – “China’s entry into the Greater East Asia War”.⁵⁸ Subsequently, negotiations between Japan and the Wang regime were carried out in extreme secrecy.

By late November, a draft treaty was completed in Japan. In “A Policy of China’s Entry into the Greater East Asia War”, the Japanese government decided to “catch a very proper political opportunity to force China to declare war on the Allies”. With respect to the significance of Japan’s strategy, the Foreign Ministry prepared a detailed policy of propaganda for the abolition. This strategy focused on “the great influence and political effect towards peoples in ‘the Greater East Asia Co-prosperity Sphere’ and those who were oppressed by American and British imperialists in the world”.⁵⁹

In order to bolster Chinese morale for entry into “the Greater East Asia War”, Wang Jing-wei was invited to visit Japan on December 20, 1942. In a conversation with Wang the next day, Japanese Prime Minister Tojo Hideki (東條英機) expressed his “great sympathy for the Chinese people” who were oppressed by British and American imperialists for over one hundred years. Tojo requested the Chinese, cooperating with the Japanese, to contribute themselves to the construction of the “Greater East Asia Co-prosperity Sphere” (*Dai-tō-a Kyōeiken*, 大東亞共榮圈). Wang reaffirmed the Chinese commitment to “share hardship” with Japan. He also expressed Chinese determination to contribute to the war, to fight with Japan together. Tojo “gladly accepted Wang’s proposal.” In regard to the date of “China’s entry in the Greater East Asia War”, they decided that the best opportunity would be late January 1943.⁶⁰

While Japan and the Wang regime undertook their preparatory work for a new treaty, the United States and Britain were also negotiating with Chiang Kai-shek’s government. Negotiations between China and the

United States were being undertaken smoothly. However, negotiations between China and Britain confronted barriers and finally had to be suspended in late December 1942 since Britain would not give up some special commercial interests in China. Furthermore, Britain sternly refused to deal with the issues concerning the future of Hong Kong.⁶¹ On December 29, the British government informed the State Department that it was “highly regrettable” that Britain was unable to reach an agreement with the Chinese government.⁶² Since the United States insisted on signing a new treaty at approximately the same hour with Britain, the original American plan, which the United States and Great Britain had intended to announce publicly to abolish the unequal treaties with China on January 1, 1943, had to be postponed.⁶³ However, it was at this moment that another unexpected incident occurred.

The reactions from the public in China were immediate and favorable. To the Chinese, it was a historic event to abolish the unequal treaties with the Western Powers. It had been one of the most important objectives for the Chinese government in international relations since the Republic of China was established in 1911. Therefore, within the process of preparatory work for a new treaty, the Chinese government paid great attention to the political effect of abolition and was vigorously preparing for its propaganda value in order to enhance China’s position in world politics, though this action was undertaken in secrecy. However, the Allies’ abolition strategy, which was considered “top secret”, was revealed suddenly.

The incident occurred before the coming of a new year. On December 27, 1942, an editorial entitled “Salute to President Roosevelt” came out in *Zhongyang Ribao* (中央日報), official newspaper of Chiang Kai-shek’s Nationalist government. The author expressed China’s great gratitude for the American lend-lease project, which financially had supported the Chinese people to fight against Japanese

aggression, and surprised his readers by reporting that “new agreements to relinquish unequal treaties with the United States and Great Britain will be signed on January 1, 1943.”⁶⁴ The news spread quickly. Chiang Kai-shek was extremely embarrassed when the United States criticized the Chinese government for the leak of the news. Immediately, Tao Bai-chuang, chief editor of *Zhongyang Ribao*, was discharged.⁶⁵

Nevertheless, this unexpected incident provided Japanese propagandists with a golden chance for an offensive on the ideological battlefield. The failure of the Allied Powers to renounce the unequal treaties on January 1, 1943, accelerated Japan’s preparatory work to conclude a new treaty with the Wang Jing-wei regime. On January 3, 1943, Japanese Ambassador Shigemitsu called on Wang Jing-wei. During their conversations, Shigemitsu obtained information that the United States was dealing with the abolition of extraterritorial rights with Chiang Kai-shek’s government. Immediately, he sent a confidential telegram to the Foreign Ministry, requesting his government to “maximize the political effect of abolishing extraterritorial rights as soon as possible.”⁶⁶ Immediately, the Japanese government accepted his proposal and was actively preparing for an agreement with the Wang Jing-wei regime. On January 5, Shigemitsu negotiated with Wang Jing-wei and requested China’s immediate action to “enter into the Greater East Asia War”. Wang accepted Shigemitsu’s proposal. The next day an official announcement to “Declare War on the Allies” was completed by the Wang Jing-wei regime.⁶⁷

In addition, Japan further accelerated its preparatory work to conclude a new treaty with the Wang Jing-wei regime. On January 7, Shigemitsu, Japanese Ambassador in Nanjing, sent a new proposal to the Foreign Ministry, in which he suggested moving the agreement to an earlier date. “If our announcement is later than the United States,” he urged his government, “it would be completely disadvantageous to our

strategy.”⁶⁸ Having considering the political, and especially propaganda value and significance of China’s entry into the war, the Japanese government decided to reach a new treaty with the Wang Jing-wei regime in advance. On January 8, as soon as Shigemitsu informed his government that the preparatory work for a new treaty in Nanjing had been completed, the Japanese Imperial Diet decided to conclude a new treaty with the Wang puppet regime immediately.⁶⁹

On January 9, 1943, Wang Jing-wei and Shigemitsu Mamoru signed the Sino-Japanese Agreement in Nanjing, which stipulated that Japan would relinquish its extraterritorial rights in China. At approximately the same time, Wang Jing-wei issued an announcement that China had declared war on the United States and Great Britain. After signing the treaty, Wang and Tojo made a radio address in the two countries simultaneously, saying the two governments would “cooperate and fight against Anglo-American imperialists who squeezed one billion Asian peoples in order to eradicate the calamity caused by Anglo-American imperialism” and “devoted ourselves to the peace of the world.”⁷⁰

Japan’s action surprised the Allies. Having heard the news, Chiang Kai-shek wrote in his dairy on January 10, “It is deeply regrettable that our treaty was postponed.” He added, “A new treaty will be concluded soon, but its effect would no longer be significant.” Meantime, Chiang showed his great frustration and realized China’s real status in international politics.⁷¹ Subsequently, on January 11, 1943, at Washington D.C., Secretary of State Cordell Hull, representing the United States, and Wei Tao-ming (魏道明), Ambassador of the Chinese Nationalist government, signed a new treaty abolishing American extraterritorial rights in China and a number of related privileges. Simultaneously a similar treaty was reached in Chongqing by Sir Horace James Seymour, British Ambassador to China, and Dr. T.V. Soong, Chinese Foreign Minister. For the first time since extraterritoriality had

been introduced a hundred years ago, a regime of legal inequality existed between China and the foreign Powers was removed. Briefly, the terms of the Sino-American treaty are follows:

- Article I abrogates all those provisions of previous Sino-American treaties which authorized the United States to exercise extraterritorial jurisdiction in China.
- Article II relinquishes special rights accorded to the United States under the “Boxer Protocol” of 1901, including the right to station troops in China and rights in the diplomatic quarter in Beijing. However, it makes provision for the continued use by the American government for official purposes of the land in the diplomatic quarter which was allotted it in according with the Protocol, and upon which stand buildings belonging to the United States.
- Article III provides for the cessation of American rights in the international settlements at Shanghai and Amoy, and states that the United States considers that the settlements should revert to Chinese control and administration.
- Article IV makes provision for the protection of existing rights or titles of American nationals to real property in China, but such property is to be subject to Chinese laws and taxation.
- Article V accords Americans in China rights to travel, reside, and carry on trade throughout China, and provides for nondiscriminatory treatment by each country of the nationals of the other.
- Article VI accords for consular privileges and functions normal under international law, as opposed to the special privileges and functions hitherto enjoyed by American consuls in China.
- Article VII states that the two countries will enter into negotiations for the conclusion of a comprehensive treaty of “friendship, commerce, navigation and consular rights” within six months after the war ends. The new treaty should be based upon the principles of international law

and practice.

- Article VIII provides for the ratification of the treaty and the exchange of ratifications, and for the treaty's entry into force on the day of the exchange.

In an accompanying exchange of notes, the United States relinquished special rights in relation to inland navigation and cabotage and special rights enjoyed by American naval vessels in Chinese territorial waters. In all, the new treaty gave up all provisions of treaties or agreements which authorized the United States to exercise jurisdiction over its nationals in China. In addition, it terminated the United States' rights in the international settlements of Shanghai and Amoy, and U.S. special rights of navigation and naval police in the coastal and inland waters of China.⁷²

5. Conclusion

The abolition of unequal treaties by the Powers in China in 1943 ushered in a new era in China's relations with foreign countries. It not only terminated abnormal relations that had existed between China and the Powers for a century, but also marked the moment that China took its first step toward legal equality and independence in international relations. Most significantly, it indicated the emergence of an independent and sovereign China in world politics. In this sense, the abolition was an epoch-making event in Chinese history.

Nevertheless, this first step was made in another unequal situation. It is obvious if we review the motives and intentions of the United States and Japan during the process of abolition. Superficially, the Powers did lose some privileges by the abolition. However, it should be noted that those privileges actually were not effective or could not be put into practice because of Japan's conquest of China. Japan, unquestionably,

gained more than it lost by its military occupation of China.

Therefore, abolition itself did not mean that the Powers had no intention of maintaining their special rights or interests in China. On the contrary, it was for more political interests that the Powers renounced their unequal treaties with China. U.S. Secretary of State Cordell Hull wrote in his *Memoirs* later that the abrogation of the unequal treaties would be advantageous in weakening Britain's dominant position in China so that America's influence in East Asia could be maintained in the post-war era.⁷³

To Japan, the renouncement of the unequal treaties was indeed a symbolic gesture. In fact, after Japan's large-scale invasion of China in 1937, most areas in China occupied by foreign Powers were under Japanese domination. The abolition itself reflected Japan's ambition to subjugate China. Thus, Japan's abolition strategy became an indispensable means for the further conquest of China. In sum, abolition became a necessary method for both the United States and Japan to enhance their political capitals in East Asia, especially in regard to seeking hegemonic position in the post-war world.

However, Japan's propaganda value was tremendous. For almost a century, the foreign concessions and settlements had existed as visible evidence for the Chinese of Western dominance and of limitations of China's sovereignty. Japan proclaimed that with their help, Wang Jing-wei had achieved a Chinese objective which Chiang Kai-shek, with all his allies of the Western democracies, had never been able to accomplish.⁷⁴ Japan's action was further fortified by the cooperation of its European allies. On January 14, 1943, the Italian government notified the Wang Jing-wei regime of its intention to renounce Italian extraterritoriality in China. The Vichy government of France declared its relinquishment of extraterritorial rights in China on February 23, 1943.

Soon after, in a series of treaties negotiated between 1943 and 1947, the Nationalist government of China regained jurisdiction over the nationals of Belgium and Luxembourg, Brazil, Canada, Denmark, the Netherlands, Norway, Portugal, Sweden, and Switzerland. Subsequently, China ended a century of legal inequality and semi-colonialism.

As a matter of fact, it was not a simple matter for China to readjust its political and economic relations with the Powers. As soon as the war was over, the United States immediately concluded a new agreement with Chiang Kai-shek's Nationalist government in which some American special privileges in China were guaranteed again. The Chinese people had to endure many further hardships while struggling for non-discriminatory treatment in international politics, such as in American immigration legislation.⁷⁵

Notes

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