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PREFACE

A joint symposium between the Japan Society and the London School of Economics and Political Science was held in the Suntory and Toyota International Centres for Economics and Related Disciplines on 9 July 1999 to mark the centenary of Treaty Revision in Japan. In the Bakumatsu period of the 1850s and 1860s Japan had entered into a number of commercial treaties with foreign countries which (among other things) gave foreign nationals extraterritorial rights in Japanese treaty ports. These treaties were re-negotiated with the individual countries in the 1890s and the new treaties came into effect in July-August 1899. Hence the centenary.

The four speakers covered the full period from the conclusion of the first treaties in the 1850s to the re-negotiation of the treaties in 1911. Sir Hugh Cortazzi dealt with the various initiatives which led to the first commercial treaties with Japan between 1853 and 1868. Dr James Hoare, in dealing with the working of the early treaties and the attitudes of the foreign communities in the treaty ports, pointed out that the treaties had been modified many times. Dr Nigel Brailey spoke on Sir Ernest Satow who as British minister to Japan from 1895 was the responsible official as the 'unequal treaties' were coming to an end. He had earlier been minister in Bangkok and knew how strongly the Thais wanted their 'unequal treaties' revised at that time. While the question of jurisdiction under the treaties had been largely settled, the question of Japan's tariff autonomy remained unresolved. Dr Ayako Hotta-Lister in the final paper gave an account of how the Japanese, in a mood of increased confidence after the Russo-Japanese war, ended the earlier treaties with a view to concluding the Anglo-Japanese Tariff Treaty of 1911. By this re-negotiation Japan secured tariff autonomy and improved the terms of the commercial treaty but allowed concessions to Britain who had been her ally for almost a decade. Japan's struggle for treaty and tariff revision which had lasted almost half-a-century had at last achieved its major goals.

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The First Treaties with Japan (1853-1868)

Sir Hugh Cortazzi

The British did not initially play a leading role in the opening of Japan. It was only after the arrival of British diplomatic representatives in Edo in 1859 and of increasing numbers of British merchants in Yokohama that Britain began to take the lead in the development of foreign relations with Japan. The initiative was taken primarily by the Americans and to a lesser extent the Russians and the Dutch. The French were not far behind the British but their influence really only became important in the 1860s.

In the middle of the nineteenth century Japan did not feature significantly in the formulation of British overseas policy. In the Far East the dominant issue for Britain was China. The Treaty of Nanking in 1842 to which the Chinese agreed reluctantly led to the opening of five Chinese ports, to the development of extraterritorial rights for foreigners in the Treaty Ports and to the cession to Britain of Hong Kong island. But the Chinese regretted the concessions they had been forced to make while foreign merchants thought these inadequate. Hostilities between Britain and China were renewed in 1856 and these led to the Treaty of Tientsin in 1858. British resources in the Far East were also strained by the Indian Mutiny of 1857. In Europe Britain and France were involved in hostilities with Russia in the Crimean War of 1854-1856. Britain also faced a crisis in 1856 in its relations with the USA as a result of accusations that Crampton, the British Minister in Washington, had abused diplomatic privilege in his recruiting activities in the context of the Crimean War

In the 1850s British merchants in the Far East were concentrating on trying to overcome their trading problems in China and they did not see much immediate prospect of valuable trade in Japan. There was, therefore, little commercial pressure on the British Government to give priority to the opening of the Japanese market.

Despite popular perceptions of British imperialism at this period, official British policy was in fact against the use of force in opening up Japan and British Ministers were mindful of humanitarian considerations which might lead to criticism in Parliament. They instructed British representatives to avoid provocative acts and the threat or use of force. It was perhaps inevitable that in the climate of opinion among the British

in the Far East who sought a quick way to riches and, in the absence of speedy communications with London and of press reporting of their actions, British representatives tended to exceed their instructions or at least interpret them in a flexible manner.

When the British learnt of US plans for an expedition to Japan in 1852 they viewed these plans with complacency. The Americans, since the opening of communications to the west coast, had an obvious need for coaling stations and points of refuge in Japan for their whalers and their ships involved in the China trade which had been opened up for them by British action. The expedition of Commodore Perry and his 'black ships' has been covered in great depth and there is no need for me here to describe the course of events up to the conclusion of the US-Japan Treaty on 31 March 1854 at Kanagawa and the exchange of ratifications at Shimoda on 21 February 1855. This agreement opened the ports of Shimoda and Hakodate as refuges and sources of provisions, but interestingly not Nagasaki, despite the existence of the Dutch settlement at Dejima in Nagasaki bay and the fact that most foreign attempts to establish contacts with Japan had been made through Nagasaki. Provision was made for the appointment of a US Consul at Shimoda. Article IX provided for most favoured nation treatment, i.e. if the Japanese concluded with other countries agreements providing for additional privileges these would also be extended to the United States and its citizens. There was no provision for trade or extraterritoriality although Article IV with its reference to 'just laws' was at least ambiguous.

In February 1854 instructions were sent from London to Sir John Bowring who became Governor of Hong Kong in 1854 about the opening of relations with Japan. Bowring was authorised to commence negotiations if he saw 'a reasonable opportunity' of success, but he was to give priority to trade with China and not to leave China unless he was sure that British interests in China would not suffer as a result of his absence. In negotiating an agreement with Japan he was to be guided by the results of the American expedition. However, to quote Professor W G Beasley in his valuable book, *Great Britain and the Opening of Japan* (London, 1951), 'the exact terms he should try to obtain were left to his own judgement and local knowledge'. He was, nevertheless, enjoined to 'provide for British Jurisdiction over

British Subjects', 'to stipulate for religious privileges' and for 'most favoured nation' provisions.

Bowring did not feel that he could leave for Japan in 1854, but the Crimean War gave Rear Admiral Sir James Stirling the reason for a visit to Japan. He concluded the first British agreement with Japan in Nagasaki on 14 October 1854. Professor Beasley has commented 'that Stirling's objectives differed radically from those Bowring had been instructed to secure; that his results were disappointing to almost everybody except himself; and that he negotiated without the authority, or even the knowledge of the Foreign Office'.

An account of Admiral Stirling in Nagasaki is contained in J M Tronson, *A Voyage to Japan, Kamtschatka, Siberia, Tartary* (London 1859). On 4 October 1854, the day appointed for the Admiral to meet 'the Governor' (the *bugyo*) in Nagasaki 'great preparations were made on shore and afloat: on shore that he should not see too much, and afloat that his boats should not stray too far'. The negotiations in Nagasaki were complicated by problems of interpretation. The British used a shipwrecked Japanese seaman called Otokichi as their interpreter whose English was totally inadequate to convey the Admiral's meaning. One of Stirling's main aims was to prevent Russian ships taking advantage of Japanese ports. The resulting treaty was to say the least full of ambiguities. Nagasaki and Hakodate were to be opened to British ships 'in distress from weather or unmanageable' (Article III), but no mention was made of Shimoda. British ships were to conform to Japanese laws. If they did not do so, this would 'lead to the ports being closed' (Article IV). Article V was intended by Stirling to cover 'most favoured nation' treatment, but it was obscurely worded. Article VII in the English version stipulated that 'when this Convention shall be ratified, no high officer coming to Japan shall alter it'. The Japanese version used the term 'ship's commander' for 'high officer' which at least limited the article rather more clearly than the English version.

Despite the general lack of enthusiasm for Stirling's agreement in London and in Hong Kong, the Foreign Office decided to ratify it, no doubt concluding that it was better than nothing and was at least a toe in the door. Ratifications were exchanged in October 1855 in Nagasaki after attempts had been made to clarify the agreement.

An 'exposition' of the agreement was handed over by Stirling to the Nagasaki 'Bugyo' and after extensive and fruitless argument English and Japanese versions of the Exposition were exchanged on 19 October 1855. As Professor Beasley points out, 'although he [Stirling] did not know it, the Japanese version differed from his own in one important point'. This dealt with the exclusion from MFN provisions of the Dutch and Chinese privileges in Nagasaki prior to October 1854; this had become a serious point of contention in the negotiations and no agreement had been reached between the Japanese and the British.

The Russians meanwhile had made some progress in their negotiations with the Japanese. Their activities were curtailed by the need to avoid coming in contact with British ships which, because of the Crimean War, were seeking to capture or destroy them. The Russian ship 'Diana' had managed to reach Shimoda but was damaged by an earthquake there on 23 December 1854. This had put Admiral Putiatin, the Russian leader, and his mission at the mercy of the Japanese, but perhaps because the Russians were powerless to enforce their wishes and were accordingly humble in their approaches the Japanese responded positively and on 7 February 1855 the first Russian-Japanese Treaty was signed at Shimoda. This was prepared in Japanese, Chinese and Dutch. It provided for the opening of Shimoda, Hakodate and Nagasaki to Russian ships calling for supplies or repairs as well as 'barter and purchase of goods' in Shimoda and Hakodate (though not at Nagasaki), reciprocal aid and non-confinement of shipwrecked people, the appointment of a Russian Consul when this was thought 'indispensable' at Shimoda or Hakodate, MFN and significantly 'reciprocal extraterritoriality'. But for the Japanese and the Russians perhaps the most important clause was Article 2 which provided for the recognition of Etorofu and the Kurile islands to the South as Japanese and Uruppu and the islands to the North as Russian. Sakhalin was to remain 'in common possession'. (G A Lensen, *The Russian Push towards Japan*, (Princeton, 1959).

Reports of the British operations in China soon reached the Japanese and these reports were used by Townsend Harris, the American Consul in Shimoda, to put pressure on the Japanese to make concessions to the US in the commercial negotiations which he was pursuing. His efforts were helped by those of the Dutch Commissioner in Nagasaki, Donker Curtius, who also used the alleged British threat

as a lever with the Japanese to conclude in 1856 a Dutch-Japanese supplementary Treaty of 40 articles. This latter agreement provided inter alia for trade to be conducted at both Nagasaki and Hakodate and for a duty of 35 per cent to be imposed on all goods sold. The Dutch were also authorised to pay in foreign gold and silver coins.

The Japanese authorities under steady foreign pressure had ceded a good deal of ground. There were strong disagreements among the Shogun's advisers and much anti-foreign feeling, but the Japanese were in a weak position. They did not have the power to resist a strong foreign naval force. Moreover, some officials at least realised that Japan could only become strong by adopting westerns arms and methods.

I cannot go into the details of the debate and struggles within the Bakufu. Nor can I describe here the intricacies of the negotiations with Townsend Harris leading up to the signature at Edo on 29 July 1858 of the US-Japan Commercial Treaty of 1858. This was to set the pattern for the other treaties which followed. The most significant provisions in the 14 articles of the Treaty were as follows:

Article I provided for the appointment of a US Diplomatic Agent in Edo and a Japanese equivalent in Washington. They were accorded the right to travel freely in Japan and the USA respectively.

Under Article II the President of the United States undertook to act as a mediator in any differences between Japan and any European power.

Article III covered the opening for trade of other ports in addition to Shimoda and Hakodate. These were Kanagawa and Nagasaki on 4 July 1859, Niigata on 1 January 1860 and Hyogo (Kobe) on 1 January 1863. From 1 January 1862 Americans were to be allowed to reside at Edo and from 1 January 1863 at Osaka.

Article IV provided for the payment of tariffs as specified in the appendix to the Treaty. It also forbade the import of opium into Japan.

Article V dealt with the use of foreign coins and permission was given for the export of silver and gold Japanese coins.

Article VI provided for extraterritoriality. 'Americans committing offences against Japanese shall be tried in American Consular Courts'.

Article VII covered the limits on the movement of Americans outside the Treaty Ports.

Under Article VIII Americans were permitted the 'free exercise of their religion'.

Article IX covered the arrest of deserters and Article X the Japanese right to purchase warships and munitions from the USA.

Article XI provided that the appended articles about the regulation of trade were to be regarded as part of the Treaty while Article XII permitted the US Diplomatic Agent together with person(s) appointed by the Japanese authorities to make the rules and regulations necessary to implement the provisions of the Treaty.

Article XIII dealt with the possibility of revisions to the Treaty being agreed after 4 July 1872, while Article XIV covered ratification.

The Treaty was a considerable triumph for Townsend Harris, but it was certainly an 'unequal treaty', not only because of its extraterritorial provisions, but also because of the limits it imposed on Japan in the conduct of trade. Ambiguities in the text of the Treaty, perhaps inevitable in view of the diplomatic and legal inexperience of the negotiators on both sides, ensured that there would be friction in the application of the Treaty.

Hardly had the Treaty been signed than a British Mission led by the Earl of Elgin came on from China where the Treaty of Tientsin had just been concluded. To quote Beasley, 'Elgin did not know what he could accomplish in the time at his disposal'. Baron Gros, the French envoy, who had hoped to accompany Elgin had been ordered to stay in China. After brief visits to Nagasaki and Shimoda Elgin arrived off Edo where he landed on 17 August 1858. Elgin had been ordered 'to avoid the use of force and hoped to avoid the threat of it'. Beasley comments that 'Elgin had no desire to transfer to Japan the methods he had found necessary in China... He wanted to like the Japanese...He sometimes wondered whether Japan might not be better without treaty relations, whether, indeed, treaties might not bring her only "misery and ruin"'. In the circumstances prevailing in the Far East at the time Elgin's latter view was simply not realistic. It was becoming increasingly impossible for Japan to remain isolated from the rest of the world. If the reopening of Japan had been further delayed it is at least arguable that Japan would have suffered a worse

fate and might even have suffered indignities similar to those imposed on China in the latter half of the nineteenth century.

Elgin's first need was to secure adequate access to the Japanese authorities. Fortunately for him he had brought the steam yacht which Stirling had in 1854 promised to present to the Shogun and this provided a useful diplomatic entree card.

Another serious problem for Elgin was his lack of a suitable interpreter but Harris, who doubtless reckoned that by so doing he would be fully informed of the conduct and results of Elgin's negotiations, agreed to make available his secretary Heusken who spoke some Japanese as well as Dutch.

Elgin had been instructed to base his treaty on that concluded with the Chinese, but this would have greatly complicated and extended his negotiations. He had no alternative in the time available to him to accepting the American Treaty as a basis for the British Treaty although 'it was neither so detailed nor so generous as the Treaty of Tientsin, but it provided an adequate foundation for commercial relations'. As Beasley noted 'it was only with difficulty that Elgin succeeded in making a few alterations'. Article II left out any reference to mediation. Elgin ensured that the onus for checking smuggling was placed on the Japanese and inserted an MFN provision which surprisingly Harris had overlooked.

The regulations for trade in the appendix were almost identical in the two Treaties. Exports were to pay a uniform duty of 5 per cent, imports of gold and silver were to be admitted free of duty and liquor was subject to a duty of 35 per cent. To Harris's list of imports to be admitted with a 5 per cent duty Elgin succeeded in adding cotton and woollen manufactured goods which were of particular importance for British manufacturers and exporters of such products. On all other imports a duty of 20 per cent was to be paid. The Japanese text was somewhat looser and vaguer than the English text and in the MFN clause the reference to preexisting privileges was omitted, but, whereas in Admiral Stirling's agreement this omission was potentially significant, it was now immaterial in view of the Dutch-Japanese Treaty of 1857.

The French concluded their Treaty with Japan in October 1858.

In July 1859 the first British Consul General Rutherford Alcock arrived to take up his post as Consul General. He soon found it desirable to enhance his status as a diplomatic agent and had himself appointed as Minister to Japan. His biggest problems arose from the weakness, vacillations, prevarications and deceptions of the Japanese authorities with whom he had to deal, but he was also not helped by the greed of, and sleaze prevailing among, the first British merchants who came to Japan. Relations started badly as the Japanese, who feared that trouble would soon occur if the foreign community were established at Kanagawa which lay on the main Tokaido, decided to move the proposed settlement to the little fishing village of Yokohama nearby where they could easily control entry and exit to the settlement. Alcock protested to no avail especially as the first British merchants readily accepted the new location and the buildings provided by the Japanese.

While the Treaties provided for diplomatic agents to reside in Edo and for the opening of Treaty Ports, nothing was said about responsibility to protect the diplomatic agents and foreign nationals. Even if this responsibility had been spelt out the fact was that the Bakufu authorities were not in command of the situation. Hostility towards the foreigners whose customs and behaviour made them seem particularly alien was fomented by opposition to the Bakufu itself. The British Legation which Alcock had established at Tozenji in Shinagawa in 1859 was attacked by *ronin* in the summer of 1861 (and again the following year while Alcock was on home leave). The British protests to the Japanese authorities and the decision to withdraw temporarily to Yokohama in 1861 exacerbated the increasingly chilly relations between Alcock and Harris and led to an acrimonious and public quarrel. Heusken, Harris's interpreter, was murdered and there were frequent attacks on foreigners in Yokohama. This led to the establishment of temporary foreign garrisons (English and French) in Yokohama for which there was no provision in the Treaties.

The lack of security for foreigners in Japanese Treaty Ports was a major factor in inducing Alcock to recommend that concessions be made to the Japanese mission to Europe which he accompanied in 1862. On 6 June 1862 the so-called London protocol was signed by the Japanese Envoys and the British Foreign Secretary. The protocol deferred for five years the opening for trade of Niigata and Hyogo (Kobe)

and the opening for residence of Edo and Osaka. In return for this concession the Japanese agreed to abolish 'all restrictions, as regards quantity or price, on the sale by Japanese to foreigners of all kinds of merchandise'. Other articles abolished restrictions on the hire of Japanese labour and other restrictions limiting trade in the Treaty Ports as well as 'restrictions imposed on free intercourse of a social kind between foreigners and the people of Japan'. If the Japanese failed to abide by these terms the British reserved the right to withdraw their concessions on deferring the opening of the ports. The British also won a reduction in the duties on wines and spirits and the addition of glass ware to the list of products subject to a 5 per cent import duty.

The London Protocol did not prevent a deterioration in British relations with Japan as a result of the Namamugi incident of September 1862 when Richardson, a British merchant from Shanghai, was murdered on the Tokaido near Yokohama by samurai belonging to the train of Shimazu Hisamitsu of Satsuma. The British demanded the punishment of the assassins and compensation from Satsuma. The Bakufu who were in no position to force the satsuma clan to comply prevaricated and in the following year a British fleet bombarded Kagoshima destroying half the town. The story of the incident and the subsequent problems with the Choshu fief over freedom of navigation through the straits of Shimonosaeki lie outside the scope of this brief discussion of the Treaties, but they underline the inadequacies of these agreements in attempting to regulate relations between Britain and Japan.

The Treaty article on the use of foreign coins and the export of specie was a major cause of dispute in the early 1860s. At that time outside Japan gold was worth roughly fifteen times the value of silver whereas in Japan it was worth five to ten times as much. Although this disparity was fairly quickly rectified the Japanese failed to achieve a stable exchange between their own coins and the Mexican silver dollar which was the generally recognised currency used in trade in the Far East at that time. The Japanese attempted to regulate the supply to foreigners (officials who had a preferential rate and foreign merchants) of Japanese silver coins (*ichibu*) which could be used to buy up Japanese gold coins for export. British merchants greedily demanded huge amounts of Japanese silver coins and used fictitious names, sometimes of a 'ribald character', in pursuit of their claims. This is not the occasion to

discuss the currency problem in any detail, but the inadequacy of the formulation of Article V of the US-Japan Treaty of 1858 soon became apparent.

Article VI, however, which provided for extraterritorial jurisdiction (extraterritoriality) came to be the most sensitive issue in western relations with Japan in the latter part of the nineteenth century and to underline the 'unequal' nature of the treaties. But there were some cogent arguments for extraterritorial rights for foreigners in Japan at this time. The Japanese commonly used torture in the treatment of suspects and punishments were even less 'civilized' than those carried out in western countries. There was also no properly promulgated criminal or civil code. If foreign merchants had been illtreated by Japanese in ways similar to those used in nineteenth century China the outcry in Britain would have been such that the government could not have avoided taking such countermeasures against Japan as would have caused a greater loss of Japanese sovereignty and animosity than was in fact the case, even bearing in mind the British retaliation against Satsuma.

The story of the early treaties with Japan would not be complete without a brief mention of the abortive Paris Convention of 1864 in which the Japanese envoys then in Paris had undertaken to open the port of Shimonosaeki. This undertaking which the Bakufu could not in any case have enforced was rejected by the authorities in Edo. The problem of free navigation through the straits of Shimonosaeki was concluded by a four-article convention signed in Yokohama on 22 October 1864 between the representatives of the Japanese government and the representatives of Great Britain, France, the United States and the Netherlands. This provided for the payment of an indemnity of three million dollars or, if the Shogun preferred, 'the opening of Shimonosaeki or some other eligible port in the Inland Sea'.

The British attack on Kagoshima in 1863 aroused significant criticism and opposition in the British Parliament. Her Majesty's consular officers in carrying out their judicial activities were not immune from criticism or from the oversight of the proper judicial authorities. For instance the case of Michael Moss in 1860 caused considerable embarrassment to Rutherford Alcock. Moss had been apprehended shooting a wild goose outside the area of Yokohama settlement. He had a rough time at the hands of the Japanese authorities. This aroused the sympathy of British residents. When he

came before the consular court he was fined 1000 dollars and ordered to be deported. Alcock who was outraged at the leniency of the sentence added three months in jail to Moss's sentence. After only five days in jail Moss got away to Hong Kong where he sued Alcock for wrongful imprisonment and was awarded 2000 dollars in damages.

The trade and tariff clauses of the Treaties were another serious cause of friction between the Japanese and the western powers. Unequal they would remain but Sir Harry Parkes, who took over from Alcock as British Minister in Japan in 1865, was determined from the time of his arrival to simplify and improve the tariff and trade arrangements. This he eventually achieved and agreements (*kaizei yakusho*) were signed in Edo between the Japanese and western envoys, led by Parkes, on 25 June 1866. Under the terms of the agreement the import tariffs which had been set in the 1858 Treaties at 5 to 35 per cent of the average selling price were reduced to a uniform 5 per cent of the declared value to be paid in silver. The Kodansha Encyclopedia of Japan adds: 'The agreement further abolished charges on foreign ships entering and leaving Japanese ports, allowed construction of foreign warehouses in Japanese cities, and exempted foreign goods from domestic transport duties. It greatly weakened the shogunate's control of foreign trade and at the same time deprived it of revenues, especially with the fall in the price of silver'.

All the agreements which I have attempted to summarise were, of course, concluded with the Bakufu (shogunate). The key issue for Sir Harry Parkes and the foreign envoys was that of ratification by the Mikado. This was the issue which dominated the final years of the Bakufu and which was to be one of the main elements in bringing about the Meiji Restoration of 1868. A review of the process of achieving imperial ratification goes far beyond the scope this short talk. Suffice it to say that 'imperial consent' to the treaties was conveyed in a letter from Okubo Toshimichi to Saigo Takamori and Minoda Denbei from Kyoto dated 24 November 1865 (*Select Documents on Japanese Foreign Policy, 1853-1887*) by W G Beasley (OUP, 1955) and officially conveyed to the British Minister on the same day.

Japan's Treaty Ports And Treaty Revision - Delusions Of Grandeur?

J E Hoare

This paper examines the way the foreign community in Japan's treaty ports viewed the issue of treaty revision. From the start, however, there are difficulties. One is the very notion of treaty revision, for the ink was scarcely dry on any particular treaty before there were calls for its revision. This was so from the beginning. The wider trading community of East Asia found fault with both the Perry and the Stirling conventions, and this led to their replacement in the series of treaties began in 1858 and culminating in the Austro-Hungarian Treaty of 1869. All these linked in with each other, through the imaginative use of the 'most favoured nation clause', so that the benefits of one treaty automatically went to the other treaty powers. The last treaty mentioned, the Austro-Hungarian, was a good example of this in operation, for it was in effect, a second British treaty. Austro-Hungarian interests in Japan in 1869 were of the most limited kind, and remained so for the whole period of the 'unequal treaties', but Sir Harry Parkes, who happily supplied a draft, used the opportunity to extend further foreign claims to exemption from Japanese jurisdiction¹.

But even these treaties were in the process of revision from the start. In the British case, the London Protocol of 1862 provided for a major revision of the 1858 treaty, with the postponement of the opening of Niigata, Hyogo, Edo and Osaka. A further revision took place in 1866, with the reduction of the tariff and the removal of controls on coastal shipping. From 1872 onwards, the Japanese gave notice that they wanted the treaties, now increasingly seen in Japanese eyes as the 'unequal treaties', revised in their favour. Most western governments and their subjects in the treaty ports and cities did not treat this demand seriously at first. Before long the Japanese voices could not be ignored, even though the Japanese showed themselves quite willing to try to impose similar 'unequal treaties' unsuccessfully on China in 1872 but successfully on Korea in 1876. By then, it was clear what the foreign communities of the treaty ports were concerned with when they talked about treaty revision. Earlier changes in the treaties were seen by foreigners as largely in their favour - although there was some questioning of the failure to open the ports in 1862 - and they were happy with this. No doubt at the back of many a treaty port

resident's mind was the precedent of China, and the way that China's problems had proved to be foreigners' opportunities. 'Treaty revision' like the expansion of the Shanghai Municipal Council might be welcome. There were indeed those who followed that line; Thomas Blakiston's insistence on his 'right' to issue paper money at Hakodate in 1875, in clear defiance of the new, Western-style banking Japanese laws,² was perhaps an extreme example, but the attitude was common. It was becoming clear by the mid- to late-1870s, however, that the Japanese might not have in mind the preservation and expansion of foreign interests when they sought to revise the treaties.

With the emergence of this Japanese voice, a somewhat querulous tone began to enter foreign discourse on the subject. Earlier events had left the foreign communities with a very strong sense that they were 'the West' when it came to dealing with Japan; perhaps what one might call the 'last outpost of civilisation' syndrome. There was no question here of recognising in either China or Japan states that were civilised, even if different. These were barbarians; indeed, the foreign press not infrequently talked in terms of dealing 'with barbarian empires'.³ This view was perhaps strongest among the British; whatever views British diplomats and consuls held of their fellow countrymen, they tended to keep to themselves - Sir Rutherford Alcock was a notable exception - and the result was that the British community was not disabused of the idea that their interests were paramount and should come before all else.⁴ In this atmosphere, the British merchants became convinced that their rights and privileges were all that mattered. They wanted extraterritoriality and the comfort of their own legal system; they should have it. Trade and trade interests, in these circumstances, became very narrowly defined, limited in the treaty port eyes to that carried on in the small world of Yokohama or Kobe. It would be hard to find any wider vision, even as Japan began its rapid industrialisation and development. For most of their forty-year existence, the foreign communities of the Japanese treaty ports seemed to remain trapped in a time warp, as they failed to see that what the Japanese had been forced to accept in 1858 was being seen as an infringement of sovereignty by 1872, and as an outrage by 1890.

This leads to another problem. What exactly was the treaty port voice? Thirty years ago, I thought I knew. It was to be found in the foreign language press of the treaty ports, in the newspapers produced in London and elsewhere to serve the needs of the foreign communities in East Asia, occasionally in the few company archives that were available, and in the correspondence sent to consuls, ministers and to foreign ministries. So I wrote as though the material so read was the authentic voice of the foreign community. I still think that it is a partial voice, but I am less convinced that we have anything like a whole picture of views.⁵

The problem is partly that we have no other voices. For much of the period from, say, 1870 to the mid 1880s, there is little comment from outside the treaty port community. On the Japanese side, Baba Tatsui is a lone exception, but he was downgraded as a commentator because he was Japanese and, for a time, very much an isolated example of a critical voice.⁶ Later the Japanese press, which had quickly outstripped any foreign leading strings and had become a powerful instrument in its own right, would take up the cause of opposition to the treaties, but there is little sign that this affected foreign views. Beyond that, and on the foreign side, it is not easy to find dissenting views about the value of the treaties and the need to preserve them intact as far as possible.

Some missionaries raised the issue, but they were few and far between, and usually did so in journals that would not have been seen in the ports and but rarely came to the attention of foreign ministers, never mind foreign ministries far away. If such views were given a wider airing, as happened to the American missionary D. C. Greene's comments about the iniquities of extraterritoriality, they were dismissed as being of no consequence. How could such views, coming from a missionary, and an American at that, override those of merchants, the really important part of the foreign community, especially since Greene's views had originally appeared in the pages of the *Japan Mail*, whose editor was believed to be in Japanese pay?⁷

As the years passed, a number of foreign diplomatic and consular staff, in at least the British and American services, came to believe that the 1858 treaty system was old-fashioned and cumbersome. It certainly did not appear to be of much help to

wider national interests, even if it was valued by those in the treaty ports. By and large, however, such views appear to have remained hidden in the official records, and not made known to their fellow citizens.⁸

One significant absence from the debate is the views of the major trading companies. In the early days of the Japanese ports, members of the major companies such as Jardines had been active in the 'town meetings' that regularly took place over issues such as security, the iniquities of the Japanese customs, and related matters. In addition, at least William Keswick, first head of Jardines in Japan, was a strong private critic of the actions and views of the first British minister, Sir Rutherford Alcock.⁹ By the 1880s, public participation by members of the bigger companies in public meetings, such as there were, appears to be rare. While happy to discuss the price of rice, or the difficulty of preparing tea for export, Jardines' representatives seem to have been unwilling to discuss issues such as extraterritoriality or treaty revision in public; certainly few indications of Jardines' views on this issue appear to have survived. And yet, it is hard to conceive that a company with such wide interests as Jardines did not have views. Perhaps its directors felt that it would be best if Jardines' views were wrapped up in other people's packages; they were careful to avoid being associated with such shrill comments as came from the *Japan Herald* or the *Japan Gazette*, and seem to have taken no part in the protest meetings that marked the 1889-90 period. Perhaps also Jardines had no need to make its views known in public at least while Sir Harry Parkes was British minister in Japan, given that there was clearly a closeness between the Parkes and the Keswick families, and that the Keswicks were prominent in Jardines.¹⁰

Another absence is the non-British voice. In the first half of the period, from 1859 to the late 1870s, such evidence as there is points to a fairly united view of the question amongst all the Westerners. All shared the view that Japan was barbaric and that foreigners needed protection. All seem equally of the view that if there was a need for change in the treaties, it was in the direction of removing Japanese control over tariffs and ending what were seen as a Japanese government policy of restrictions on trade. The official representatives of France in Japan were as

determined as Sir Harry Parkes in their views of the need for extraterritoriality, a stand that encouraged French residents to adopt a similar view. The French-language newspapers published at Yokohama in the late 1870s though never so influential as the British, had a similar hostility to Japanese aspirations. The French-language newspapers published at Yokohama in the late 1870s though never so influential as the British, had a similar hostility to Japanese aspirations, even if it was not usually expressed in such strident tones.¹¹

This united front did not last. As early as 1873, the small Italian community seemed prepared to give up some of the protection offered by extraterritoriality to gain access to the silk markets inland from the ports. Under pressure from the other powers, the Italians backed away, but it was a sign that the unity of the early days might be on the point of break-up. In 1878, similar terms were offered to American citizens, but although the American government was increasingly sympathetic to Japan, there was no breakthrough. The other powers indicated that if the US treaty went ahead, they would claim the same rights by means of the most favoured nation clause, but would not concede the Japanese claim to exercise jurisdiction over foreigners.¹²

The dominant voice of the treaty ports in Japan, as in China, was British. Apart from the almost silent Chinese, the British were the largest foreign group in Japan until the First World War. They were the biggest traders and the main bankers. British shipping commanded the coastal trade. The foreign-language newspapers were for the most part British-owned and edited. Of all the powers Britain had the most elaborate and most efficient diplomatic and consular establishment, and only Britain made full provision for the operation of the extraterritoriality system. Not surprisingly, perhaps, the British community came to believe that their interests were more important than those of other foreigners, and if the treaty port system was working for them, what did it matter that it did not work so well for others?

There were other considerations as well. To the British, there was a seamless connection between what happened in Japan and what happened in China and, less well worked out, possible consequences in India and the growing British empire in

eastern Asia. Many of the Britons who lived and worked in Japan came there from China or from other parts of the British empire; Australians and Canadians still counted themselves as British, and others saw them as such. The view was frequently expressed in the press that, whatever the merits of the Japanese case for a change in the treaty arrangements - not that there was much willingness to concede that there was such a case - it would be too dangerous to begin unravelling the system for fear of what it would do to the much greater British interests in China. Similar arguments can be found in the British official correspondence. (Other foreigners seem to have felt the same, although Dr Richard Sims has pointed out that he has found no evidence that French officials shared the same view.¹³)

In effect, therefore, the British treaty port community came to believe that only revisions of the treaties that might benefit foreigners should take place. Low tariffs - and if possible even lower tariffs - would be welcome; the right to travel in the interior would be welcome, and indeed a test of Japanese sincerity in modernisation, but of course foreigners should remain under their own jurisdiction, since Japanese jurisdiction was not to be trusted, and so on. In support of this position, the British could turn to Sir Harry Parkes, whose views of the Japanese wishes appeared to coincide firmly with their own, and whose robust dealing with the Japanese authorities, a robustness that lost nothing in the telling, was widely praised, and whose departure for China in 1883 was sadly mourned.¹⁴

When it became clear that the Japanese would not concede to foreigners on tariffs and other matters without some diminution of foreign privileges, the reaction of the British merchant community was to retreat into their shell and, effectively, to claim that if they could not have change on their terms, then there should be no change. Japan's modernisation was never enough. The new legal codes did not represent a real change of heart on the part of the Japanese, whom it was claimed, secretly clung to their old clandestine ways. That the Japanese had introduced a new legal system based on that prevailing in much of Western Europe rather than one based on the Anglo-Saxon system was another cause of grievance. How could true-born Englishmen (Scots and others were presumably subsumed in this term) submit to codes that did not include the jury system, thundered (Yokohama newspapers

always seemed to thunder) the *Japan Gazette* in 1881, a system introduced by Alfred the Great, which had needed no change for a thousand years? ¹⁵ Many agreed with the sentiments expressed by the former Yokohama lawyer, F. V. Dickins, in 1892 at the London Congress of Orientalists, that Japan could not really be regarded as a fully modern state until it abandoned the Japanese language. Dickins did not argue that until that happened, there should be no change in the treaty structure, but such views were not unknown. ¹⁶

By the early 1880s, however, extraterritoriality in Japan was already beginning to creak at the seams, with the Japanese mounting a series of successful attacks on it. Even Sir Harry Parkes was forced into retreat, as his own Foreign Office accepted crucial Japanese interpretations of the treaties. ¹⁷ Other considerations than the wishes of the small foreign communities now began to take precedence. The Japan market's potential, it was felt outside the treaty ports, was not being exploited because of the failure to gain access to the interior. Missionaries and others were eager to end the restrictions on access too; many missionaries working as teachers were for all practical purposes living under Japanese jurisdiction already and could see little wrong with it on a day to day basis. Japan's modernisation programme, which showed the country in so much more a favourable light than China, led increasingly to an acceptance outside the treaty ports that it should be properly acknowledged. The strength of domestic pressure within Japan, with the development of modern political parties, was another factor.

The arrival of Inoue Kaoru at the Japanese foreign ministry in 1880 began a Japanese attack on the unequal treaties that was ultimately successful, although not by the means Inoue first used. The foreign community was at first unworried by this development. Not only was Parkes still in Tokyo, but there were clearly other allies in the diplomatic community. Inoue's proposals became known, for instance, when they were leaked by the Netherlands minister to a newspaper. ¹⁸

It was something of a hollow victory, for when the Japanese returned to the negotiating table, their terms were tougher, and they grew steadily tougher as time passed, and the foreign powers became less and less united in their approach, each

seeing potential opportunities for increased trade or influence. As they did so, the protection on offer to foreigners steadily drained away. Where once, Japanese jurisdiction was to be strictly limited, and where later, foreign judges would sit on the Japanese bench in cases involving foreigners, by 1890, they were all gone. The Japanese argued that there could be no question of foreign judges and special privileges for foreigners in a country that now had not only new legal codes on Western lines, but a Western-style parliament as well.¹⁹

The treaty port reaction was one of fury. There were protests to the press and to the diplomatic corps. Japanese plans to abandon all safeguards had become known to J. F. Lowder, a legal adviser to the government (and hoping to become a judge under the 1887 proposals), and he wrote to the *London Times* in December 1889. There followed much frenetic activity, culminating in a large meeting in Yokohama in September 1890, organised by Lowder, J. H. Brooke, owner of the *Japan Herald*, and J. A. Fraser, a British businessman. They claimed that it was the biggest such meeting since the days of attacks on foreigners in the 1860s. It concluded that it was still too soon to end extraterritoriality and that by not allowing foreigners to hold land, the Japanese were being unfair. Resolutions were passed and despatched to foreign ministries and chambers of commerce.

But the foreign community was not united. As was noted, the big firms avoided becoming involved. The other newspapers, though mostly hostile to the Japanese, were unwilling to follow Brooke's lead. Attempts to organise a French newspaper to support the anti-treaty revision cause came to nothing. There was also much Japanese hostility, and Fraser claimed to be in fear for his life. Despite all the bravado, the movement petered out; there was not even another grand meeting.

Worst of all, perhaps, was that in the negotiations that Japan conducted with Britain and Germany in leading to new treaties in 1894, the treaty port communities were neither consulted nor informed. Their views were known - the British minister, Hugh Fraser, noted that there was much talk of the 'good old days and Sir Harry Parkes' - and discounted. Naturally enough, they protested, but nothing happened. The treaty port voice was ignored.²⁰

Eventually, the treaty ports accepted the inevitable and began to prepare for the end of the extraterritorial system and new commercial arrangements. When the new treaties came into force in the summer of 1899, there was no sudden rush of arrests, and no great change. The foreign newspapers carried on as before, as did the general round of foreign life. But there was a bitterness that continued to sour relations long after the end of the treaties. Foreigners continued to expect a privileged position. Treaty revision had come too late, and after too much of a struggle, for much goodwill on either side.²¹

ENDNOTES

¹ Sir Harry Parkes to Sir E. Hammond 8 October 1869, in FO 391/15.

² Hugh Cortazzi, 'Thomas Wright Blakiston, (1832-91)', in *Britain and Japan Biographical Portraits*, III, ed. J. E Hoare (Richmond, Surrey: Japan Library, 1999), pp. 55-56.

³ H. F. Abell, 'Some memories of old Japan', *Chambers Journal*, 7th series, I (1910-11), p. 680.

⁴ See E.V.G Kiernan, *British diplomacy in China, 1880-1883* (Taipei: Rainbow-Bridge Book Co, 1974), Chapter 1 'The diplomats and their problems', which conveys something of how the China merchants felt. There is also information in D. C. M. Platt, *Finance, trade and politics in British foreign policy, 1815-1914* (Oxford: Clarendon Press, 1968), Chapter 2, 'British commercial diplomacy'.

⁵ See J. E Hoare, *Japan's treaty ports and foreign settlements: the uninvited guests, 1858-1899* (Folkestone, Kent: Japan Library 1994), a revised version of my 1971 University of London PhD thesis.

⁶ For Baba Tatsui, see Helen Ballhatchet, 'Baba Tatsui (1850-1888) and Victorian Britain', in Hugh Cortazzi and Gordon Daniels, editors, *Britain and Japan, 1859-1991: Themes and Personalities*, (London and New York: Routledge, 1991), pp. 107-17.

⁷ D. C. Greene, *Extraterritoriality in Japan* (Yokohama: Japan Mail, 1884). For the *Japan Mail* and its editor, see J. E Hoare, 'Captain Francis Brinkley (1841-1912): Yatoi, Scholar and Apologist', in Hoare, *Britain and Japan Biographical Portraits*, III, pp. 99-107.

⁸ Sir F. Plunkett (Tokyo) to Lord Salisbury, draft no. 38 confid., 1 February 1887 in FO 262/573. Plunkett had in fact told the Yokohama Chamber of Commerce the previous October that 'blind adherence to the old ways' was undermining

commercial opportunities in Japan: Plunkett to T. Thomas, chair of the Yokohama Chamber of Commerce, 25 October 1886 in FO 262/569/R. 167.

⁹ See various examples in J. R. Black, *Young Japan: Yokohama and Yedo 1858-79* (Yokohama and London, 1883, reprinted with an introduction by Grace Fox, Tokyo, London and New York: Oxford University Press, 1868), vol. I; for an example of Keswick's private views on Alcock, see Grace Fox, *Britain and Japan 1858-83* (Oxford: Oxford University Press, 1969), p. 84.

¹⁰ Parkes' elder daughter married J. J. Keswick in Shanghai in October 1884, after Parkes had left Japan. James Keswick spent most of his career in Hong Kong or China, but he had contacts with Japan dating back to the 1860s, where his elder brother was the head of Jardines from 1859-63. Stanley Lane-Poole, *Sir Harry Parkes in China*, (London: Methuen, 1901), p. 368; for the Jardine, Matheson family connections, see *The Thistle and the Jade: A Celebration of 150 years of Jardine, Matheson & Co.*, ed. Maggie Keswick, (London: Octopus Books, 1982), pp. 262-63.

¹¹ Richard Sims, *French policy towards the Bakufu and Meiji Japan 1854-95* (Richmond, Surrey: Japan Library, 1998), chapter 6. For the French-language press, see Hoare, *Japan's treaty ports*, p. 145.

¹² M. Kajima, *Nichi-Bei gaikoshi* ('History of Japanese-American diplomacy') (Tokyo: Kajima Institute, 1958), p. 27-32.

¹³ Comment at the seminar on treaty revision LSE 9 July 1999.

¹⁴ For Parkes, see Gordon Daniels, *Sir Harry Parkes, British representative in Japan 1865-83* (Richmond Surrey: Japan Library, 1996).

¹⁵ 'Trial by Jury', *Japan Gazette* 30 July 1881.

¹⁶ Peter Francis Kornicki, 'Frederick Victor Dickins (1838-1915)', in Hoare, *Britain and Japan Biographical Portraits*, III, p. 76.

¹⁷ J. E. Hoare, 'The "Bankoku Shimbun" affair: foreigners, the Japanese press and extraterritoriality in early Meiji Japan', *Modern Asian Studies* ix: 3 (1975), pp. 289-302.

¹⁸ *Japan Daily Herald* 16 & 17 July 1880.

¹⁹ Japanese Foreign Ministry, 'Memorandum giving a synopsis of Treaty Revision in Japan' in US Department of State Records M662/163/5, 1894.

²⁰ Hoare, *Japan's treaty ports*, pp. 101-5, 148.

²¹ Diary of Sir Ernest Satow, 21 October 1895, PRO/30/33/15/17

Ernest Satow and the Implementation of the Revised Treaties in Japan

Nigel Brailey

A revision of the treaties with foreign Powers which should render Japan independent in reality as well as in name has been the ambition of every statesman who, for the last fifteen or twenty years, has occupied the post of Foreign Minister in that country; and it is but natural to sympathise with the aspiration thus kept in view, for until the revision of the Treaties originally forced upon her could be accomplished, Japan could scarcely be said to have entered the comity of nations. The treaties in effect regarded Japan as an uncivilised State, to the operation of whose laws it was impossible to entrust the lives and liberties of Europeans and Americans resorting to her shores.

So wrote Robert Young, owner-editor of the *Kobe Chronicle*, around the middle of 1897.¹ But perhaps the best starting-point for a retrospective discussion of this topic is my Bristol predecessor Francis Jones's *Extraterritoriality in Japan*.² Despite its age it is surely the classic if not also still the standard work on the revision of the old Western 'unequal' treaties with Japan. However, it presents an apparently very neat, London Foreign Office-centric interpretation, as if, following years of hard bargaining, everything was complete even before the arrival of Ernest Satow as British Minister in Tokyo at the end of July 1895. The seminal so-called 'Aoki-Kimberley' Anglo-Japanese Treaty had been signed a year earlier. And despite the intervening First Sino-Japanese War, and its effect on Japan's reputation in the world, or indeed Robert Young's comments of 1897, all that remained was to bring the treaty into effect, along with parallel new treaties with the rest of the Western Powers.

Yet Jones does also seem to hint at growing pressure within Japan prior to 1894, for outright repudiation of the old treaties, a pressure that might have been expected to resume were there any threat of delay in the introduction of the new treaties, beyond the five years that had been generally agreed as the minimum interval. What this perhaps implies is that the process of renegotiation had been less about the Western Powers making concessions to Japan, than their striving to keep Japan

within the 'comity of nations', and preventing her trying to return to *sakoku* isolation, whether or not this was a wise option for her. Also, though familiar with translated sections of the memoirs of Count Mutsu Munemitsu, the Japanese Foreign Minister of the early 1890s normally credited with prime responsibility on the Japanese side for the new treaties, Jones gave most credit to Viscount Aoki Shuzo. Aoki was a predecessor of Mutsu as Foreign Minister, 1889-91, at an important stage in the renegotiation of the old treaties, as well as Japan's Minister in Berlin by 1894, and general plenipotentiary treaty negotiator across Europe, who was to return as Foreign Minister in Satow's last years in Tokyo, 1898-1900.

On 1 August 1895, as he noted in his diary, Satow had his first interview after his return with the Japanese Minister-President or premier, Marquis Ito.³ He was back in Japan for the first time in nine years, and it was more than twelve since he had left the country after more than two decades of consular service there, but Ito was one of the many acquaintances of his youth, if not friends.

Said that I had also to congratulate him on the conclusion of Treaty Revision. I was glad to find on my return here that this question w[hi]ch had occupied the two gov[ernmen]ts for so many years was out of the way. Inquired whether the R[ussian] Treaty w[ou]ld be signed. Ito said the Emperor had already signed the ratification, that it is on its way out, and will be exchanged irrespective of other negotiations. Fr[ance] & Germany were holding out[,]the former for some concessions in favour of Fr[ench] products and both of them for the right to hold real property [estate].

And some weeks later, to a Catholic missionary friend, 'I expressed my satisfaction at it being a "fait accompli", w[hi]ch w[ou]ld prob[ably] give a better tone to foreign relations. He said that it w[ou]ld have been much better in 1882 to accept the Japanese proposals, as much that has since happened w[ou]ld have been obviated, and I agreed with him.'⁴

But if the latter points made by Ito themselves hint at prospective difficulties, Satow was soon to become aware of some more fundamental issues that might be considered to underlie Japanese-Western relations over the subsequent half-century if not more. These are issues that relate to Japan's national security, and the

country's acceptance in the (effectively Western) world, let alone whether it could be accorded 'Great Power' status, in the context of its ongoing inclination as perceived by Satow to withdraw into itself. But for the most part they were dealt with by Satow as, in most respects, a friend of Japan, during the first three years of his term in Tokyo, sufficiently to ensure that the treaties did come into effect.

Orders for Ships

In late October 1895, a Captain Balthazar Münter came to call on Satow on behalf of Armstrongs of Elswick near Newcastle:

Gave me the following information ab[ou]t Jap[ane]se [naval-building] plans[:]
4 1st class battle-ships of 15,000 tons; 3 1st class cruisers of 7000, 4 2nd class of 4500 like the Yoshino besides smaller craft. The cost to be [Y?] 180,000,000 each w[hi]ch the Diet w[ou]ld be asked to vote, 50,000,000 being for armaments. He wants my good word.

Replied to him that I could not tout as that w[ou]ld not be worthy of a Great Power like England, but w[ou]ld drop a hint that the performance of the Yoshino at the Yalu fight had pleased Engl[ish] people very much, & that if the Jap[anese] being of the same opinion as to the superior qualities of English-built ships, go to England for their new vessels, Engl[ish] nation will be gratified at this mark of appreciation of what they can do. So as to let Ito understand that I am not merely indifferent

I added to Munter that I c[ou]ld not promise to speak at any precise time, but must watch my opportunity.⁵

Satow reported to the Foreign Office that he felt Münter might have overestimated Japanese plans,⁶ and anyhow the opportunity did not present itself until 8 February 1896:

Mentioned Ships [to Ito]. That the reason for my not mentioning the subject [before] was that we did not like the policy of selling concessions to Japan for advantage to ship-builders &c, but he w[ou]ld understand that of course G.B. was pleased at the recog- nition of our superiority in that line. He replied that we were not like other people in the former respect. He had proposals fr[om] Germany, France, Italy & the U.S. but it was very inconvenient to be pressed in such a matter, on w[hi]ch he was bound to take the advice of the responsible officials.

A final comment of 6 March, deriving from an old *ex-Times* journalist friend turned concessionaire was that:

Germans are holding out for an order for an ironclad & a cruiser before they will consent to sign the [ir] Treaty.

Münter had already advised Satow that he was convinced that the officials of the Navy Ministry did favour British ships, and a commission which left for Europe shortly after apparently returned to recommend purchases from Britain. In May, Sir Andrew Noble of Armstrongs arrived to finalize the arrangements. However, in an era when Germany in particular was emerging as a potential maritime rival, were such commitments truly testament to 'superior' British workmanship as so often presumed,⁷ rather than to political exigencies? Germany's great disadvantage was that, as in 1939, in signing a non-aggression pact with the Soviet Union and betraying the Anti-Comintern Pact, so in 1895, she had collaborated with St. Petersburg in orchestrating the notorious Triple Intervention 'slap-in-the-face' to Japan following her victory in her first modern war with China. Thus, as Satow noted in his diary, these were years when so many leading Japanese were anxious to build on the Aoki-Kimberley Treaty to the extent of securing an alliance with Britain, even if it had to wait more than six years. And it appears that the Japanese were still inclined to hedge their bets to the extent of ordering one cruiser from the United States, and another from France despite dissatisfaction with an earlier French ship.⁸

Colonial Treaty Adhesion & the Immigration Issue

Another issue that links with the discussions at the Paris Peace Conference in 1919, and with the Immigration Bill passed by the American Congress in 1924, was that of Japanese emigration. In the former respect, this subject has already been explored at length by Dr Shimazu Naoko, particularly in terms of the role of Australian premier Billy Hughes at the 1919 conference, the 'White Australia' policy, and the failure of the Western powers to support an international declaration of racial equality.⁹ But discriminatory legislation against oriental immigrants generally by even the American Federal Government dates back to the 1870s,¹⁰ and it would appear to have been precisely the issue of 'adhesion' to the Aoki-Kimberley Treaty that brought the matter to a head in parts of Canada, specifically British Columbia, and in Australia, for fear that adhesion would open them up to Japanese immigration.

Satow himself seems to have begun with, and always have remained loyal to, the notion that the settlement of the Americas and Australasia was one of the great historical achievements of the white man, which should not be compromised in any way, and anyhow finder's was keeper's. This was despite being the father of two boys by a Japanese woman, the elder of whom, when he became tubercular, Satow arranged to settle near Denver, Colorado. In general, he appears to have accepted that oriental settlers would simply not be welcome in such places.¹¹ In consequence, his initial reaction to Japanese unhappiness about efforts by the Australian States to add restrictions on Japanese immigration to their signing the 1894 treaty, was to represent it as a mere bargaining-chip in the process of launching their new shipping-line, connecting Japan with Australia.¹² But if this impression derived from Komura Jutaro, currently deputy Foreign Minister, he had already had indication enough of the attitude of Saionji Kimmochi, the acting Foreign Minister, who had 'got on his high horse' about the Japanese being 'lumped with the Chinese', while there were hints that the actual Minister, Mutsu, periodically sick at the time, was also unhappy.¹³ Finally, in October 1896, Okuma Shigenobu, then Foreign Minister in the second Matsukata government and a figure Satow was increasingly viewing as the 'coming man' in Japanese politics:

talked rather vehemently of the violent measures aimed at Japanese in Australia (*hidoi me ni awasete*) and said that if this sort of thing were done, Japan must be in a position to denounce the Treaty at the earliest possible date as the Japanese national feeling would be excited: therefore he had put in [the draft protocol about the Colonies] that either party might give 12 months notice.

Subsequently, he 'moderated his tone, but went on about the unwisdom of Canada and Australia with their huge territory and small population refusing to allow immigration.'¹⁴ By this time, it was known that Victoria and South Australia had joined the opposition, while Queensland and British Columbia had begun to plan restrictive legislation. Satow resolved to work for an adhesion 'terminable by the Japanese at one year's notice', as the best of a bad job,¹⁵ but nothing was settled before his home-leave in the summer of 1897, coinciding with Queen Victoria's Diamond

Jubilee celebrations. These afforded him the opportunity of consultation in particular with Sir Hugh Nelson, premier of Queensland, in company with Sir Henry Norman, the ex-governor, while en route back to Japan in November via Canada, he visited both the Governor-General, Lord Aberdeen, and the federal premier, Sir Wilfred Laurier, at Ottawa. Apparently, Satow was determined to persuade himself that outside British Columbia, Canadian unhappiness with adhesion was prompted simply by opposition to 'm.f.n.' (most-favoured nation) clauses in treaties, and Laurier indicated that Canada was simply unenthusiastic about entering into treaty relations with Japan at all.¹⁶ Finally, back in Tokyo in early 1898, premier Ito declared 'he was much troubled, annoyed ab[ou]t Australia and the Treaty', and the question of 'Colonial' adhesion was dropped. The plans for prompt legislation in Queensland and British Columbia were also abandoned, although in British Columbia only as a consequence of overruling by the Dominion Government.¹⁷ On the one hand, this left Australian and Canadian nationals without treaty rights in Japan, while on the other, relations with the Australian States remained strained.¹⁸

Indian Adhesion

For that matter, there was also the issue of the 'adhesion' to the 1894 Treaty of British India, which remained quite critical right up until Satow's return to England in May 1900. As a controversy it seems to go no further back than Satow's interview with Okuma of 15 October 1896, and not to have become critical until March 1899, although this might perhaps have been expected. After all, this was an era in which Japan was affording refuge to Indian nationalists, while early Japanese pan-Asianists were beginning to view India as ripe for 'liberation'. As early as October 1896, Satow had been writing to Salisbury of the Japanese, 'I cannot help feeling that they are likely to be a troublesome nation. They will take every opportunity of manifesting their sympathy with Asiatics under the domination of Europe, and will not shirk at intrigues of any sort with malcontents.'¹⁹ Economic factors may also have helped to make direct relations with the British Raj sensitive, but Japanese *amour-propre* might seem to have been the decisive factor. The Japanese discovered that Germany and Belgium had been negotiating with Calcutta for commercial treaties, only to withdraw on finding that they could only maintain consulates in coastal ports,

and that the right of residence was not fully guaranteed. Thus during 1899-1900, the Japanese Cabinet, the Privy Council and the Legislative Bureau (*hosei kioku*) expressed opposition to Indian adhesion, and in fact, as early as September 1899, Satow informed Salisbury that he was not expecting any practical outcome.²⁰ Aoki Shuzo, now Foreign Minister, is notable for applauding the metropolitan British inclination to 'crush race-hatred' as he put it.²¹ But not surprisingly he was under attack from both within his own Ministry and in the Japanese press for being willing to accommodate British Indian demands for rights of the sort that the Japanese had themselves just given up by the treaty of 1894. Satow saw no good reason to do anything that might risk the survival of so generally friendly a Foreign Minister.

The Treaties of 1899

In the late autumn of 1900, after Satow's departure, Valentine Chirol, Foreign Editor of *The Times*, commented quite surprisingly of Satow who considered him a friend:

from all I hear now he seems to be an exceedingly unpractical man--a scholar no doubt, but not a man of business. One of the burning questions here [Japan] is that of the title-deeds to property in the ex-settlements. It seems inconceivable, but it is a fact that he accepted the wording of the Imperial enactment regulating this matter without ever consulting our 'nationals' in the settlements. They now clamour for their rights--very reasonably to my mind--and the Japs while acknowledging that they have some grievance, contend that what their Minister accepted they must be held to have accepted. And the pity of it is that, had Satow taken the trouble to inform himself, he could just as easily have obtained them a wording which would have satisfied the settlements' people.²²

However, Chirol seems not to have appeared in print with such comments. In general, he must have appreciated Satow's continuing role in the Far East, by now as Minister in China, having performed a swap with Sir Claude MacDonald following the Boxer War, for he and Satow were as one in their respect for Japan and contempt for the China of the time. But apparently in line with Chirol's comments, what is striking about Satow's letters to Lord Salisbury, his F.O. chief, during 1898-99, is how little reference he makes to the new treaties, but also apparently how little interest is shown in anything he does say. Satow seems to have assumed, and to have been given no reason to think wrongly,²³ that the treaties and their effect

counted little compared with London's many other preoccupations, and he would be best advised to work out any problems that arose without reference home. His reports to Salisbury were therefore concerned principally with such matters as Russo-Japanese rivalry over Korea, the fate of China, which Satow himself in August 1899 described as 'a corpse',²⁴ and domestic Japanese politics, for instance, the experiment in the autumn of 1898 with party government under Okuma. Comment about implementation of the new treaties, Britain's and those of the other Western powers, was normally restricted to brief almost throwaway paragraphs at best.

By contrast, Satow's diaries are increasingly full of comment about the implementation of the treaties, one particular issue being the date of implementation. This was complicated because the French and Austrians had arranged for the 4 August, as opposed to 17 July for the other nations. Unwillingness on the part of certain Jap-anese interests, including the prefectural governors of Osaka and Kobe, to delay assuming control over the foreign settlements in those two cities until 4 August, produced considerable last-minute tension.²⁵ But as important as anything probably, as indicated in Satow's comments of 1 August 1895, was the question of whether 'foreigners' - Satow himself always employs this word rather than 'Westerners' which he obviously means - should in addition to access to interior Japan as provided by the new treaties, gain rights of landownership. Satow did consider they should, and was able to secure the private agreement of Count Aoki.²⁶ But Aoki was not representative even of Japanese Government opinion and knew it-premier Yamagata on whose support he depended to stay in office was reputedly totally opposed--and therefore nothing could be done. Nor is it really fair to criticize Satow for not consulting settlement opinion. During 1898-99 he was a quite frequent visitor to Yokohama, the principal foreign settlement, where he lunched with a committee that on occasion also comprised representatives of the other settlements. But as he saw it, what was at stake was not merely the treaties but the continued stability of Western relations with Japan as a whole.

On 7 September 1899, a month after the inception of the new treaties, Satow

observed to Lord Salisbury:

Our new Treaty has 12 years to run. At the end of the 11 y[ea]rs I am convinced the Jap[ane]se Gov[ernmen]t will give notice to terminate the Treaties, & that they will enter into none after that. And they think that when they are free fr[om] Treaty obligations, they will be able to treat foreigners as they like.²⁷

This is not to say that he did not suspect many Japanese of wanting to retire again into *sakoku* isolation, as he was saying just days before the inception of the treaties.²⁸ But his diary is notable for its extensive and almost unique blanks during August 1899, most of which he spent at ease at his holiday home beside Lake Chiu-zenji.²⁹ He also fails to record the Economic Association dinner arranged for 5 August for all the leading foreign diplomats to celebrate the restoration of full Japanese sovereignty. This dinner Aoki had been discussing at length with Satow in advance, ostensibly as the culminat-ion of a policy he personally had been pursuing since 1889, to which Satow paid direct tribute.³⁰ But there are signs that the relationship between the two men, hitherto so friendly, gradually began to sour over the last nine months of Satow's stint in Tokyo following the inception of the Treaties. During these months, he was constantly pressing Aoki to ensure the full and, as he saw it, fair implementation of the new British Treaty in the interests particularly of British residents in Japan, but evidently to the further disadvantage of the Japanese Foreign Minister in his relations with his colleagues.³¹ There was also the continuing ill-feeling over the question of the adhesion of India to the Treaty, and Satow began to view Aoki as double-dealing. When finally at the end of March 1900, he confirmed that he had been recalled from Tokyo and would not be returning, he noted in his diary with evident disgust Aoki's apparent lack of regret.³² Perhaps more just were his comments to Salisbury a couple of months earlier, that 'British residents are not quite reasonable, and ask for what is impracticable. On the other hand the Japanese are not quite straightforward, and would like to wriggle out of their Treaty obligations.'³³ But as Satow's March transfer instructions indicated, for the moment, the eyes of the world had turned to China, and it was expected that time would heal the minor short-term difficulties arising from Japan's new treaty relationship with the Powers.

Satow and Extraterritoriality in Eastern Asia

A few final remarks are appropriate with respect to Satow's attitudes to the question of treaty renegotiation generally, and the elimination of extraterritoriality in particular. In retirement after 1906, Satow briefly became a candidate for the chairs of international law at Oxford and Cambridge. In some respects at least, he was a distinctly unlikely candidate, but he reckoned that one subject he was well qualified to teach was extraterritorial jurisdiction or extraterritoriality.³⁴

As I have indicated elsewhere,³⁵ his special interest in the subject dated back at least to September 1883, when on home-leave he composed a long and somewhat convoluted memorandum on Japan's relations with the Western powers, effectively recommending acceptance of the Japan-ese proposals for ending Western extraterritorial rights in that country. Various notable visitors to Japan in the 1870s, Sir David Wedderburn and Sir Charles Dilke for two, had already advocated it,³⁶ and Satow's conversion may go back to the influence of his old Japan friend A.B. Mitford, if not that of the famous Oxford professor of Sanskrit who taught Mitford, Max Muller.

Satow's 1883 memorandum seems to have got no further than the man he viewed at that time as his prospective new chief in Japan, Sir Francis Plunkett. But in Bangkok by 1885 as Minister himself, he was treating it as a kind of blueprint for the policies he might pursue there. Siam was another Asian polity whose relations with Britain were governed by a mid-century so-called 'unequal treaty', but special treaties subsequently in 1874 and 1883, with respect to a group of Siam's northern dependencies centred on Chiangmai, had been designed to diminish the Bangkok Consulate's responsibility for British Indian or Burmese subjects there, and Satow saw them as a model capable of application to the whole country.

Unfortunately for this plan, Satow's own visit to Chiangmai at the beginning of 1886, persuaded him that the scheme had been unwise, and that the Siamese were as yet unready to practise law in a way that would be considered satisfactory in the West. Efforts by the Siamese to jump on the bandwagon of treaty renegotiation then slowly

moving forward in Japan antagonized him, and by early 1889, again on leave in England, he began to display a new hostility to it even in terms of Japan. This was in alliance with Sir Nicholas Hannen, shortly to become Chief Justice of the International Court at Shanghai, R.J. Rennie, and seemingly also the new Minister-elect for Japan, Hugh Fraser, meeting with permanent officials at the Foreign Office.³⁷ Satow's own destination by then was Montevideo in Uruguay where he stayed four years, followed by another couple in Morocco.

There is therefore an evident degree of ambivalence in his references to the Aoki-Kimberley and other revised treaties which he found on his return to Japan in 1895 apparently already signed and sealed. As he wrote to an old friend in England shortly before their implement-ation:

Probably years will be needed to get rid of the effects of the 'foreign settlement' system, which was merely a more liberal kind of Decima [Deshima]..A less independent class of Englishmen will succeed those who have lived under extra-territoriality...I do not blame H.M.G. for the Treaties they led the way in making, for I am convinced that the old system was becoming daily more and more unworkable. But I regret its necessity.³⁸

As the British Minister in Japan from 1895 to 1900 responsible for implementing the 'model' treaty signed by Lord Kimberley and Aoki Shuzo in 1894, Ernest Satow had largely to make the best of a bad job, leaving many loose ends that were to fester through much of the twentieth century. Far from eliminating the clash of cultures that the original 'unequal' treaties of the 1850s had concealed, the new treaties brought them out into the full light of day, exacerbated by new national passions.

ENDNOTES

¹ 'The Case of the Foreign Residents in Japan', *The Nine-teenth Century* (Aug. 1897), 305. This unusually thoughtful article would seem to have been written on leave in England (or Scotland). Satow refers to discussing it with Francis Campbell at the F.O., diary, 10 Aug. 1897. Satow Papers at Kew, PRO 30/33/16/1. All diary quotations up to April 1896 derive from 30/33/15/17, through to June 1898 from 16/1, to Aug. 1899, from 16/2, and thereafter 16/3.

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- ² F.C. Jones, *Extraterritoriality in Japan And the Diplomatic Relations Resulting in its Abolition 1853-1899* (New Haven: Yale U.P., 1931, repr. New York: AMS Press, 1970).
- ³ He was in fact just in the process of being promoted Marquis.
- ⁴ Diary, 21 Oct. 1895.
- ⁵ Diary, 24 Oct.
- ⁶ Satow to Sanderson, 26 Oct. PRO 30/33/14/8.
- ⁷ See Marie Conte-Helm, *Japan & the North East of England* (London: Athlone, 1989).
- ⁸ Satow to Lord Salisbury, 28 May 1896. PRO 30/33/14/9.
- ⁹ See Shimazu Naoko, *Japan, Race & Equality: The Racial Equality Proposal of 1919* (London: Routledge, 1998), esp. 125-130.
- ¹⁰ J.C. Thomson Jr., P.W. Stanley & J.C. Perry, *Sentimental Imperialists: The American Experience in East Asia* (New York: Harper, 1981), Ch. VI, 'Immigration: The Yellow Peril'.
- ¹¹ See his views of January 1921 quoted in my 'Sir Ernest Satow and his book *A Diplomat in Japan*' in *Proceedings of the Japan Society* 131 (1998), 65. On 7 Feb. 1896, with Count Saionji, he had claimed that his instructions in this matter were 'distasteful' to him, but see also his letters to Lord Salisbury of 10 Sept, 8 Oct. 1896, PRO 30/33/14/9.
- ¹² Satow to Salisbury, 20 Aug. 1896. 30/33/14/9.
- ¹³ Diary, 19 Dec. 1895, 7 Feb. 1896. Satow's surprise is evident in his original mistake in only raising the question of colonial reservations on behalf of Canada, diary 19 Nov. 1895, 5 March 1896. By the latter date, he had been made aware of New South Wales hostility to Japanese immigration, and probably also South Australia's.
- ¹⁴ Diary, 15 Oct. 1896.
- ¹⁵ Satow to Salisbury, 5 Nov. 1896. PRO 30/33/14/9.
- ¹⁶ Diary, 10 Aug., 1-2 Nov. 1897.
- ¹⁷ Diary, 7 Feb. 1898, 8 June 1899.
- ¹⁸ Diary 2 Nov. 1898, 1, 8, 22 June, 6 July 1899.

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- ¹⁹ Satow to Salisbury, 8 Oct. 1896. 30/33/14/9.
- ²⁰ Satow to Salisbury, 7 Sept. PRO 30/33/16/11.
- ²¹ Satow diary, 24 June 1899.
- ²² Chirol to G.E. Morrison, 24 Dec. 1900, in Lo Hui-min (ed.), *The Correspondence of G.E. Morrison* (Cambridge: Cambridge University Press, 1976), I, 159.
- ²³ In all of the near five years that Satow served in Japan as Minister, 1895-1900, during which he wrote some thirty-odd letters to Salisbury, he only received one in return, that of 3 Oct. 1895. 30/33/5/2. Thus he had to form his own view of what might best be included in his letters to his chief.
- ²⁴ Diary, 1 Aug. Aoki and Ito had been talking of China 'falling to pieces' and as 'like an old man dying'. Diary 22 Dec. 1898, 15 Feb. 1899.
- ²⁵ Diary 1, 8, 10, 12, 22 June 1899.
- ²⁶ Diary 24 Nov. 1898, 23 March, 10 June, 8 Dec. 1899.
- ²⁷ Cf. Satow to Salisbury, 27 July 1899, quoted in I.C. Ruxton (ed.), *The Diaries and Letters of Sir Ernest Mason Satow (1843-1929): A Scholar-Diplomat in East Asia* (Lewiston/Queenston/Lampeter: Edwin Mellen, 1998), 271.
- ²⁸ Diary, 31 July 1899. Cf. my 'Sir Ernest Satow, Japan and Asia: the Trials of a Diplomat in the Age of High Imperialism', *Historical Journal* 35, 1 (1992), 134. Satow also records, diary 4 April 1900, Okuma's claims of the *hosei kioku*, the Leg. Bureau, being 'full of *jo-i-ha*'.
- ²⁹ He had also been absent at Chuzenji for five earlier spells since mid-April.
- ³⁰ Diary, 31 July, 4 August. Aoki had also proposed a fete in the Yokohama settlement. Diary, 30 March.
- ³¹ Diary 1, 4, 7 Sept, 28 Oct., and 8 Nov., where Aoki was describing the issue of registration of transfer fees as one where 'his honour was concerned'. Cf. also 1 Sept. and Satow to Salisbury, 2 Nov. quoted in Ruxton, *op. cit.*, 276. On 28 Oct., apparently somewhat belatedly, the Emperor had hosted a dinner at the Palace to celebrate the new treaties.
- ³² Diary, 31 March 1900.
- ³³ Satow to Salisbury, 23 Jan. 1900, quoted in Ruxton, *op. cit.*, 279. A strongly settlement-focussed interpretation of treaty revision appears in B.H. Chamberlain, *Things Japanese/Japanese Things* (1905 Tokyo ed., repr. Tuttle, 1971), 488-497,

albeit hinting at the existence of higher imperatives which his friend Satow had not revealed to him.

³⁴ Diary, 14 Dec. 1907. PRO 30/33/16/10.

³⁵ See my introduction to E.M. Satow, *A Diplomat in Siam* (Various editions).

³⁶ Yokoyama Toshio, *Japan in the Western Mind* (Basingstoke: Macmillan, 1987), 164.

³⁷ See especially diary, 5 Feb. 1889. PRO 30/33/15/12.

³⁸ Satow to F.V. Dickins, 15 June 1899, quoted in Ruxton, *op. cit.*, 268.

The Anglo-Japanese Treaty Revision of 1911

Ayako Hotta-Lister

The Anglo-Japanese Treaty Revision of 1911 finally achieved the almost complete eradication of what had remained of the so-called 'unequal treaties' with Britain. Just as in the previous attempts, the story of the negotiations is one of diplomatic struggles and soul-searching between Tokyo and London spanning almost two years including the preparation period. Just as Mutsu and Aoki had had to carry out the negotiations for the 1894 revision in the shadow of the imminent war with China, Komura, foreign minister, and Kato, ambassador to London, had constantly to remind themselves of the Anglo-Japanese Alliance, whose expiry date of 1915 was looming into view. Moreover, this time, the task was more difficult for Japan than before: anti-Japanese feelings had become prevalent in Britain after the Russo-Japanese War, due mainly to the Japanese 'closed door' policy in Manchuria, and foreign relationships were more complex, as evidenced in the revision of the arbitration treaty between Britain and the USA mooted in 1910, which necessarily entered into the minds of the Japanese negotiators, if only indirectly. It also revealed Japan's maturity in carrying out effective diplomatic negotiations with Britain on an equal footing, despite fundamental differences between Britain and Japan. In this study, I shall concentrate on the diplomatic side of the story, leaving other aspects of this topic for another study.

In 1899 the Mutsu treaty of 1894 came into force. The most obvious change was the complete abolition of extraterritoriality, which had been of direct concern to the general public. It was generally accepted that the revision of the so-called 'unequal treaties' had at last been achieved, as evidenced, for example, in the illustrious and worthy exhibition currently being held at Yokohama Archives of History commemorating the centenary of the implementation of treaty revision. This interesting exhibition provides us, among other valuable information, with an opportunity to glimpse various celebratory events held in the former treaty ports, including an official dinner party in Yokohama on 4 August 1899, hosted by its governor and attended by about 200 dignitaries including Yamagata, prime minister, Saigo, home minister, and ministers representing foreign nations. Yamagata and Saigo also attended another party of a similar nature held on the following day at the

Imperial Hotel in Tokyo, where Aoki and Ernest Satow were also present .¹

A brief survey of the treaty revision of 1894 shows that there were gains and shortcomings. Apart from the abolition of extraterritoriality, it entirely abolished export duty; it imposed statutory tariffs in tandem with conventional tariffs on imports; Japan won the right to revise the tariff rates every four years; and it established that the treaty's duration should be twelve years, at the end of which either party could denounce it, provided one year's advance notice was given. It also established reciprocal rights of residence, travel, navigation and commerce for citizens of both countries. Its significance in terms of negotiations was that Japan had freely negotiated an 'equal treaty' and, seen in a wider perspective, Japan was the first Asian and non-Christian country to be recognized as a member of the 'Comity of Nations'.

The main shortcoming was that tariff autonomy had not been secured, so the next target for Japan was to attain this in July 1911 by denouncing the 1894 treaty in the previous July. Although statutory tariffs were in operation, Japan was bound to give six months notice to the Powers if they were to be changed. The special low rates of duty on principal goods from Britain, France and Germany were laid down in the Schedule to the treaty, and although tariffs could be revised, Japan could not change them at will, for the other party had to be consulted and agree to the revised tariff; in other words, Japan could not unilaterally revise the rates. Although there was a minor tariff change in October 1906, Japan was still deprived of one of the basic rights that an independent sovereign country was entitled to have. Such a right would have been a vital vehicle for a developing country like Japan during its first industrialization phase. The low tariff fixed for some goods was more in the Powers' interests than Japan's even after the Mutsu treaty, and this may have been partly responsible for delaying Japan's industrialization. In the Commerce and Navigation Treaty, the continuation of perpetual leases enjoyed by foreign residents and the rights of coastal trading between most of the former treaty ports were agreed. Furthermore, the troubled Most Favoured Nation (MFN) clause was still retained.

The extraterritorial rights given to the West were regarded by the ordinary general public as a humiliating experience, as compared with the tariff autonomy issue,

which did not directly affect them. Accordingly, public opinion was much more enthusiastic about the eradication of the former than the latter at the time. Interest in the issues of trade balance by the general public had always been low.

Serious talk of treaty revision in order to attain tariff autonomy seems to have reappeared almost immediately after the Russo-Japanese War and during the Saionji cabinet (from early 1906 to August 1908), partly to raise revenue to help the poor financial situation after the war, including a chronic trade deficit with Britain, and some preliminary studies had been carried out. But, it was Komura Jutarō in Katsura's second term (August 1908 to August 1911) who initiated serious efforts and carried the revisions through to a successful conclusion. Komura was well qualified to deal with the task, not only as an experienced and able foreign minister, but also as an acute observer of the vicissitudes of treaty revision for some decades and a man of action in this respect. It can be traced back to his days in the 1880s as head of the Interpretation Department when he was involved, though indirectly, with the previous treaty revision proposals. Personally opposed to Inoue's proposals, he is said to have been about to reveal them to an ultra-nationalist group, *Kankonsha Domei*, of which he was a founder member, to publicize the proposals in order to appeal to the general public to oppose them, but stopped short of doing so due to Tani Kanjō's return from Europe.² On another occasion, Komura is believed to have passed Okuma's proposals, which had been printed in *The Times* in London on 19 April 1889, to *Nippon* which published the whole material from 31 May for some days. This in turn instigated nationwide opposition, culminating in the bombing attack on Okuma.³ Komura had also helped the Mutsu treaty and while he was Ambassador in London (from 1906 to August 1908) he is said to have studied and mentally prepared for the forthcoming treaty revision negotiations.⁴ His view was that, since Mutsu had achieved the revision of half of the 'unequal treaties', it was his mission to work for the other half, the attaining of tariff autonomy and entire removal of anything indicative of unilateral 'unequal' agreement so as to see Japan become a fully independent sovereign country.⁵

With such high hopes, Komura returned to Tokyo from London on 27 August 1908 to resume his second term as foreign minister in the second Katsura cabinet. For the treaty revision, his first task was to form an effective team to undertake thorough

preparations both at home and abroad, since, like the Mutsu treaty, negotiations needed to be carried out abroad to avoid protests within Japan. With premier Katsura as finance minister, he himself chaired, on 9 October, the Treaty Revision Preparation Committee with Ishii Kikujiro, deputy foreign minister, together with able and experienced men, including even those recalled from abroad, and Wakatsuki Reijiro who was in charge of the statutory tariff side. As it had been decided that negotiations with Britain were to be carried out first before other countries and Komura had foreseen that Britain would be the hardest case of all, he seems to have carefully considered appropriate appointments before leaving London. Komura could appoint no-one else but Kato Takaaki as his successor, even though they had not always been on good terms. Komura knew that, with his excellent diplomatic skills together with his knowledge of economics, Kato was the only man who had the ability to deal competently with the difficult tasks ahead. He also took the unusual step of leaving his confidant, Yamaza Enjiro, whom Komura had initially taken with him to London, to assist him and to keep eye on Kato, whose excessively pro-British and free trade stance might, Komura thought, not necessarily reflect Japan's interest in the forthcoming negotiations. Komura knew, just as the Mutsu had, that once Britain signed a new treaty, other Powers would follow suit.

Komura was ready and enthusiastic, with Katsura's backing, to embark on a thorough review of existing tariffs with the various Powers, analyzing their effects on Japanese trade and industrial development in the past, so as to provide a basis for new tariff proposals. He also scrutinized several government departments that dealt with matters related to tariff revision. The Committee set general proposals first and then individual ones for each country. It decided that Japan would give notice of denunciation of the existing treaties with 13 countries either on 16 July or 3 August 1910 to annul them at their expiry date in one year's time. Despite apprehensions felt by some *genro* in case negotiations failed, Komura had one year to conclude a new treaty while the existing treaty was still in force.⁶

The announcement of the revision of the new tariffs and Komura's speech on the proposed new tariffs was made at the 25th Diet on 2 February 1909, when he said that there was no scope for Britain to enter into a bilateral agreement other than on the basis of the exchange of MFN status. This caused the expected ill feeling

amongst the British mercantile community in Japan and amongst some British manufacturers, particularly in the fields of machinery and textiles. They lobbied the British government, stressing that British imports to Japan would be totally destroyed if such high tariffs were applied.⁷ Komura knew from past experience that it would be the British merchants in Japan who would be most vocal in their opposition to higher tariffs, and he thought that the Liberal government would be inclined to support their views.

Prompted by the British reactions, Kato complained to Komura that he would not agree to ill-treatment of an ally in such a manner and there were many who shared this feeling, including even some sections of the press, which hitherto had attacked Komura for his soft approach to foreign policy, but which now said that his proposals to Britain were too harsh.⁸ Kato even suggested that, to tackle British press criticism, a historical explanation of the existing tariff arrangement between the countries be given through such media as Reuters or Captain Brinkley.⁹ However, Komura was determined that Japan would have no choice but to conclude bilateral tariff agreements with the Powers, including Britain and France. Komura had hitherto rejected having such an agreement with the latter two, as they, together with Germany, had been given special low tariffs on principal goods in the previous treaty. According to the new calculations, he thought it was inevitable that new tariffs on British goods would go up to three times or even five times the previous rates.

The fundamental problem for Japan was that, as Britain in this period had been practising a free trade system under the Liberal government, the majority of imports including those from Japan had been free of import duties. The main concern of Britain in this respect was the new Japanese tariff rates while that of Japan was to secure the principle of tariff autonomy.

The Committee proposed that statutory tariffs should be set as low as possible so that Japan could enter into a conventional tariff only when necessary as a last resort. Accordingly, the 26th Diet voted in March 1910 for much lower tariffs than the previous proposal. On 21 April, the new proposal was presented to the British government, which the Commons debated on 25 April. The opposition protested against the high tariffs, which they argued would prohibit the exporting of goods to

Japan. There was no shortage of criticism in the British press either; and even the Alliance and the ongoing Japan-British Exhibition in London, which had been enthusiastically promoted by Komura, fell victim to such sentiment.¹⁰ On 28 June, Grey passed to Kato the opinion of the Board of Trade, which regarded the new tariff as extremely high and forecast an eventual reduction of British trade with Japan. On 15 July Britain produced an alternative proposal. However, since neither side could agree, Komura decided that he needed to study the British proposal and that the negotiation should be postponed until the autumn, as it would be wise to let public opinion cool down and, perhaps also, to let the imminent annexation of Korea pass. On 17 July, as had been expected, Japan notified Britain and others of the annulment of the existing treaty in one year's time.

Kato, the man on the spot, was very sensitive to British reactions and sent a lengthy letter to Komura on 2 August to try to persuade him to give special concessions to Britain. Knowing Britain well, Kato emphasized that the pressure from those concerned in Lancashire and Yorkshire as well as from various chambers of commerce had been so intense that, if Japan was adamant not to lower the tariff, the present Liberal government might be thrown out and be replaced by the Conservatives, which would certainly introduce a tariff system. Kato also touched upon the Alliance: 'Already, those who oppose the new tariff are strongly against the Alliance, and they say, any renewal after its expiry would be completely out of the question.'¹¹ Kato's plea seems to have come from his genuine feeling and shows his fear of such consequences.

After a few months gap, Komura asked Kato, on 10 November, to resume the negotiation in London: this time, however, there seems to have been a slight change in Komura's negotiating tactics, which were perhaps more conciliatory than previously, although he still insisted that Japan would only accept a bilateral tariff agreement with Britain and hoped that Britain would find a suitable way to concur. He then gave an example of such an idea himself: 'As the Imperial government wishes to conclude the treaty amicably with the British government, if Britain would pledge to keep the *status quo* with no import duty on the principal Japanese goods, such as Habutae, silk textiles, lacquer ware and so on until the treaty's expiry, Japan would reduce the tariff on cotton textiles, woollen textiles and iron etc.'¹²

Could this change be attributed to his recuperation from illness, which had lasted for several weeks, or some other reasons? It can be assumed that it had a lot to do with the Alliance and that Komura's mind must have been very active indeed during his rest from office. It was during the period of stalemate that Japan learnt that there might be a possibility of Britain and America revising their existing arbitration treaty in the near future. In September Grey informed Kato of such an idea, suggesting two ways that Japan could adopt.¹³ The whole purpose of such a treaty was to avoid Britain helping Japan by having to fight the U.S., if a war between them broke out.

Komura had always been a staunch believer in the Alliance: indeed, he was responsible for the conclusion of the first and second Alliances in his first term in office and regarded it as the backbone of Japanese foreign policy. He is, however, said to have feared for some time, perhaps since his stay in London, that, because of the growing anti-Japanese feeling in Britain, the Alliance might not be renewed on its expiry in 1915. Since, as had been expected, the new tariff proposal had further aggravated such sentiment and might jeopardize Japan's relationship, he perhaps felt he must rescue the Alliance from falling from grace. Kato too had been strongly warned by Chirol, the pro-Japanese foreign editor of *The Times*, who visited him on 28 June, of the danger of the Alliance not being renewed, having been jeopardized by the tariff proposal.¹⁴ It is also believed that, during Komura's absence from office, MacDonald too had warned Katsura on 9 October of the likely fate of the Alliance.¹⁵ Whether such warnings had been effective or not, we do not clearly know, but Katsura and Komura seem to have had so many reminders or warnings that it is possible this induced him to take a more conciliatory approach. MacDonald was later told by Katsura that there had been two issues affecting revision at that time, that of formally attaining a bilateral agreement and that of negotiating tariff rates, and that, if the former was agreed by both parties, Japan would be prepared to give Britain substantial concessions over the latter.¹⁶

There may be another factor that might have in part contributed to Japan's compromising attitude to Britain. Japan around 1910 badly needed foreign loans particularly for the central government, municipal governments and the South Manchurian Railway Company, all of which had displayed their impressive exhibits at the Exhibition in London in 1910 partly aiming at, if not overtly, canvassing for

loans.¹⁷ These loans were expected to be mainly obtained from financiers in the City of London and, perhaps, Paris: the Japanese leaders knew that it would be unwise to offend these countries, especially Britain unnecessarily, but the damage had already been done in the initial tariff proposals. We could assume, therefore, that the Japanese were perhaps obliged to amend their approach by giving favours to Britain in order to procure much needed foreign loans.¹⁸ However, there was one important force that Komura had to take into account: this was internal opposition from such quarters as the Seiyukai and public opinion. Komura knew from his past experience that he had to conclude a satisfactory treaty with Britain, achieving nothing short of the gaining of full tariff autonomy.

What Komura suggested in the end was, in fact, the solution that would give what was in reality a unilateral agreement the appearance of a bilateral one by requesting Britain to guarantee to fully support the *status quo* in the treaty until its expiry, in lieu of which Japan would generously reduce tariffs on certain British goods so as not to jeopardize the Alliance.

There were frequent meetings between them, including the second official meeting on 16 November, each producing fresh proposals, but there was still no agreement, mainly due to a disagreement over the order of procedure of the negotiation, namely, Japan could not discuss tariff rates before an agreed formula was found, whereas Britain wanted the reverse.

There were other considerations which Japan and Britain had to take into account. For Japan, as the attaining of tariff autonomy was the ultimate aim, the negotiations with Britain needed to be a model to guide eventual negotiations with other countries. Thus the leaders had to think of their likely consequences. Britain, on the other hand, was concerned, apart from how much Japan could reduce the tariffs, with what effect there would be for future governments which might want to introduce tariffs on imports, if Britain agreed to support the *status quo* in the treaty, in response to Komura's request.

Having meticulously studied treaties of this kind, including those in an international context, Komura could point out to Britain that Britain had concluded similar treaties

in the past. Greece had agreed to reduce tariffs on British goods while Britain did likewise on Greek dried raisins. In 1898 Britain had formally promised to Belgium to keep the *status quo* on Belgium imports and both parties had agreed to annul the treaty at short notice.¹⁹

Komura was, therefore, hinting at a formula that both countries could eventually agree on in the middle of December. Sir Hubert Smith, the under-secretary at the Board of Trade, agreed that Britain would maintain the *status quo* on the majority of Japanese imports, if Japan would approve specially reduced tariffs on certain British goods. In addition, a provision, which had initially been suggested by Kato to Smith, was to be added that either party could, if it wished, revise tariffs after one year from the signature, giving an advance notice of 6 to 12 months to revise or nullify the tariffs. This provision was significant because, fortunately for Komura, it meant that one year after the signature, Japan was free to decide whether to annul the tariff treaty or revise it: it was just as good as gaining full tariff autonomy.²⁰

Having agreed the formula, both sides refined the proposals including tariff matters from the rest of December to the middle of January 1911 when Kato presented Grey with the final and much reduced tariff proposals for both statutory and conventional tariffs, the difference in rates of which had been kept as small as possible. However, Japan asked Grey to keep it secret for the time being as the new tariff had been much in Britain's favour and Komura feared that, hearing of such special treatment being given to British imports by Japan, other countries might take advantage of it.²¹ Grey and the president of the Board of Trade explained the Japanese proposals to the cabinet on 6 February, recommending them to be accepted.

Komura, meanwhile, in response to Grey's inquiry of September on the arbitration treaty, rejected his suggestions, replying on 17 January that the Alliance should be outside the influence of the arbitration treaty. He then boldly proposed to renew the Alliance and extend it for a further 10 years. With the treaty revision with Britain near conclusion, Komura might have felt confident that at least it would no longer obstruct the negotiations for the renewal of the Alliance, which he seems to have been anxious to conclude in view of the changes since the last treaty such as the British

attitude towards the Alliance, the annexation of Korea and the treaties with Russia. The renewal of the arbitration treaty provided Japan with such an opportunity. He certainly told MacDonald that the Alliance should be renewed as soon as the arbitration treaty was signed.²² From 20 March 1911 onwards, Japan and Britain were, therefore, working on both the Anglo-Japanese treaty revision and the renewal of the Anglo-Japanese Alliance, though the former was on the verge of signature and the latter was not to be concluded until 13 July.

Being relieved that the main and most difficult part of the treaty revision had been amicably settled, both sides started to work on the other part, the Commerce and Navigation Treaty. The main differences from the previous treaty were that Japan abolished the rights of coastal trading by Britain, except for passengers and cargo with 'through-bill-of-lading', between former treaty ports; the purchase of property and land was allowed, based on the country's law for foreigners, under the MFN privilege; the trade mark ownership clause was abolished and there were some other minor points. However, the initial proposal to replace the perpetual lease by land ownership rights took a long time to negotiate, due mainly to disagreement on the amount of compensation given to the owners of leases, and the perpetual lease problem was not finally to be settled until 1937.

The British cabinet endorsed the new Japanese tariff proposals on 8 February 1911. Meanwhile, the U.S.-Japanese treaty was successfully concluded on 21 February, even before the treaty with Britain. Kato and Smith worked on the wording of the treaty until 3 March, when the final session was held. Both parties agreed and got ready to sign the two treaties on 3 April. It was ratified on 5 April by Komura and Rumbold, published on 6 May, and implemented on 17 July 1911, the day after the expiry of the Mutsu treaty, thus accomplishing the treaty revision well in advance of the deadline. Other countries followed suit to agree revised treaties with Japan: in May and June, Spain, Sweden, Switzerland, Germany, followed by France in August. Some countries concluded treaties at later dates following temporary treaties (*modus vivendi*), such as Italy, Denmark, Holland and Austria between 1912 and 1917, Belgium in 1924, and Portugal as late as 1932.

Japanese reactions to the tariff treaty with Britain were, on the whole, favourable.

However, there were some criticisms by the Japanese press and the parliamentary opposition. They regarded it as an unsatisfactory treaty, since there was still a unilateral element: while Japan reduced tariffs generously on British imports, Britain gave Japan virtually nothing in return. In Britain, except for opposition in some quarters, the treaty was generally welcomed by people in many sectors, as Japan had generously reduced the rates on British goods.

Now that this brief study of the 1911 Anglo-Japanese treaty revision is concluded, it is time to assess the treaty and, as this was the last of such treaty revisions, perhaps to give an overview of the whole story, a story that almost dominated the whole of the Meiji period. Firstly, from the diplomatic point of view, it was, I believe, a triumphant tribute to the efforts of Komura, Kato and Yamaza. It was Komura's insistence on holding on to his principles and his idea of a nominally bilateral agreement that had led to the insertion of the crucial provision. Just as evidenced at the Peking Conference in 1900 and the Portsmouth Peace Conference in 1905, his determination to get what he had aimed at, if not fully, due to circumstances beyond his control, earned him a prestige and a reputation as a skilful negotiator. However, when a new government came to power in Britain, there was no attempt to overturn the existing treaty and even during the First World War, Habutae etc. were spared from import restrictions. Japan likewise did not change the tariff on British goods until 1918, after the War.²³

Kato also played an important role in concluding the new treaty, though he might have been excessively influenced by British public opinion, by Grey and by Chirol of *The Times*, as Komura had feared. However, Kato was well aware of his duty, as evidenced in his forceful suggestion to Chirol in July 1910 that, as an ally of Japan, Britain, in particular, had an obligation to assist Japan to attain tariff autonomy. Just like Aoki before him, Kato seems to have been often frustrated by being in the middle between both governments, particularly as he understood both views well: sometimes he sounded almost desperate. Yamaza, his subordinate, worked hard on the revision to assist Komura and keep an eye on Kato, as instructed, as well as acting on behalf of Kato who was often absent.

Secondly, just as at the time of the Mutsu treaty, internal and external pressures, as

well as other diplomatic issues, influenced both sides of the negotiations. Komura was accused of giving too many concessions to Britain because of the Anglo-Japanese Alliance, just as was Mutsu, because of the imminent war against China. MacDonald was one of those who certainly thought so, as evidenced in his letter to Grey saying that, if the Alliance had not been renewed until its expiry date, the Japanese government might not even have denounced the existing arrangement and might not have given tariff concessions to Britain and that ‘...the uncertainty of renewal of the Alliance would be a useful lever and also check any unnecessarily forward policy’.²⁴ *Tokyo Nichi Nichi* concluded similarly, saying that the tariff concessions should be regarded as a victim of the Anglo-Japanese Alliance.²⁵ Hara Kei commented on Komura’s dilemma during the negotiation: ‘...it was nothing but his [Komura’s] aspiration for honour that made him pursue the achievement of tariff autonomy which had led him to such a difficult situation’.²⁶ Komura and Katsura were not impervious to what Kato, MacDonald, Grey, the press and opposition had to say after all. Komura, however, had to keep the concessions that Japan gave to Britain secret during the Diet session in January 1911 when he was asked about the progress of the negotiation by the opposition, and Grey had been asked to be similarly circumspect.

Grey too seems to have been working under pressure, to a limited extent, from strong opposition to the initial Japanese proposal expressed by the Board of Trade, the mercantile community and manufacturers, the Tariff Reform League and the press, which sometimes threatened to bring the opposition party in, particularly during the election campaigns in this period.

As the Anglo-Japanese treaty revision of 1911 was the last in a series of revisions of the 1858 original treaty, it is worth reflecting here on the turbulent story of the struggle to achieve treaty revision, spanning more than half a century. On the whole, with the benefit of hindsight, we could say, such a lengthy struggle paid off or, at least, there was more benefit than loss in the balance sheet in the long term.

For Meiji Japan, the negative effects of the so-called ‘unequal treaties’ were enormous. The judicial system of extraterritoriality had been of much more direct concern to the general public than regaining tariff autonomy. Mentally, an enormous

humiliation felt by the awakening public, particularly after the failure of negotiations and such incidents as the Hartley and the Normanton, a passenger ship, partly fanned by the press, brought chaos to successive governments and foreign ministers, even going so far as to injure Okuma. As for the tariff issue, Japan's industrialization is said to have been delayed by low tariffs unilaterally fixed by the Powers, preventing the nurturing of needed industries.

However, if we look at the positive side, the benefits seem to outweigh the disadvantages. Firstly, the humiliation felt by the Japanese was so strong that it gave them the mental strength to overturn it. It was similar to their mental fight (*Gashin Shotan*) after the humiliating Triple Intervention, if to a smaller extent. The positive side of extraterritoriality was that, by being confined within the treaty ports, foreign residents were restricted in their activities, thus Japan was spared their penetration throughout Japan. Secondly, such treaties hastened Japan's modernization in all fields, including reforms of jurisdiction and democratization. As the leaders had learnt early on, in order to revise such a treaty and, even more so, to survive in a predatory world, Japan had to modernize: this meant introducing sweeping Westernization in all aspects of Japanese life. As the Western powers had been observing Japan's modernization, their attitudes towards Japan had changed, and they gradually recognized that there was no way that such unequal treaties could continue in a country that had so rapidly progressed from its backwardness earlier on. Thirdly, Japan's growing aspiration to be treated by the Powers as an equal partner after the Sino-Japanese War and the abolition of extraterritoriality hastened her industrialization further, particularly in heavy industry. Japan's rapid modernization in all spheres reached the stage to equip her to win the war with Russia and also to be able to take advantage of the opportunity given by the First World War. More significantly, the efficiency and competence shown during and after the Boxer Rising and Britain's recognition of Japan's ability in respect of her naval strength partly ushered in an alliance with Japan. By 1910, Britain and the other Powers could no longer ignore Japan's aspiration to become a fully independent sovereign country by annulling the old treaties and they had no choice but to agree new treaties on an equal footing, as Japan had long wished. Fourthly, we could say that the long story of treaty revision was also one of endurance and of gradual maturity in Japanese diplomacy, culminating in the 1911 treaty revision, which was,

perhaps, one of the last examples of diplomatic negotiations with the Powers that Japan had undertaken in a civilized way in the first half of the twentieth century before her various disastrous diplomatic relationships with the Powers which followed later on. Lastly, as Japan was the first non-Christian country to accomplish successful negotiations on equal terms with the Powers, this treaty might have shown other countries the way ahead, just as Japan's victory over Russia sent a message worldwide to many colonized or semi-colonized countries. In a world context, these examples might be the best contribution that Japan could provide for emulation by existing, or embryonic, nations in the future.

ENDNOTES

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