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First Diplomatic Treaty between China and Japan (1871)

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The purpose of this study is to assess the nature of first formal diplomatic relations between China and Japan in September 1871 and examine its impact on Sino- Japanese relations. It was a period when both Japan and China were trying to form an East Asian regional defence to resist their common foe, the west. This study is significant as it marked the first step in the course of Japanese diplomacy and imperialism.

In the long course of Japanese history, the initiative to establish contact with china, whether cultural, political or commercial, came primarily from Japan. A noteworthy feature of Sino-Japanese relations is that while the Japanese, overwhelmed by China's exemplary civilization, had accepted cultural tutelage – they made a lot of fuss in recognizing the existence of a superior international system or in accepting any degree of political subordination to China, and were able to remain outside China's international order. Except for a brief period, when the third Ashikaga Shogun, Yoshimitsu (1358-1408), accepted 'vassal state' relationship with the Ming Emperor of China, an arrangement which was ephemeral, Japan never became a dependent country.

The greatest problem from then on in Japanese foreign policy was how to interpret and build Japan's national identity vis-a-vis a Sinocentric order and how to conduct trade with China and at the same time uphold Japan's equality with China. The Tokugawa bakufu resolved it by building in 1630s a self-sufficient autonomous system of diplomacy in consonance with the demands of Japanese sovereignty and of bakufu legitimacy bound with the mythology of imperial divinity.[1] In this diplomatic network, the shogun asserted the title of 'Great Prince of Japan' (*Nihon-koku taikun*) and established contacts which were beneficial to them on an ad hoc basis dealing with each in a different fashion. The Tokugawa organized relations under two categories: (a) direct diplomatic relations (tsushin) with Korea and the Ryukyu. In this, however, while the bakufu recognized a peer in Korea, the Ryukyu kingdom was treated as a vassal state. The status of Ryukyu was peculiar as it was simultaneously regarded as a vassal state by China as well; (b) direct trade relations (tsusho) with China, and also a – Western country Holland.[2] There was no state-to-state correspondence between the bakufu and these two countries. Nevertheless, the Chinese and Dutch traders were permitted to participate in trade at Nagasaki, the only port opened to the outsiders after the promulgation of 'national seclusion' (edicts) in 1630's which lasted till the middle of the nineteenth century.

After the appearance of European vessels in increasing numbers in Japanese waters in the late-eighteenth and early-nineteenth centuries, several Tokugawa intellectuals and strategies began to argue in favour of forming a defensive alliance with the countries of East Asia, especially to stave off the Western menace. Several distinct features emerged from the brief account of the long history of Japanese contact with the neighbouring continent. They include: (a) the central importance of china and its civilization in Japanese eyes, but resistance against being drawn into a subordinate relationship; (b) the distinction between diplomatic and commercial relations; and (c) the strategic importance of Ryukyu, Taiwan and Korea as routes to the mainland and conversely, to Japan.

The defeat of China, traditionally regarded by the Japanese as the region's "great power", at the hands of the British during the Opium Wars, came as a profound shock to the samurai elite, who were convinced that if China were to fall under the domination of the Western imperialist power, Japan would find itself increasingly vulnerable to Western pressure. After Commodore Perry's "Blackship" incident of 1853, fear of foreign domination became a fixation in the psyche of Japanese leaders. Despite revelation of China's military weakness in the opium Wars, the Japanese promoted the idea of Sino-Japanese solidarity and argued that Japan and China, which were "as close as lips and teeth", should stand together to defend East Asia against the intrusion of the predatory West.[3] It was argued that the safety of Japan's neighbouring countries, Korea and China, was essential for Japan's survival as an independent state. Frightened by Russian attempts to grab the Tsushima islands (Passadonick incident, 1861) Hirano Kuniomi, a bakumatsu intellectual, recommended an immediate dispatch of an embassy to solicit China's cooperation and envisaged a plan to approach Korea as well.[4]

In June 1862, barely eight years after Commodore Perry had forced the opening of Japan to Western commerce and diplomacy, the Tokugawa shogunate made its first attempt to establish commercial and diplomatic ties with China: a mission was sent under an official named Mahira Rokuro with thirteen businessmen to obtain permission for the Japanese to trade in

[1] Sushila Narsimhan, *Japanese Perceptions of China in the Nineteenth Century: Influence of Fukuzawa Yukichi* (New Delhi: Phoenix Publishing House, 1999), p.2.

[2] Ronald P. Toby,*State and Diplomacy in Early Modern Punjab:Asia in the Development of the Tokugawa Bakufu* (New Jersey , Princeton University Press , 1984),p.97.

[3] Sushila Narshimhan. p.82.

[4] Kawahara Hiroshi, *Ajia e no Shiso* (Tokyo: Maeno Shobo, 1969), p.17; quoted in Sushila Narsimhan, p.83.

Shanghai,[5] one of the five ports opened by the Treaty of Nanking (1842).

By this time, both Japan and China had formal treaty relations with particularly all the powerful Western nations and, the 'most-favoured-nation' clause had already made an opening for non-treaty countries.[6] It was not only natural but also necessary for Japan to establish some sort of commercial and diplomatic relations with China. The Japanese attempt to negotiate a treaty with china, was hindered. This was partly because of unfavourable situation created by the outburst of Taiping rebellion which lasted from 1853 to 1864, and partly because of the rigid attitude of Chinese officials and the Tsungli Yamen, which has been established in 1861 to deal with foreign affairs. The Yamen officials were opposed to the idea of having a treaty with Japan and slighted Japan as an 'eastern barbarian'. In fact, in their view it was disgraceful for China to enter into any kind of international relations.

By 1864, after the Taiping rebellion was over, the Tokugawa bakufu sent another mission under Yamaguchi Shakujiro. It was mainly a trading mission which arrived in Shanghai in March 1864 with a shipment of seaweed and other merchandise. Through the good offices of the British consul Harry S. Parkes, Yamaguchi was able to sell some of the Japanese products. In the final years of Tokugawa rule, the shogun made another effort in early 1868 to establish some sort of diplomatic or commercial contacts with China, and through Kawazu Izunokami, the governor of Nagasaki, sought the mediation of the British consul in obtaining permission to trade and attend schools in Shanghai.[7] But all their efforts to establish a treaty with China came to naught because in January 1868 Tokugawa bakufu had been overthrown, and the governor of Nagasaki, who had been conducting the negotiations on behalf of his government, was forced out of office. Thus, the Sino-Japanese negotiations came to an inconclusive end.

Despite the collapse of the Tokugawa shogunate, the issue of establishing a formal relationship with China was not given up. Rather, it got a fillip because the new Meiji government which came to power in 1868 deemed it necessary to inform the neighbouring countries of the change that had taken place in Japan and redefine its diplomatic relations with them on a new footing in accordance with the diplomatic norms of the Western world.

In 1858, beginning with the Harris Treaty with the United States of America, Japan had been forced to conclude treaties with several other powers: Great Britain, France, Holland, and Russia. These were unequal treaties, modelled on Western treaties with China. Besides opening Japanese ports, these treaties gave Westerners the right of extraterritoriality, and placed Japanese tariff under international control. The new Meiji government in Tokyo, though formed under the call for the expulsion of foreigners, felt that since Japan had already entered into treaty relations with many Western nations, it should establish diplomatic relations with China as well. The Japanese argued that China, being the nearest neighbour, "should have been the first country with which to establish relations of friendship".[8]It was also hoped that this friendship treaty would enable the Japanese merchants to sell their products abroad and thereby break the monopoly of the Western merchants over the export trade. The most important of all, they thought that a treaty with China would serve as a stepping stone in resolving Meiji Japan's problematic relations not only with china and the Western countries, but with Korea as well.

In fact, soon after the collapse of Tokugawa shogunate, a problem had erupted with Korea in 1868 when the new Meiji government through an official notified Korea that following Meiji Restoration, a new imperial government had been established in Japan and that Japan's foreign relations would henceforth be personally directed by the emperor. The government also informed that the title "*Great Prince*", which had been used for the head of state during Tokugawa rule, should changed to "Emperor".

Throughout the Tokugawa period, Korea had maintained relations with the shogun (*Taikun* or *Great Prince*) on the basis of equality. Hence, the Korean court refused to accept introduction of new symbols or any change in their established protocol. Korea recognized the title 'Emperor' only to refer to the Chinese monarch to whom Korea was a vassal. But if it were to refer to the Japanese monarch as 'Emperor', it would mark the Korean monarch as the vassal or subject of the Japanese ruler as well.[9] The Meiji government convinced that it was acting in accordance with the new "Law of Nations" introduced by the Westerners, saw itself as simply adjusting the relationship to the new domestic political situation. From their point of view, the Japanese Emperor was not being renamed at all but simply inserted into the ceremonial relationship in the place of the shogun who was gone. The Koreans, however, turned a deaf ear to Japanese arguments.

The attitude of the Koreans was taken as an affront to Japanese dignity. Kido Takayoshi (1833-1877), a prominent and early advocate of "*sei-Kan*" (conquer Korea policy), called for a forward policy and dispatch of troops to Korea for its insolence towards Japan. The rise of the war group compelled the government to send a fact- finding mission to Korea under Sada Motoichiro in late 1869. After its return in spring 1870, the Sada mission submitted a detailed report on Korean politics and military strength, trade opportunities, and relations with China. Sada also presented an elaborate plan to dispatch a military expedition and bring Korea under Japanese control.[10] The purpose of the present study is not to investigate the reasons for launching an expedition, whether it was pre-empt penetration of Korea by one of the Western powers, or to

[5] Chow Jen-Hwa, *China and Japan: The History of Chinese Diplomatic Missions in Japan. 1871-1911* (Singapore: Chopmen Enterprises, 1975), p.23.
[6] *Ibid.*, p.25.
[7] *Ibid.*, p.28.
[8] T.F. Siang, "Sino-Japanese Diplomatic Relations, 1870-1894," *Chinese Social, Cultural and Political Science Review*, 18.1 (April 1933), p.4.
[9] Fujimura Michio, "Japan's Changing View of Asia", *Japan Quarterly*, 24.4 (October-December 1977), p.424.
[10] Ben Quincy Limb, *Sei-Kan ron: A study in the Evolution of Expansionism in Modern Japan, 1868-1873*, (Ann Arbor: St. John University, Ph.D., 1979), pp.96-103.

lessen the domestic, social, and political unrest brought about by the abolition of domains and the displacement of the samurai class, or to reap economic benefits from the treasure land of natural resources and foodgrains. Whatever be the actual motives, the net result was that Sada's "*sei-Kan*" did not arouse any significant political repercussion at the highest levels of government leadership. This does not, however, mean that Japanese officials were not interested in establishing some sort of control over Korea.[11]

The more cautious leaders argued that direct confrontation would almost result in armed conflict with Korea and then with China, which in turn would push Japan in a difficult situation. Japan's military strength was still in a reformative stage and inadequate. Besides, an aggressive move in Korea could also arouse European powers suspicion and intervention. Analysing the situation, Okubo Toshimichi (1830-1878), the Finance Minister suggested that Japan must conclude a treaty of equality with China before deciding to send troops to Korea. If such a treaty was made by Japan, Okubu argued, Korea, the acknowledged vassal of the Chinese emperor, might accept the fact that Japan's ruler was also an Emperor.[12] Thus, Japan, would be able to achieve its objectives in Korea without risking war. Okubo further added that the treaty would not only endow Japan with titular equality with China, it would also establish Japan's titular superiority over Korea.[13]

On Okubo's recommendation, the Tokyo government directed its energies to reformulate its ties with china and subsequently a mission was sent in September 1870 to China for preliminary negotiations on a Sino-Japanese treaty of equality based on Western international law, preferably one similar to China's existing relations with the Western countries. The mission led by Vice-Foreign Minister Yanagihara Sakimatsu (1850-1894), Hanabusa Yoshimoto (1842-1917) and Tei Ei-nei (1829-1897),[14] a Nagasaki born Chinese , arrived at Tientsin on September 29th and wished to proceed to Peking to hold direct negotiations with the Tsungli Yamen. The Yamen ministers, however, refused to meet the Japanese envoys as they were not in favour of concluding any treaty with Japan.

Despite persistent efforts and assurances by the Japanese envoys, the Tsungli Yamen seemed determined to reject the Japanese request for a treaty. Apparently, the Yamen wanted to avoid future complications which are likely to come to the fore as in the case of the Western nations, who after signing their treaties with China, started exacting more and more concessions and profits from China. The Yamen did not also want to grant Japan the same status as that of westerners. Instead , it sent a reply to the Japanese representatives stating that in view of long historic relations between the two countries, there was no need for any formal treaty. The Japanese , the Yamen stated that they had been coming to Shanghai for trade and both China and Japan could continue to trust each other.[15] Having failed to entice the Yamen, Yanagihara sought the mediation of Tseng Kuo-fan, Li Hung-chang, and some like minded progressive officials who favoured a treaty with Japan. Yanagihara tried to prevail upon Chinese officials by hinting that prior to his departure from Japan, representatives of Western powers had assured him for their help in obtaining a treaty from china. Yanagihara also warned that if his mission failed, the influence of those supporting anti-Chinese alliance with the West would rise in Japan.[16]

Intimidated by Yanagihara's statements, Li Hing-chang urged the Yamen to reconsider the Japanese request for a treaty. He argued that Japan, by seeking official relations with China without an introduction by or aid of a Western power, showed its independence and goodwill. Therefore, China should not begrudge Japanese request. If goaded into unfriendly relations, Li warned, Japan because of its proximity could cause worse problem than the Western powers to China. He also added that since Japan had learnt to use Western machinery, ships and armaments, it could be a convenient example for China. Japan's geographical proximity would enable the Chinese to learn from Japan. Li was afraid that if China rejected Japan's request, the latter would turn to the West and China would eventually be forced to acquiesce to Japanese demands. Li's reason was mainly political. He thought that Japan, in relation to West, was in a position similar to that of China, both being oppressed by the Western nations. If properly handled, China and Japan might help each other in resistance to the West.[17]

The Yamen ultimately softened its stand and reflected that it was much better to meet Japan's wishes when Japan approached China in a friendly way than to meet them later when Japan obtained the aid of a Western power. On the strength of Li's recommendations, the Manchu court through the Yamen authorized the conclusion of a commercial treaty with Japan and issued plenipotentiary powers to Li Hung-chang to carry out the negotiations.

In Tokyo, the Japanese government took it as a great success to have seccured the approval of a great country such as China for a treaty of equality and began preparation for the forthcoming treaty negotiations. Tsuda Massamichi (1829-1903), a scholar of international law, was however opposed to the idea of an equal treaty with China. For quite some time he had been studying the problem of the revision of Japan's unequal treaties with the West. He viewed Japan's future relations with China not in terms of the traditional East Asian system of interstate relations, but in terms of Western international law. Tsuda, therefore, pointed out that if Japan wanted to revise the unequal treaties that it had signed with the Western powers and gain equality with the West, then Japan too must have an unequal treaty with China as did the Western powers.[18] Tsuda rejected the earlier draft prepared by Yanagihara and prepared a new draft based closely on China's

[11] *Ibid.*, p.103.
[12] Fujimura Michio, "Japan's Changing View of Asia", p.425.
[13] Gaimusho, ed., *Nihon gaiko bunsho*, (hereafter NGB) (Tokyo: Nihon Kokusai Kyokai, 1936 -), vol.6, pp.180-183; cited in Key-Hiuk Kim, *The Last Phase of the East Asian World Order: Korea, Japan and the Chinese Empire, 1860-1882* (Berkeley: California University Press, 1980), p.137.
[14] Cheng Yung-ning, A Japanese of Chinese ancestry, accompanied the mission as the Chinese interpreter.
[15] *NGB*, vol.6, pp.238-239; cited in Chow Jen-Hwa, *China and Japan*, p.34.
[16] T.F. Tsiang, p.5.
[17] *Ibid.*, p.5.
[18] Fujimura Michio, p.425.

existing unequal treaties with the European powers. The draft treaty was to have the 'most-favoured-nation' clause under which all privileges acquired previously by Britain, France, and other Western countries from China were automatically to be extended to Japan as well. It also had provisions for mutual exercise of consular jurisdiction by the contracting parties.

In July 1871, the Japanese plenipotentiary delegation consisting of the Finance Minister Date Munenari (1818-1892), Yanagihara Sakimitsu, Tsuda Masamichi and Tei-Ei-nei went to China to negotiate the terms of a Sino-Japanese treaty. The Chinese plenipotentiary Li Hung-chang not only rejected the Japanese draft but countered it with a draft of his own. The Chinese draft included a statement of non-aggression and mutual aid if attacked by a third power and recognised each other's consular jurisdiction. Such a treaty of equality, he pointed out, was what the Japanese had themselves asked for earlier. Although the text of neither draft is available, from the course of treaty negotiations it is clear that the main points of difference were: first, Japan wished for a 'most-favoured-nation' clause and the right to trade and travel in the interior of China, which china refused; second, while the Chinese draft provided for mutual good offices in case of either of the contracting parties became involved in conflict with a third power, the Japanese draft did not.[19] The Japanese draft, Li said, was nothing more than a copy of the treaties China had been forced to sign with Western powers. The Japanese on the other hand argued that if their treaty were to be drawn up differently from those which China had concluded with the Western nations, it would arouse Western suspicion as to whether Japan and China were in league against them.[20] To which Li countered that if Japan wished to avoid Western suspicion, the best thing would be not to sign any treaty at all.[21]

The stern posture of Li convinced the Japanese that there could be no treaty unless they dropped the contentious issues and accepted the Chinese position. After protracted negotiations, the much awaited treaty of friendship and accompanying trade regulations were signed on 13 September, 1871 between the two countries. The treaty was consisted of 18 articles but the most significant were Articles I and II. Article I contained a pledge of non-aggression against each other's "states and territories". Article II provided mutual good offices in case of a conflict of either with a third power.[22]

The Sino-Japanese Treaty of Amity and Friendship of 1871 was based on the equality of the contracting parties. The treaty was a revolutionary departure from traditional practice in East Asian diplomacy, a major step towards the ultimate incorporation of East Asia into the Western system of international relations. From every angle, the treaty appeared to be a positive step and a 'good start towards amicable relations' between the two countries. In Oka Yoshitake's opinion, it was a "defensive alliance" because it incorporated a certain idea of Asian identity and Sino-Japanese cooperation which had been prevalent since the late Tokugawa period.[23]

It was the first equal treaty China had signed with any power since the Treaty of Nanking which had been concluded in 1842. Thereafter, China had been mired into a network of unequal treaties one after another. The 1871 treaty with Japan demonstrated China's desire to retaliate the west and dilute the burden of unequal treaties. The treaty showed China's skilful use of international law for the protection of its interests. At the same time, however, it damaged china's efforts to preserve the traditional world order and Chinese supremacy in East Asia.

It was for the first time in the history of Sino-Japanese relations that the two countries had formally entered into an alliance and recognized each other as peers. But the Japanese government was not satisfied with the concluded treaty. Fearing that the treaty's article on mutual aid would be interpreted as a hostile alliance against the West, the Japanese government postponed its ratification. The Meiji leaders were not haunted by groundless fantasies. In fact, there \was heavy pressure from the American, British and French representatives in Tokyo, either to delete Article II or not to ratify the treaty.[24]

The following year, the government again sent Yanagihara and Tei Ei-nei to China to secure the deletion of Article II on the ground that it implied an offensive and defensive alliance against the Western powers. The Japanese demands also included elimination of Chinese consular jurisdiction in Japan on the ground that Japan was in the process of negotiating revision of unequal treaties that it had signed with Western powers, and consular jurisdiction was an important article to be removed from the signed treaty.[25]They were also instructed to seek removal of the ban on sword-carrying by Japanese in China and to seek the 'most-favoured-nation' treatment for Japan and trade privileges in China as enjoyed by Western powers[26]and some changes with regard to consular jurisdiction.

The Japanese proposals for changes in the treaty, which had been duly negotiated and signed by the representatives of two nations in an amicable atmosphere, infuriated Li who angrily refused to delete the 'mutual-good-office' clause and to grant Japan 'most-favoured-nation' treatment. He furiously told Yanagihara that Japan was an independent nation , there was no reason why it should accept the dictation of a Western nation in its negotiations with China. On this point, Yanagihara finally yielded to Li's wishes[27] and returned to Tokyo. It was understood that ratification of the treaty would take place after the return of Iwakura mission from Europe. A mission, under the chief Councillor Iwakura Tomomi (1825-1883), was sent to the United States and Europe to hold preliminary talks and discuss the feasibility of the revision of the treaties.

The course of the negotiations for the treaty and the Japanese request for modifications in the treaty pledges after they had been duly signed, indicate that Japan did not take the Sino-Japanese Treaty seriously and that Japan was more

[19] T.F. Tsiang, p.10.
[20] Chow Jen-Hwa, p.40.
[21] Key-Hiuk Kim, p.148.
[22] T.F. Tsiang, p.17.
[23]Oka Yoshitake , *Kindai Nihon Seijishi-J*(Tokyo: Sobunsha , 1962), p. 129;cited in Sushila Narsimhan, p. 85.
[24] Key-Hiuk Kim, p.166.
[25] Chow Jen-Hwa, p.42.
[26] NGB, vol.8, pp.242-243, 245-248; Cited in Key-Hiuk Kim, p.167.
[27] .F.Tsiang, pp.13-14.

concerned about its relations with the Western powers. The Japanese insistence on the deletion of Article II and inclusion of a 'most-favoured-nation' clause shows that while China, despite its superior historic relations with Japan, was willing to give Japan the status of an equal sovereign state, Japan was behaving in the supercilious manner.[28] These developments clearly reveal that though only recently formed, the Meiji government had quickly realized the need to learn the ways of the West and the nineteenth century patterns of international diplomacy. They also reveal the determination of the Meiji leaders to obtain symbolic parity with the West by doing to their neighbours what the Westerners had done to Japan and other Asian countries.

[28] Sushila Narsimhan, p.86.