

明治時期日本外交政策的制定： 以在東亞的英國居民如何影響甲午戰爭 期間日本的外交決策為中心

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基於國際關係學中的現實主義角度，以往大多數的研究都將日本與英國在甲午戰爭中的關係描述為一種基於國家立場的利益交換，很少注意到當時在東亞地區的英國居民在這一期間對兩國外交決策所發揮的影響。本文的主要目的在於探討當時僑居於東亞地區的英國居民如何看待日本政府所執行的外交決策，特別是其中與英國居民的人身安全與資產權益有關的外交決策，以及日本政府在此間又是如何回應這些英國居民的觀點。經由本研究，可以發現甲午戰爭時日英兩國的外交關係雖然確實如現實主義學派所言，充滿著以國家為主體的利益交換色彩，然而卻也不可質疑其受到主權國家、條約、居留地等近代國際法秩序概念所影響。冀望這項研究有助於目前近代日本史、外交史，以及近代東亞史相關主題的研究，使其在關注國家作為行動者之餘也同時注意到文化結構的力量。本文主要使用的方法是基於文本分析的方法，以分析英國居民的視線和日本政府的反應如何影響日本的外交方向，並進而影響當時東亞的歷史進程。

關鍵字：國際法秩序、外國人居留地、英國居民、外交決策、甲午戰爭

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Introduction

This study is divided into four main parts. The first part provides a summary of the background during the late nineteenth century to examine why the gaze of British residents living in East Asia was important as a major element of international relations, and the reason why it should be considered as a factor that influenced Japanese foreign policy in that period. In the second part, some examples are given from the North China Herald(北華捷報) to show how British residents in East Asia viewed the foreign policies conducted by the Japanese government during that time. In addition to these concrete examples, the third section of this article, provides other records in the form of Kenkenroku(蹇々録) the memoirs of Mutsu Munemitsu(陸奥宗光), who was one of the most important statesmen and foreign ministers in Meiji period, in order to discuss how the foreign policy implemented by the Japanese government in that period as a reaction to the gaze of British and other Western residents. Finally, in the conclusion, it is asserted that this was actually a style of Meiji government's diplomacy to be very concerned about how foreign residents thought of Japan's actions, and that the existence and influence of British residents in East Asia can serve as an excellent reminder of the diverse conditions in the modern history of East Asia when investigating such issues going forward.

I . The Order of International Law and British Residents in East Asia

To examine how British residents in East Asia viewed the foreign policy carried out by the Japanese government from 1894 up until the peak of the First Sino-Japanese War, the intellectual background and structure of such British people must be understood. And their intellectual structure actually was based on the background of East Asia in nineteenth century.

From the mid-nineteenth century, with the rise of Western powers, the traditional East Asian *Hua Yi*(華夷) system was gradually weakened and incorporated into the modern Western world order. This process not only broke down the old ruling order

that was connected through the tribute system(朝貢体系), but also made the countries in East Asia become increasingly shaped by the new concept of international law regarding equal status between all sovereign states and the exclusive authorities of sovereignty state over their subjects and territories. In the midst of this trend, Japan, China, and other East Asian countries were to some extent either actively or passively avoiding compliance with the order of international law, while at the same time attempting to become modern Western countries recognized by the Western powers in order to prevent such powers from using their different values of law as an excuse for diplomatic intervention.¹

The content of international law in that period consisted of a recognition of common laws, common customs, and common treaties.² In the nineteenth century, international law was a prerequisite to join the international community, meaning that only political communities with the ability to recognize and comply with this international order would be regarded as members of the international community, or as sovereign states.³ A so-called sovereign state was a state with its own sovereignty, subjects, and territory. In the nineteenth century, being a sovereign state or not was the standard for defining unified country, and marked whether or not the country has the capacity to manage its own territory and subjects with absolute and exclusive authority.⁴ Meanwhile, the standard of sovereign state was also to represent a nation legally conferred with status equal to that of other sovereign states in the international

¹ In the modern period of East Asia, there were many disputes between East Asian countries and Western powers due to the different values that they held. In this article, “different values” refers to the differences in administrating subjects and assets between East Asian countries and Western powers. In fact, as will be clarified later in this article, the concept of a sovereignty state made Western powers think of Western residents in East Asia as whom are within the purview of their own sovereignty, thus, when the Arrow Incident and Guangxi Incident happened in 1856, Britain and France launched the Second Opium War against the Qing Empire.

² Antony Anghie, *Imperialism, Sovereignty, and the making of International Law*, (Cambridge: Cambridge University Press, 2005), pp.17-23, 40-65, 75-114.

³ Antony Anghie, *Imperialism, Sovereignty, and the making of International Law*, pp.17-23, 40-65, 75-114.

⁴ Antony Anghie, *Imperialism, Sovereignty, and the making of International Law*, pp.17-23, 40-65, 75-114.

community.⁵

There was a strong Eurocentric ideology in the content of early international law that considered European values as standards to categorize and decide the respective statuses of all nations according to the hierarchy of three statuses from "civilized", to "barbaric", and to "unenlightened". The so-called "civilized" nations were those with laws and customs common among Christian nations, while the "barbaric" nations were the states with incomplete sovereignty such as the Qing Empire, Japan, and Ottoman Turkey. Compared to these two categories, Africa and India were considered to be "unenlightened" nations, having lost any sovereignty in this new international order.⁶

Under the new international order, with the gunboat strength and values of Western powers, many East Asian traditional countries were forced to sign a series of treaties with Western powers that eventually formed a treaty system.⁷ In this process, some countries were denied eligibility as players in the new order, such as Annam and Myanmar, while other countries were forced to abandon their traditional views of the world and began to transform themselves into modern sovereign states, such as China and Japan. In the treaties, Western powers, particularly Britain—the largest Western power in East Asia—instilled many concepts of international law and sovereign states in East Asia, and simultaneously brought the concept of controlling and protecting one's own nationals as a prerequisite of a sovereign state to East Asia as well, later establishing the foreign settlement system in this region.⁸

For instance, in China, in order to protect the interests (personal safety and the asset) of British residents, the British government repeatedly engaged in conflicts

⁵ See Francis Anthony Boyle, *Foundation of World Order* (Durham: Duke University Press, 1999).

⁶ See Gerrit W. Gong, *The Standard of Civilization in International Society* (Oxford: Clarendon Press, 1984), pp.3-23, 187-200.

⁷ G. W. Keeton, *The Development of Extraterritoriality in China* (London: Longmans, Green, 1928)

⁸ Asano Toyomi, *Teikoku Nihon no Shokuminchi hōsei* (Nagoya: Nagoya Daigaku, 2008), pp.18-20.

with the Qing government and finally forced the Qing government to sign a series of treaties.⁹ This phenomenon could be found in the relationship between Britain and Japan as well. In the repeated conflicts with Britain in the late Tokugawa period, Tokugawa Shogunate signed the Ansei Five-Power Treaties(安政五國公約) with Britain and other Western powers.¹⁰ Looking at these treaties, it can be observed that there were some similar characteristics among them, including consular jurisdiction, house leasing rights for the foreigners in the settlements(居留地), authorities of occupied territories, and right of liberal trade in the settlements. From these treaties, it can be seen that more than half of their clauses were meant to ensure that all foreign residents in the settlements be controlled, protected, and administrated by the consulate in terms of their personal safety and property rights. In other words, the residents represented the extent of state sovereignty and were protected by the consulate through the treaties.¹¹ Given the fact that Britain was the largest Western empire active in East Asia, British residents' interests and perspectives naturally became one of the most important factors in influencing the nation's diplomatic policies in this region.

To become a sovereignty state, it was necessary for Japan to rid itself of its semi-colonial status, in which its sovereignty was severely compromised by the foreign settlements and foreign residents, and to take up treaty revision as one of its major diplomatic aim. However, in this process, the gaze of foreign residents, particularly that of British, were highly important to the Japanese government, since the British governments always saw its residents as an extension of its sovereignty and had a record of using its overseas residents as an excuse for diplomatic intervention.¹²

⁹ The treaties here include the Nanjing Treaty, Mong Ha Treaty, Humen Treaty, Beijing Treaty, and Tianjin Treaty.

¹⁰ The Ansei Five-Power Treaties were a series of treaties signed in 1858, during the Japanese Ansei era, between Japan on the one side, and the United States, Great Britain, Russia, the Netherlands and France on the other side. These treaties basically formed the treaty system in Japan.

¹¹ Ōyama Azusa, *Nihon gaikōshi kenkyū*(Tokyo: Ryōsho Fukyūkai, 1975), p.28.

¹² The sovereign state concept made the Western powers think of Western residents in East Asia as an extension of their own sovereignty. In Britain's case, when the Arrow Incident and Guangxi Incident happened in 1856, Britain launched the Second Opium War (1856- 1860) against the

II. The Gaze of the British Residents in East Asia toward Japanese Foreign Policy from 1894 to 1895

Before investigating how British residents in East Asia viewed the foreign policies carried out by the Japanese government, it is necessary to explain the reasons of why this period (From 1894 to 1895) was selected to analyze the relationship between the Japanese government and British residents in East Asia. In fact, this period of time could be considered as the most mutative era for modern Japan in terms of its diplomatic status and relationship with other great powers.¹³ It was during this period that Japan first reshaped itself from a semi-colonial nation into a sovereignty state recognized by Britain in 1894, and then, through a war with China, Japan changed itself once again to not only a recognized sovereignty state, but also an empire with its own colony after 1895.¹⁴

This process not only had a significant impact on international relations at that time, but also shocked the Western governments and their residents in East Asia, especially the British. The most important diplomatic events in this period for Japan were the Anglo-Japanese Treaty of Commerce and Navigation signed on July 16, 1894 and the First Sino-Japanese War raged from July 1894 to April 1895. In the following pages of this chapter, some examples will be given from the perspectives of both the British resident's side and the Japanese government's side to investigate what gaze the British residents held with regard to Japan's foreign policy during this period, and how such gaze affected the diplomatic direction of the Japanese government.

Qing Empire with France.

¹³ Ōyama Azusa, *Nihon gaikōshi kenkyū*, p.30.

¹⁴ Asano Toyomi, *Teikoku Nihon no Shokuminchi hōsei*, pp.24-120

Using the *North China Herald* to Determine the Gaze of the British Residents toward the Anglo-Japanese Treaty of Commerce and Navigation Treaty in East Asia

From the very beginning of the Meiji period, Japanese political leaders had considered treaty revision to be one of the major objectives of the Japanese government.¹⁵ However, progress in treaty revision was postponed several times in the course of the negotiation between Japan and Western powers.¹⁶ After a long negotiation process, Britain finally signed a new treaty with Japan in 1894. The Anglo-Japanese Treaty of Commerce and Navigation between Japan and Britain undoubtedly marked a turning point for modern Japan. Among the twenty-two clauses in the treaty, Clause 20 mentioned that:

*The present treaty shall from the date it comes into force, be substituted in place of the conventions respectively of...between the high contracting parties. All arrangement and agreements subsidiary thereto concluded or existing between the high contracting parties; and from the same date such conventions, treaty arrangement, and agreements shall cease to be binding, and, in consequence, the jurisdiction then exercised by British courts in Japan, and all the exceptional privileges, exemptions, and then enjoyed by British subjects, as a part of or appurtenant to such jurisdiction, shall absolutely and without notice cease determine, and thereafter all such jurisdiction shall be assumed and exercised by Japanese court.*¹⁷

To summarize, the main points concerning the legal aspects of the Anglo-Japanese Treaty of Commerce and Navigation could be noted as follows. First, it was legal for nationals of both sides to have the right of travel, accommodation, and all

¹⁵ Ōyama Azusa, *Nihon gaikōshi kenkyū*, p.20.

¹⁶ Ōyama Azusa, *Nihon gaikōshi kenkyū*, p.34.

¹⁷“Treaty of Commerce and Navigation between Japan and Great Britain,” *North China Herald* (Shanghai, China), Sept. 14, 1894, 468.

movable property in their counterparts' domestic region(内地). Second, the British Settlements in Japan would be incorporated into the administrative regions of the Japanese government, which meant the end of those British settlements in Japan. Third, the contents of this treaty applied to the twelve British overseas territories.¹⁸ Most importantly, on the date of implementation of the treaty, British consular jurisdiction in Japan would be passed to Japanese courts.

In the course of negotiations with Britain, the Japanese government opened its domestic region to British residents and allowed them to settle their property there as a condition for elimination of the consular jurisdiction of the British government in Japan over its nationals. Moreover, the Japanese government also restored a part of its tariff autonomy and changed the original one-sided most favored nation (MFN) principle to two-sided one. On the side of the British government, from the perspective based on national interest, in order to contain Russia and ameliorate the intense competition from German and French commodities in East Asia, it was beneficial for Britain to draw Japan in to its side and let British products enter the Japanese domestic market.¹⁹

However, while the British government accepted the content and thought it to be in the interests of British residents in Japan, there were still a great many dissenting voices against it coming from various perspectives among British residents' communities in East Asia countries, including Japan, China, and Korea. It could be seen that, from the very beginning of the establishment of the treaty, British residents in East Asia were complaining about what the British government had done in the negotiation. For instance, in *North China Herald*, there was some special editions on the "*The Revised Treaty with Japan*" and "*The New Treaty with Japan*" to discuss the

¹⁸ The objectives of the treaty did not include British India, British Canada, New Zealand, South Africa, and other regions owned by Britain.

¹⁹ At the end of nineteenth century, because British political and economic interests in East Asia were facing fierce competition from Germany, France, and Russia, Britain was eager to find an ally in the region. In order to sell British products in the Japanese domestic market, Britain decided in 1894 to sign the Anglo-Japanese Treaty of Commerce and Navigation with Japan and gave up its consular jurisdiction over British residents to Japan as a condition in exchange for the alliance with the Japanese government and her domestic market.

pros and cons of the treaty that included the following:

*The new treaty gives up altogether the right of extraterritoriality, and it allows a considerable increase in the Japanese tariff of duties; that is practically what it does for Japan. It is not so easy in a few words to understand what it does for Great Britain in return. It allows British subjects to enter, travel, and reside in any parts of Japan as freely as if they were Japanese; it allows them to trade anywhere in Japan under any circumstances and own or hire the necessary building; it doesn't allow them however in the coasting trade; It gives them protection in regard to patents, trade marks, and designs; it confirms all existing leases of property in the settlement, these settlements becoming integral portions of the Japanese communes, and it is not to come into force before the expiration of five years.*²⁰

Although the above paragraph mentions that the treaty favors Japan's side, it states that "It is not so easy in a few words to understand what it does for Great Britain in return". In the following paragraph, the editor further says:

*The British communities in Japan are not likely to regard the new treaty with favor; their feeling will undoubtedly be that they have been betrayed. The end of the present century will see them subject to Japanese jurisdiction.*²¹

In this part, the editor expresses that British residents could consider themselves to have been betrayed by their government, since their government had left them in the jurisdiction of the Japanese government and courts. The editor continued to say:

*The British residents in Japan must live in the hope that China will be ultimately successful in the present war; in which case China will not agree to dissolve the extraterritoriality and settlement, and the British communities will thus be rescued from the danger to which their own government has cheerfully consigned them.*²²

There is a gap between the papers last received from Japan and those that arrived yesterday, and the criticisms of the foreign press on the new treaty between

²⁰ "The Revised Treaty with Japan," *North China Herald* (Shanghai, China), Sept. 14, 1894, 434.

²¹ "The Revised Treaty with Japan," 434.

²² "The Revised Treaty with Japan," 434.

*Great Britain and Japan have not reached us; but enough has been received to show that the new treaty is generally regarded as a complete surrender on the part of Great Britain, and an instrument under which British subjects will not enjoy their residence in Japan five years hence.*²³

It seems like while discussing the new treaty that Britain had signed with Japan, the editor became so disappointed that he even expected China to win the ongoing war (First Sino-Japanese War) to save the British settlements in Japan and saw the new treaty as a complete surrender of Great Britain since the rights of British residents would be infringed there. The editor then further quoted a paragraph from a British resident living in Kobe(神戸) to demonstrate what the residents thought about the treaty:

*The indignation of all foreigners here is very great, aggravated by the feeling of utter helplessness. There is something wrong in the British system of colonial government. The thought that foreign policy can be made by an oligarchy is not in accordance with the progress of this age. The treaty could be made without consulting the people interested, is beyond belief, and such a grave error should be rectified at once. An English merchant here said to me a few days ago: 'This is clear the first step in the decadence of old England.' The good old country, finding it harder and harder to govern the world, now says: We couldn't protect you, protect yourselves. That the Japanese are thoroughly unfit to sit as judges has been sufficiently demonstrated; how are these men to be put under oath? Truth doesn't exist in this nation, and never has existed. There is not one little advantage in the treaty, which is a disgrace to the British nation in every way.*²⁴

From the content above, some points should be noted. First, it was common for Western residents living in settlements in Japan to consider themselves, regardless of nationality, as a part of a community where they shared common interests and should be opposed to the Japanese government and society. Second, they thought of the

²³ "The Revised Treaty with Japan," 435.

²⁴ "The Revised Treaty" *North China Herald*, Sept. 14, 1894, 435-436.

originally existing British settlement in Japan as some kinds of “colonial system” that could even be seen as a part of the “British system of colonial government”. Third, they did not think that the treaty was based on mutually equal and beneficial principles. In contrast, they thought that it was a totally unequal treaty for British residents, and the British government did not do its duty to protect the interests of British residents there. Finally, they did not believe that Japanese had the capacity to be judges in cases related to foreign residents. Also, it seems as if the editor of the *North China Herald* completely agreed with what the interviewee mentioned. In the latter part of the edition, the editor expressed his own perspectives about the treaty:

*This is a language, but it is the view taken by a man who has had a long experience both in China and Japan, and who does not write without thinking, and he adds that since the ratification of the treaty, there has been a great increase in the difficulty of dealing with the Japanese. He expressed the opinion of the majority of British residents in the settlement.*²⁵

The editor mentioned here that it would only become more and more difficult to deal with the Japanese for reasons he explained later:

*For there is a general fear that one other great power will be compelled to follow, not only in Japan but also in China, if they haven't indeed already done so, the lead of Great Britain; but the ignominy of it, even if all the powers show sooner or later in the surrender, will remain with Great Britain, for having first capitulated. It is Lord Kimberly who bears the blame, even the treaty was settled long before he took the seals of the Foreign Office.*²⁶

The editor explained that there was a general fear among Western and British residents in East Asia that the behaviors of the British government in revising the treaty with the Japanese government would only compel other Western powers to think that they had no other alternatives but to revise their own treaties with Japan and other East Asian countries as well. Such behavior, from the editor's perspectives,

²⁵ “The Revised Treaty with Japan,” 436.

²⁶ “The Revised Treaty with Japan,” 436.

would only make society in East Asia more disordered and unsafe. To prove his perspective, the editor mentioned Japanese codes and judges as an example:

*The British government has handed its subjects over to the control of codes that are not yet mature, so that it does not know what treatment British residents will receive five years hence. And even if the codes are acceptable, it is much more important to have good judges than good codes. There will be hundreds of cases in which judges so diametrically opposed in its ways of life and modes of thought as the Japanese are to European nations, on the same basis of fact will not and could not come to the same conclusions as European judges, and in any cases of national interest, race solidarity, race prejudices, and personal feeling would override all reason and argument they should have.*²⁷

In this part, the editor expresses strong suspicion that Japanese codes and judges can reach European levels and protect the interests of British residents in foreign settlements. Furthermore, the editor continued to question the establishment of constitutionalism in Japan to protect the personal safety of British residents:

*It must be remembered too that we maybe contented with the Japanese laws of today, but an Imperial Rescript(敕令) will override any or all of them at any moment and as they stand now, an Englishman after five years of course may be ordered to leave Tokyo or the place where he lives within twenty four hours for six months or a year, and no reason needed be given him. British diplomacy has not thought it necessary to guard against such dangers, not have any of those paragraphs in the Penal Code of Japan that would cause a revolution in England were they to be enforced there, been deemed worth of attention.*²⁸

Regardless of the actions of British residents, the editor only criticized the British government by saying that it did not properly perform its obligation to protect its subjects overseas, and further pessimistically suggested the British residents should ask for the help from other Western powers, namely, the United States and

²⁷ "The Revised Treaty with Japan," 436.

²⁸ "The Revised Treaty with Japan," 436.

other European countries, to protect their rights in East Asia:

They should appeal to the governments of America and the continental powers to interfere between them and the misfortunes entailed by the Downing Street statesmen's infatuation. Nothing could be more opportune or dignified than the suggestion. British subjects have never been troubled by scruples about assuming a supplicatory attitude toward foreign countries; have never been accustomed to think that the United Kingdom's prestige would suffer by an open confession that its rulers are cowards and incapable; have never taken any pride in the fancy that a British, in whatever part of the world, he may find himself, is sure of at least as good protection from his government as is a citizen or subject of any other Power. Not being disturbed by any of these notions or sentiments, Englishmen will be well advised if they go on their knees at once to whatever Western power has not yet betrayed their people into Japanese hands.²⁹

On 28th September, one of the editors of *North China Herald* quoted an article about the condition of foreign community in East Asia during the war written by a British merchant named Mr. R. S. Gundry, Hon., the Secretary of China Association. In the article, the author said:

Sir Edward Grey's recent statement that a fresh treaty had been signed between England and Japan has passed without comment in the press, nor was his refusal to make any statement regarding its provisions challenged. This silence must not, however, be taken to imply the indifference on the part of British community in the Far East, for whom serious consequences are involved. The question of treaty revision with Japan has been pending for years, and the crucial point at issue has been the extra-territorial jurisdiction. The Japanese has been most anxious that we should surrender this privilege but the foreign residents do not admit that sufficient guarantees have been given of the administration of justice in accordance with Western ideas to justify its abolition. When the report gained ground two years ago, that Lord Salisbury's Government was disposed to concede to the point, the British community, not only in Japan but also in Korea and China rose in protest. A belief

²⁹ "The Revised Treaty with Japan," 436.

*now prevails that the new agreement again makes the noxious concession, and the incidents of the last few days will assuredly not diminish the uneasiness which that apprehension must engender.*³⁰

Besides the fact that the British residents in East Asia protested against the new treaty between Britain and Japan, the author further mentioned the controversial Kowshing incident(高陞號事件)³¹ in the First Sino-Japanese War to ask the British government to withhold the ratification of the treaty and reconsider the fitness of signing a new treaty with Japan.

*It would have been difficult, perhaps, six weeks ago, to persuade people under the glamour of the Japanese charm that the objection of their countrymen to be placed under Japanese law was well founded; but the incident connected with the sinking of the Kowshing may place the motives of that objection in a clearer light. Fresh evidence may possibly be forthcoming that will affect the proceeding of the Naniwa(浪速號) in point of international law; but it seems unlikely that any such totally new light can be thrown on the episode as to deprive it of the characteristics of a ghastly massacre which one cannot conceive possible of occurrence in European war. The feeling of every member of this association will now be one of implicit hope that, if the new convention does really surrender the principle of extraterritoriality, ratification will be withheld and the purpose reconsidered by the British government.*³²

In this part, the author expresses a strong dislike for what had been carried out

³⁰ "The New Treaty with Japan," Sept. 28, 1894, 458.

³¹ In the Battle of Asan(牙山), the British-owned transport Kowshing was sighted by a Japanese cruiser named Naniwa. The Kowshing was well known to the Japanese, Lieutenant Kuroi, of the Intelligence Department, having informed the Japanese Government that the Kowshing was charted as a transport for Chinese troops. The Naniwa ordered the Kowshing to follow her, and to this capture the British captain assented, but the Chinese on board insisted on returning to Taku(大沽) instead. In the end, the Captain of Naniwa named Tōgō Heihachirō(東郷平八郎) advised the Europeans in the Kowshing to leave. Before this was complied with the Chinese were in a state of mutiny, and Tōgō, dreading the arrival of the Chinese battle-fleet, gave the order to open fire on the Kowshing and sank it. This incident later developed into a controversial diplomatic occurrence among China, Japan and Britain.

³² "The New Treaty with Japan," Sept. 28, 1894, 458.

by the Japanese navy in the incident, he even said that such “ghastly massacre” is hard to be imagined in European war and suggested that if the new convention does really surrender the principle of extraterritoriality in Japan, the ratification and the purpose of the treaty must be withheld and reconsidered by the British government.

Using the *Kenkenroku* to Determine How the British Residents Viewed the Foreign Policies Carried out by the Japanese Government in China and Korea

As can be seen from *North China Herald*, above, British residents in East Asia were highly suspicious about whether Japan had attained a sufficient level of civilization to justify its participation into the family of nations and fulfill its duties in the treaty with Britain, especially in terms of the personal safety and property issues of British residents. This kind of perspectives not only appeared in the *North China Herald*, but also could be observed in the records kept by the Japanese government.

The material used in this section is Mutsu Munemitsu's *Kenkenroku*, which is a valuable historical source for understanding the diplomatic policies of the Japanese government -- it tells not only the short-term story of Japan's diplomacy during the First Sino-Japanese war, but also the long-range implications of the style of the Meiji government and its diplomacy. These long-range implications go far in explaining the diplomatic characteristics of Japan in Meiji period.

There are twenty-one chapters in the *Kenkenroku*, of which one specific chapter talks about the British resident settlements in China and Korea during the war. Some examples will be provided below to illustrate how British residents in China and Korea viewed the foreign policy carried out by the Japanese government and how did the perspective of British residents living in China and Korea affect the foreign policy of the Japanese government during that period.

First, Chapter Nine of the *Kenkenroku* provides a narrative of how the First Sino-Japanese War was closely connected with Western foreign residents in the region:

Our government fully anticipated from the moment Otori's proposal was submitted that our diplomatic and military actions would give rise to a number of

complications with the Chinese and Korean governments. However, our government also came to affect the position of neutral Western officials and citizens residing in Korea and resulted in a wide variety of disputes. For example, the foreign diplomatic representative in Seoul proposed at one point that since a Sino-Japanese war would very likely threaten the security of Inchon(仁川), that port should be neutralized. On another occasion, they protested the fact that some of our troops we had stationed in Inchon were clearly being billeted in Japanese homes within the foreign settlements. In still another instance, they demanded the removal of the telegraphic line we had built between Seoul(首爾) and Inchon for military purposes, on the grounds that the line ran through the foreign settlements in Inchon. There were numerous other incidents of this type as well, but they were of less importance.³³

In this paragraph, the author has clearly mentioned that the First Sino-Japanese War was an issue related not only to Japan, China, and Korea, but also to “the lives and interests of the Western foreign residents” living in Korea. Furthermore, it is also mentioned that there was a foreign settlement in Inchon Port, which was a district under the control of Western envoys due to consular jurisdiction there. Based on their rights, the Western residents could complain about the telegraphic line and the Japanese troops for staying in foreign settlement as a violation of international law. The following paragraph in the *Kenkenroku* explains further:

In the overall context of these tensions between the Japanese and foreign residents in Korea, the most acrimonious of the disputes occurred between Japan and Great Britain. From the inception of the Korean problem, the British, particularly those British officials and citizens who lived throughout the Far East, tended to sympathize more with the Chinese than with us.³⁴

Mutsu further clarified that among the disputes between Japan and the Western residents in Korea, the disputes related to British residents accounted for a large part of them. What is important to note here is that British residents in East Asia during

³³ Mutsu Munemitsu, *Kenkenroku* (Tōkyō: Iwanami Shoten Shōwa, 1941), p.66.

³⁴ Mutsu Munemitsu, *Kenkenroku*, p.67.

the First Sino-Japanese war had greater sympathy for China compared to Japan. Since Japan was engaged in treaty revision with Britain at the beginning of the war, the behaviors of the Japanese government had already been observed carefully by British residents, and this had a strong influence on the negotiation process of the Anglo-Japanese Treaty of Commerce and Navigation. The following paragraph is quoted to clarify this point:

*All preparations have been made for signing the treaty (Anglo-Japanese Treaty of Commerce and Navigation) today, the foreign secretary of Britain has suddenly refused to sign because he has been informed that our minister in Seoul has pressed the Korean government to dismiss the British naval instructor Mr. Collwell. The foreign secretary cites as an additional reason for his action that a Japanese military telegraph line – which runs throughout the foreign settlements in Inchon – has been erected. He is particularly anxious to obtain a satisfactory explanation regarding the Collwell matter, and declared that unless our minister immediately withdraws the demand made to the Korean government for Mr. Collwell's dismissal, the British government will find it extremely difficult to sign the treaty with us.*³⁵

Besides, it could also be seen in the telegraph sent by the British General Consular to the Japanese Consular in Seoul to protest the presence of Japanese troops in Inchon and Seoul:

*Owing to foreign troops having been brought into Seoul and Inchon without the permission, the persons and property of British nationals was put into jeopardy. The present condition of things was absolutely devoid of legality. Inchon and Seoul, where English people are allowed to reside by treaty would be terrorized by the presence uninvited of large bodies of foreign troops. In this connection I may be permitted to remind you that I have already begged you to take notice that the Japanese Authorities will be held responsible for any loss or injury by British subjects through the present military occupation.*³⁶

³⁵ Mutsu Munemitsu, *Kenkenroku*, p.72.

³⁶ Foreign Ministry of Japan, ed., *Nihon Gaikou Bunsho* (Tokyo: Ganandoushoden, 2005), p.398.

From these paragraph, it can be discerned that either in the negotiation process of the Anglo-Japanese Treaty of Commerce and Navigation between the Japanese and British governments or in the communication before Japanese and British consulars before the war broke out, the relationship between Japanese and British governments was highly affected by the gaze of British residents in Korea, and the entire process of the treaty revision was even postponed due to the hostile attitude of British residents in Korea peninsula.

Ⅲ. Using the *Kenkenroku* to Examine How the Japanese Government Reacted to the Perspectives of British Residents in East Asia

This section examines the key moment of the First Sino-Japanese War, when the British government chose to expand the membership of “civilized nation” overseas and bring Japan within the club by signing a treaty with it. However, British residents, judging by the opinions mentioned above, attacked that the British government had done with Japan in the treaty and looked for the opportunity to cast doubt on Japan’s eligibility as a civilized nation that could uphold its duties in the treaty. In such circumstances, the Japanese government needed to use the war as an opportunity to show that it already had eligibility in order to justify the British government’s recognition of Japan’s sovereignty in the treaty and to acquire the acceptance of the British residents in considering Japan as possessing the ability to ensure their safety and interests in East Asia.

In the Chapter Nine and Thirteen of the *Kenkenroku*, Mutsu Munemitsu recorded how the Japanese government reacted to the perspectives of British residents in East Asia during the First Sino-Japanese War, particularly to the above mentioned the Collwell affair and the existence of Japanese troops and telegraphic line in Inchon during the war. In Chapter Nine of *Kenkenroku*, Mutsu first clarified his feeling after he knew the entire process of treaty revision was postponed due to the Collwell matter in Seoul:

I was plunged into despair by this communication. On numerous occasions, I had specifically instructed Minister Otori that whatever policy he might pursue to promote reforms in Korea, he should take particular care not to injure the feelings of the Western powers. By the same token, I had heard that British officials and its subjects in Korea were making numerous attempts to obstruct our recent policies

*there, and I thought it was possible that Mr. Collwell was one of their number. If such were the case, then it was also possible that Otori had had no choice but to demand his dismissal. Naturally I had no way of knowing at that moment what event were actually transpiring abroad. Nevertheless, all things considered, I could see nothing in the Korean situation which would make the dismissal of a single Englishman worth destroying overnight the work we had accomplished in London.*³⁷

In this part, Mutsu clarified the importance of not injuring the feelings of the Western powers and admonished Otori, the Japanese ambassador in Korea, for the reason that the treaty revision is always more important than promoting any reforms in Korea. In the following paragraph, Mutsu made contacts with Aoki Shuzo(青木周藏), the Japanese ambassador in Britain, and told him how to deal with the crisis:

*As stated in my previous dispatch, the imperial government would never have been so foolish as to insist that Korea fire a British subject. I have reason to suspect that the telegram received by the British foreign secretary is based on the type of hearsay which is so prevalent and willfully circulated in Seoul nowadays. I have just received from Minister Otori the following dispatch: "The British consul-general here seems to support Yuan Shikai(袁世凱)and to make our position as difficult as he can. I should like you to inquire of the British government if his actions are in conformity with British policy and to inform me what you learned in this regard." On the base of Otori's telegram, it would appear many of the cables being dispatched from Seoul to London are actually mixture of truth and falsehood. You are to inform the British government that since the Japanese government will take whatever steps appropriate to settle this matter (the Collwell affair), we hope that signing the treaty can be regarded as a separate matter and will be concluded immediately.*³⁸

From the paragraph, it could be noticed that Mutsu insisted the whole thing was based on rumors and a conspiracy of the British consulate in Korea, and tried to ask the British government to condemn the consulate. Besides, Mutsu also mentioned the

³⁷ Mutsu Munemitsu, *Kenkenroku*, p.72.

³⁸ Mutsu Munemitsu, *Kenkenroku*, p.73.

Japanese government will take any steps to settle the Collwell matter, and hope the treaty revision can be regarded as a totally separate affair.

In the Chapter Thirteen of *Kenkenroku*, Mutsu, in order to justify the existence of Japanese troops and telegraphic line in Inchon during the war, first mentioned:

Technically speaking, of course, the institutions of Extraterritoriality and Consular Court Jurisdiction are fundamentally different in nature and should therefore not be confused with one another or considered synonymous. The former originates with the doctrine of immiscibility, which holds that the sovereignty and laws of one state may be transferred to the territory of another state and take precedence over the territorial rights of the second state. The institution of the Extraterritoriality regulated the rights and the duties of all subjects of the first state absolutely as between themselves and partially as between themselves and subjects of other nations. Countries whose relations are governed by the institution of Extraterritoriality never acknowledge any equality in the status of their respective ideals or principles, and thus the principle is in no way subject to the application of the customary precepts of international law. In short, from a political standpoint, foreign subjects living under a system of Extraterritoriality are treated in all respects as if they were physically within the territorial confines of their own nation. On the other hand, while the system of Consular Court Jurisdiction is like-wise premised on one state's mistrust of another state's laws, it does not totally disregard the laws of the second state. It merely provides that in the limited instance where subjects of the first state find themselves accused of legal transgression in the second state. They must appear and be tried in courts of their own country rather than in the courts of the second state.³⁹

In this paragraph, Mutsu attempted to clarify the concepts of extraterritoriality and consular jurisdiction. In his description, treaties based on the principle of extraterritoriality could basically deny the presence of an opposing country's sovereignty, and the foreign residents living in a foreign settlement and the range of that settlement could be considered within the extent of the country's sovereignty. In

³⁹ Mutsu Munemitsu, *Kenkenroku*, p.113.

the case of consular jurisdiction, however, the original presence of opposing country's sovereignty could not be denied, and even if the foreign residents there could still be considered as the extent of the country's sovereignty, the settlement could only be seen as a right based on the treaty.

It may seem unclear why the difference between extraterritoriality and consular jurisdiction was mentioned here, but the latter paragraph further explains the reason:

*Ever since the war, especially our country as a belligerent nation, in terms of the acts to the neutral countries, there must be some violation in our country's behaviors to affect the Consular Jurisdiction based foreign settlements in Korea. Even though there is no violation from a totally academic and logic perspective, but with current variety of explanation theories related to the Consular Jurisdiction, it is still difficult to avoid conflicts there.*⁴⁰

In this paragraph, it can be seen clearly that there were actually two kinds of foreign settlements that Mutsu was commenting on. For a British settlement based on the principle of extraterritoriality, both the residents living there and the settlement could be considered as falling under British sovereignty, while a settlement based on the principle of consular jurisdiction would have only the residents living there under British sovereignty. Most importantly, as Mutsu mentioned, foreign settlements in Korea were of the latter variety, so, as Mutsu said "there is no violation from a totally academic and logic perspective". Therefore there was no room for Japan to infringe upon the sovereignty of other neutral nations in Korea while it let its army and telegraphic line be stationed in Inchon, since the range of foreign settlement in Inchon would not be considered as extraterritoriality and thus under the purview of British sovereignty.

What can be observed in Mutsu's description of the theories of extraterritoriality and consular jurisdiction here may be somewhat different from what is seen in the previous theory of foreign settlement asserted by British residents in East Asia, in which a consulate in a settlement served as an administrator to represent the country and protect the residents, and both the residents and the settlement were viewed as

⁴⁰ Mutsu Munemitsu, *Kenkenroku*, p.114.

under state sovereignty, even to some extent could be seen as a colony.⁴¹

So, which one would better describe the nature of foreign settlements in East Asia? In a treatise on the jurisdiction of the consular courts, Mr. Francis Piggott, who formerly served as legal advisor to the Japanese government, has written

*The Queen's foreign jurisdiction in a governed country is not exercised by any inherent right of sovereignty which she herself possesses: nor by any inherent right in parliament, in virtue of its omnipotence, to grant it to her. It is exercised solely in virtue of the grant or permission to exercise it, which the Queen has received from the sovereignty to whom the territory belongs. The grant is in almost all cases by treaty, and in the terms of the treaty lies the definition of the Queen's rights. Complete Extraterritoriality in an independent state is practically unknown. Such grants are to be found, but only in connection of fully protected state. Extraterritoriality is a question of degree. Even though the sovereign's power arises over her subjects in Eastern lands, but only so much of it as the Eastern Potentates will permit by force of grace or arms. It might indeed be argued that most the rights she exercises in Oriental countries are not her at all; but merely the delegated rights of the actual sovereigns of those countries.*⁴²

Compared to the theory asserted by British residents in East Asia, it seems Mr. Francis Piggott's argument more supported what Mutsu contended above. This is not to say that one is right and the other wrong. In the modern period, there were many scholars advocating different theories to explain the status of foreign settlement. In fact, the theory asserted by the British residents may more close to the reality, but what mentioned by Mutsu would be more recognized by the theories of foreign settlement in international law. What Mutsu did waste to use the theory that he thought might best support what Japan had done in Korea and avoid British residents and the British government using incidents in foreign settlements as the excuses for diplomatic interference. In response to the suspicion held by British residents that the

⁴¹ "The Revised Treaty," pp.435-436.

⁴² Mutsu Munemitsu, *Kenkenroku*, p.115.

Japanese government might infringe upon the sovereignty of other neutral nations in Korea, showing its inability to follow international law, Mutsu skillfully separated the concepts of extraterritoriality and consular jurisdiction, refuted the legality of what British residents living in Inchon had asked for, and maximized Japan's interest to station its army there to prevent Western powers from using the incidents in foreign settlements as excuses for diplomatic interference

IV. Conclusion

As mentioned above, this article has examined how British residents in East Asia viewed the foreign policy carried out by the Japanese government, the policies related to the personal safety and assets of British residents from 1894 up until the peak of the First Sino-Japanese War, and how the Japanese government reacted to the gaze of British residents in East Asia during this period.

From what has been discussed in this study, some points can be concluded that are highly related to the fields of diplomatic history and modern East Asia history.

First, what should be noted in terms of Japanese modern history is the fact that, throughout the entire process of concluding the Anglo-Japanese Treaty of Commerce and Navigation and the First Sino-Japanese War, the factor of British residents was always a very important one for the Japanese government. Even before beginning of the First Sino-Japanese War, when Japan's Foreign Minister Mutsu Munemitsu was dealing with Korean issues, the Japanese government had already made a very detailed observation of the attitudes of Western residents living in East Asia, showing that the Japanese government in all of its diplomatic activities was concerned about not only the attitudes of foreign powers, but also the interests of foreign residents in foreign settlements based on treaty system, so that they could prevent Western powers from using these incidents related to as the excuses of diplomatic interference and the evidence that Japan was not qualified as a sovereign state, and ensured that the outcome of Anglo-Japanese Treaty of Commerce and Navigation would not be damaged. In this process, every step by the Japanese government had been taken into

careful consideration with regard to its impact on existing international relations. At the same time, when the Japanese government discovered there was a conflict between itself and the existing interests of British residents in East Asia, it attempted to use the theories of international law to refute the legality of what the British residents in Inchon had asked and tried to maximize its own interest there. .

In conclusion, this article can be summarized in the following points. First, the gaze of British residents was very important for the Meiji government's foreign policy, since the status of Japan as a sovereignty state could only be established by signing the Anglo-Japanese Treaty of Commerce and Navigation, and the Japanese government needed to show its eligibility as a "civilized nation" to practice its duties in the treaty and consolidate its position as a sovereignty state. Second, although the gaze of British residents and international law had a significant effect on policies under taken by Japan, the Japanese government did not simply passively accept the rules of international law and the perspectives held by British residents. Rather, Mutsu attempted to use international law as a knowledge pool in order to selectively choose some theories favoring Japan's right to maximize its interests in Korea.

Last but not least, on the basis of textual analysis given above, it could also be discerned that, when investigating diplomatic history and modern history of East Asia, one should be careful not to focus only on the relationships between the great powers and ignore the fact that, in addition to the great powers, there were still many other factors influencing the processes of that region. In this article, one such factor is presented in the form of British residents in East Asia, which shows that there were differences in attitudes held by those in the mother country and those in its foreign settlements. Based on the perspective of Realism, the traditional studies of international relations often attribute the diplomatic history between Japan and Britain to the interest exchange of great powers. However, from this study, it could be understood that both of the Japanese and the British government's action were to some extent limited by the theory and structure of international law and sovereign state. Not only did the Japanese government have to find a theory in international law to justify its behaviors in Korea, the British government also had to force the Japanese government to give a satisfactory explanation to persuade its subjects that Japan was

fully civilized to protect their interests in the settlement. Such condition often appears in modern East Asia history. Therefore, while investigating topics related to the modern history of East Asia, this complicated, multilateral interaction pattern must be further understood and reconsidered as an important factor in elucidating the nature of modern East Asia.

Bibliography

A. Historical Materials

“The New Treaty with Japan” *North China Herald*, Sept. 28, 1894, 458.

“The Revised Treaty with Japan” *North China Herald* (Shanghai, China), Sept. 14, 1894, 434.

“The Treaty of Commerce and Navigation between Japan and Great Britain” *North China Herald* (Shanghai, China), Sept. 14, 1894, 468.

Mutsu Munemitsu, *Kenkenroku* (Tōkyō: Iwanami Shoten Shōwa, 1941).

Foreign Ministry of Japan, ed., *Nihon Gaikou Bunsho* (Tokyo: Ganandoushoden, 2005).

B. Monograph

Naraoka Souji, *The Handbook of Modern Japanese Diplomatic History* (Kyoto: Minervashobo, 2016)

Antony Anghie, *Imperialism, Sovereignty, and the making of International Law*, Cambridge: Cambridge University Press, 2005.

Francis Anthony Boyle, *Foundation of World Order*, Durham: Duke University Press, 1999.

Gerrit W. Gong, *The Standard of Civilization in International Society*, Oxford: Clarendon Press, 1984.

G.W. Keeton, *The Development of Extraterritoriality in China*, London : Longmans, Green, 1928.

Asano Toyomi, *Teikoku Nihon no Shokuminchi hōsei*, Nagoya: Nagoya Daigaku, 2008.

Ōyama Azusa, *Nihon gaikōshi kenkyū*, Tokyo: Ryōsho Fukyūkai, 1975.

The Making of Japan's Diplomatic Policies in the Meiji Period: A Study of How the Gaze of British Residents in East Asia Influenced the Japanese Government's Diplomatic Policies in the First Sino-Japanese War

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From a perspective fully based on Realism in International relations, most of the existing studies have described the relationship between Japan and Britain in the First Sino-Japanese War as an exchange of national interests, and little attention has been given to the influence of British residents in East Asia during that period. The main purpose of this article is to examine how British residents in East Asia saw the foreign policies carried out by the Japanese government, particularly diplomatic policies related to the personal safety and assets of British residents from 1894 up until the peak of the First Sino-Japanese War, and how the Japanese government reacted to their perspectives during that period. This study contributes to literature on the subject of modern Japanese history, diplomatic history, and modern East Asian history. The methodology used in this article was based on textual history methods in order to analyze how the gaze of British residents and the reaction of the Japanese government influenced the diplomatic direction of Japan and affected the modern history of East Asia.

Keywords: International law, foreign settlements, British residents, diplomatic Policies, First Sino-Japanese War.